

A FRIENDLY SALUTE: THE *PRESIDENT-LITTLE BELT AFFAIR* AND THE COMING
OF THE WAR OF 1812

by

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ABSTRACT

In May 1811, thirteen months before the start of the War of 1812, the United States frigate *President* and the British sloop-of-war *Little Belt* fought an hour-long battle approximately fifty miles off the North Carolina coast. When the firing ceased the *Little Belt* had suffered heavy damage and thirty-two casualties. The *President* sustained only minor damage and one wounded sailor. The brief battle had significant ramifications for Anglo-American relations.

The victory of the U.S.S. *President* four years after the defeat of the *Chesapeake* redeemed the honor of the United States and its navy. Because the action occurred near the spot of the previous bout, some Americans and Britons suspected the scrape did not happen accidentally. Newspaper editors and political leaders hostile to the president alleged that President Madison ordered the attack as a means to halt the impressments of American sailors or possibly to draw the United States into a war with Great Britain. In both nations sentiment for a conflict increased as many Britons believed the United States had sullied their national honor and numerous Americans concluded that a victory over Britain would come with ease. The *President-Little Belt* Affair also confirmed the American tactical theory holding that the United States Navy could never destroy Britain's, but that lone, swift ships could defeat single British vessels in head-to-head duels. This strategy proved extremely successful in the opening months of the War of 1812.

While the *President-Little Belt* Affair did not start the War of 1812, it did serve as an important event leading up to the conflict. Without this occurrence Americans might never have summoned the courage to fight their former master and the British might never have developed the desire to struggle with a nation thousands of miles away while their empire resisted Napoleonic France. The *President-Little Belt* Affair proved an essential part of the road to the War of 1812.

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INTRODUCTION

In May 1811, thirteen months before the outbreak of the War of 1812, the American frigate *President* engaged the British sloop-of-war *Little Belt* in a short, bloody battle approximately fifty miles off the United States coast. The mêlée resulted in the outgunned *Little Belt* incurring over twenty casualties and enough structural damage to threaten its seaworthiness. The *President* sustained little damage and one of its crewmen was seriously wounded. Controversy immediately ensued over this event. Why did warships of two countries still at peace engage in battle? Who fired first? Did one of the commanders act on covert orders? Would this violent episode finally trigger a war between the young republic and its former master?

The *President-Little Belt* affair was not an isolated event but an episode in a long brewing storm that led to war in June 1812. From the beginning of independence in 1783 the United States struggled to earn the respect of European nations. The fledgling republic began under the weight of mounting debts, a severely weakened military, and the enmity of many monarchies that viewed the new nation as a potential threat to their interests and form of government. Of these powers, Spain, France, and Great Britain presented the most problems. Spain viewed the United States as a potential military and economic rival in North America. France, America's only ally in the Revolutionary War, possessed little love for the republic and nurtured its friendship only for potential economic and diplomatic advantages that would, not coincidentally, avenge England. But of the European powers that annoyed the United States the most, Great Britain seemed to be the most oppressive; the inability of the

two Atlantic countries to reach equitable settlements in their mutual problems led to another war almost thirty years after the first had ended.

The major causes for the second war between the mother country and its former colonies were bitterness regarding the outcome of the American Revolution, rivalry over North America, the ease with which British and American citizens passed for each other, and the United States's potential to challenge Great Britain as the world's greatest economic empire. Britain possessed the world's best navy, and the "ruler of the waves" could threaten the United States's foreign trade through control of water lanes. It was at sea that Americans encountered most of their problems with their former countrymen. Great Britain struggled with France from 1793-1815, and in this long period the Royal Navy seized American merchant ships and cargos at will -- all in the name of a military blockade. While this practice affected the most Americans, the forced entrance into the British navy of sailors serving aboard American vessels, commonly referred to as impressment, provided the greatest humiliation and the utmost challenge to national sovereignty. For nineteen years (while dealing with its disagreements with France and Spain) the United States wrestled to find peaceful solutions to its numerous problems with the British; it failed as Americans suffered repeated humiliation, diplomatic insults, and the loss of property and lives. Little wonder that tensions eventually erupted in conflict.

This manuscript will examine the influence of the *President-Little Belt* incident on the coming of war in 1812. The event will not be studied in isolation, but as part and product of the long chain of events that caused the war. Once the *Little Belt* limped back to port in 1811, diplomats for Great Britain and the United States sought a settlement that suited their nation's interests while also preserving peace. These efforts quickly became intertwined with negotiations on other tribulations that plagued Anglo-American relations. During this highly

sensitive process the issue never found closure and became mixed with the other troubles that led to war.

Because the *President-Little Belt* affair had repercussions outside the realm of foreign relations, this work will deal also with the tactical and psychological influences produced by the clash. In the months following the American victory, public support for a conflict fluctuated in both countries, while government leaders crafted a course of action that sometimes veered from public opinion. Meanwhile, American naval leaders learned lessons that combined with their other experiences to fashion strategies for some of the early engagements in the coming war. Hopefully this work will place the maritime encounter within its proper historical context.

CHAPTER 1

Sovereignty, Neutral Rights, and Impressment

In September 1783 the United States did what seemed very unlikely in 1775: after an eight-year struggle against the British Empire, thirteen American colonies won their independence. Against overwhelming odds the United States outlasted its colonial master, but how much of the victory belonged solely to the new nation? Britain suffered military defeats at the hands of the Continental Army, but the glaring fact remained that few American victories came without outside help. Within months of the war's eruption France, Britain's chief commercial, political, and military rival, provided covert support to the American rebels. After the American victory at Saratoga in the autumn of 1777, France signed the Treaty of Alliance and a Treaty of Amity and Commerce with the fledgling United States in February 1778. These accords practically assured an American victory because not only did they provide the United States with a steady stream of money, armaments, and diplomatic support, but the powerful French army and navy would now assist the Continental forces in their campaigns. This combination would be too powerful for the British to resist successfully. Indeed, French assistance was valuable in the military campaigns in New England and Georgia, while much of the credit for the American victory at Yorktown belonged to the French army and navy that isolated Lord Cornwallis's British army and forced its surrender in 1781.

With France's entry into the war in 1778 came that of Spain a year later. Not only did the two kingdoms share a common border but also the same royal family, the Bourbons.

Fulfilling a family obligation, Spain declared war on Great Britain in 1779. Although Spain did not contribute direct aid to the Americans (The Spanish looked with contempt on the upstart republic that threatened their North American possessions.), its forces soon invaded and conquered the British colony of West Florida.¹ This success pinned down British soldiers who could be used against the Americans, removed a source of supplies for the British military, and neutralized a Loyalist stronghold that provided recruits for the British army.

Neither France's nor Spain's entry into the war rested on sympathy for the American cause. On the contrary, absolutist monarchs ruled both European kingdoms and worried about the prospect of an independent republic on the North American continent. A republic freed of British restraints could advance west, gobbling up Spain's thinly populated colonial possessions. So why did France and Spain assist the United States?

By defeating the British, both nations hoped to avenge their defeats of the Seven Years' War (1756-1763) and regain lost territory.² This prospect was more than enough to entice Bourbon belligerency. But assisting the United States in its struggle also offered the chance of containing Britain's former Atlantic colonies' westward expansion. For decades the steady growth of these colonies worried both Bourbon officials. Although Britain forbade its subjects from immigrating west of the crest of the Appalachian Mountains, it found this order virtually impossible to enforce given both the distance of British officials in London and their colonial capitals on the seaboard. Great Britain lacked the ability to control its western colonists. What Britain failed to do by law and force, France and Spain hoped to achieve through influence and acquisition.

¹Samuel Flagg Bemis, A Diplomatic History of the United States (New York: Holt Rinehart and Winston, 1965), 34.

²Thomas Bailey, A Diplomatic History of the American People (New York: Meredith Publishing, 1964), 32.

France hoped victory would re-establish its position in the interior of North America. Regardless of any potential territorial gains, the French hoped to make their American ally a commercial and military vassal. Spain not only sought to regain its Florida colony, but the Iberian government also wanted to shore up its holdings in Louisiana by obtaining territory between the Appalachian Mountains and Mississippi River, and thus block western expansion by the United States. If this acquisition did not materialize, then Spain hoped to increase its commercial and diplomatic influence in the Mississippi Valley and entice the stream of American settlers into some form of allegiance to Spain through either separation from the United States or as its colonists.

The 1783 peace treaties did little to satisfy French and Spanish aspirations. Though Spain regained Florida, France received no new territory in America. Spain was in the position to exercise considerable influence in the Mississippi Valley, but neither nation gained the commercial influence it hoped because many Americans resumed trading with Great Britain almost immediately after the war's end. Over time a growing frustration emanated from the French and Spanish who saw their assistance as essential to the American victory, but realized that the spoils of the war remained outside their grasp. This frustration quickly evolved into hatred and left the United States with little respect or amity from the two powers.

A significant cause of French and Spanish aggravation was the ingenious terms Britain used in negotiating with the United States. Britain negotiated separately the treaty recognizing American independence and the treaty ending the war with the Bourbons. Great Britain ceded to the new nation the land west of the Appalachian Mountains and east of the Mississippi River from the Great Lakes south to the unspecified boundary with Spanish

Florida; Britain retained its Canadian possessions.³ By establishing these boundaries the British prevented their Bourbon rivals from gaining a foothold in the North American interior. The borders also created a source for future tension between the United States and Spain. The new republic had ample room to expand as far west as Spanish Louisiana and as far south as the Floridas. British traders already possessed commercial networks in this American territory and supplied settler and Indian alike, thus squeezing out the Spanish while expanding British influence. By 1789 (the year its federal constitution went into effect) the United States was a weak country struggling against three powerful kingdoms that despised the republic.

The United States, for its part, was not in the position to command international respect. The struggle for independence incurred a large debt. Continental money was practically worthless; therefore, there was no viable way to pay off these obligations. Until the federal constitution went into effect in 1789, the United States functioned under a weak confederation government that could not raise taxes, was hard pressed to stop Spanish overtures to western settlers or to negotiate opening the vital Spanish port of New Orleans, and was hampered by fear of a standing military strong enough to deal with foreign intrigues or protect commercial interests.

The new United States constitution strengthened the federal government's power to formulate a more effective foreign policy, pay its foreign creditors, and organize a military lest the United States remained a relatively weak, disjointed nation. The fledgling republic maintained a small army and navy, but sectionalism hampered negotiations aimed at breaking Spain's hold on the Mississippi River. France was disappointed that it did not gain the influence it sought in 1778. Spain feared the potential danger the new nation presented

³Ibid., 47-48.

against its Florida, Louisiana, and Mexican colonies. Great Britain remained bitter that its former colonies, which humiliated them in the previous war, could now threaten British Canada if the United States ever asserted itself. The monarchs of Europe loathed the young republic and hoped it would implode so that their own subjects did not adopt its “radical” institutions. Without friends, and without either financial or military power, the United States possessed the reputation of a weakling unworthy of the respect owed to a sovereign nation.

Shortly after gaining independence the United States and Great Britain began a rocky diplomatic and commercial relationship. The British granted the Americans all land south of the Great Lakes, east of the Mississippi River, and west of the Appalachian Mountains; but they maintained forts in this area as a bargaining chip to force the United States to uphold its treaty obligations of compensating Loyalists for their property losses during the Revolutionary War, and compelling American citizens to pay private debts contracted with British merchants before the war began.⁴ The new republic was unable to force the British out of these posts because it possessed a very small military, while the weak Confederation government lacked the power to compel the states to compensate the Loyalists or force its citizens to pay their private debts. The issue was a large thorn in the side of the American government. Not only was the presence of foreign troops on American soil humiliating and a challenge to national sovereignty, but Britain did not hesitate to use these posts to incite local Indian tribes to resist white encroachment and to encourage western settlers to separate from the United States and collaborate with their mother country.⁵

The difficulties over these British posts intensified in 1790 and 1791. To protect the growing number of settlers in the Northwest Territories from native attacks, the newly

⁴Alfred Le Roy Burt, United States, Great Britain, and British North America: From the Revolution to the Establishment of Peace After the War of 1812 (New York: Russell and Russell, 1961), 94-95.

⁵Ibid., 105.

formed federal government dispatched two expeditions to destroy the area's powerful Indian confederacy. The various tribes temporarily set aside their differences and united against American settlers. Supported by British merchants supplying weapons, this confederacy decisively defeated two separate American armies commanded by General Josiah Harmar in 1790, and General Arthur St. Clair in 1791. The United States attributed the defeats to the carelessness of its commanders, the poor training and equipping of the American forces, and, most significantly, to the advantages British firearms gave the native warriors. The defeats of Harmar and St. Cloud not only persuaded British leaders in Canada to expand their lines of fortifications on American soil, but they increased hatred over the thought that British arms and influence were strengthening hostile tribes and perpetuating the presence of even more British troops on United States territory.

By 1793, a mere decade after hostilities ended, the United States and Great Britain were mired in bitterness. The young government had difficulty protecting settlers in the Northwest from British supplied Indian tribes; foreign troops remained dispersed throughout that troubled region; the country's small military was too impotent to drive away the trouble makers; and the debt-ridden government lacked the means to pay British creditors or compensate displaced Loyalists, an accomplishment that would remove Britain's justification for maintaining military installations on American soil. Great Britain regarded its former colonies with contempt, sought to weaken and retard the young republic as much as possible to protect the empire's North American interests, and viewed the United States's inability to protect itself as proof that the nation was still nothing more than a group of colonies subservient to British might.

The events of 1793 would noticeably increase these sentiments. In 1789, the French government suffered under the weight of public debt and attempted to reconstitute its

finances. What began as a meeting to reform the tax system quickly turned into a national revolution. At first the changes were somewhat modest and mostly peaceful, but as the French monarchy steadily lost power other absolutist kings became concerned and by 1792 Europe was embroiled in war. In 1793, the French Convention abolished the monarchy, ordered the king's execution, and began to overrun much of Western Europe. A distraught Britain declared war on France and resumed its decades long struggle with its old nemesis.

How did yet another European war affect the United States? It would seem that the end of the colonial struggle between Britain and France would combine with the recognition of American independence to make the European conflict irrelevant. But Americans had a very important stake in the hostilities. Not only was the United States officially a military ally and trading partner with France, Americans also saw the opportunity of increased trade. As long as Americans did not enter the fighting, they could conduct trade under the protection of their neutral flag. French and British colonies in the West Indies would need American produce and American merchant ships could theoretically evade capture through the security afforded neutral commerce.

American commercial aspirations did not materialize as planned. Great Britain possessed the world's most powerful navy. When it became apparent that France would benefit from American trade, Britain announced that any colonial trade prohibited in peace would not be allowed in war. This policy was known as the Rule of 1756, the year Great Britain first announced its intention to cripple French colonial trade during the Seven Years' War.⁶

⁶Spencer C. Tucker and Frank T. Reuter, Injured Honor: The Chesapeake-Leopard Affair June 22, 1807 (Annapolis: Naval Institute Press, 1996), 29-30.

While dealing with British seizures of American cargos, a more vexing problem also arose: the British practice of impressment. The British navy operated in peacetime under a system of commissioning professional officers and maintaining warships with as few crewmen as possible. Whenever the navy needed more sailors, in times of war or threats of war, it would recruit as many as possible. Given that the merchant service often paid higher wages, provided better quarters and food, and carried less of a combat threat, the Royal Navy had a difficult time meeting its manpower needs. When this problem arose, the admiralty commissioned press agents to go through British ports and seize as many able-bodied seamen as needed. This process of forced service was known as impressment.

Theoretically impressment applied only to British subjects and Great Britain adhered to “the doctrine of infeasible allegiance”. This theory held that a subject could never break their allegiance to the king unless the king granted the subject permission to do so; in other words “once a king’s subject, always a king’s subject”. This premise fell in line with most European states, but most Americans abhorred it. Despite the public’s distaste, the government of the United States and its courts recognized Great Britain’s right to claim the services of all native-born Britons, even those who immigrated to the United States and became naturalized citizens.⁷ This practice fueled American animosity over British impressments. An American merchantman fully crewed by American citizens could lose those crewmen born in Great Britain to forcible removal while the captain possessed little legal recourse to stop it. More tragic, the families of these naturalized Americans were helpless in their attempt to win the freedom of their loved ones from perilous service in the British navy.

⁷James Fulton Zimmerman, Impressment of American Seamen (New York: Longmans, Green & Company, 1925), 21.

Impressment was not new and was very unpopular. Many in England and later Great Britain decried it as unconstitutional and inefficient. Impressment rested on the king's feudal right to the service of all sailors in his realm as their lord and protector, and became compulsory during the reign of Henry the Eighth.⁸ Impressment was handled by members of the government's service who routinely went through British ports, seized those thought able-bodied seamen, and held them aboard a press ship until requisitioned by the navy.

This high-handed, drastic method of staffing the navy drew criticism from many quarters. Some argued that press gangs usually rounded up sailor and landsman alike, and that this practice merely brought inexperienced, usually diseased personnel who were of little value to the navy.⁹ In 1693 British pamphleteer Robert Crosfield pointed out that the press gangs were enemies of trade and government revenue because the press service detained merchant ships in port by taking their crews. This custom prevented them from engaging in commerce that brought revenue into government coffers at times when the treasury needed money the most.¹⁰ Crosfield further argued that not only did impressment starve the nation of trade and revenue, but it drove up wages on merchant ships because sailors afraid of the press had to be enticed into merchant service. This rise in wages contributed to wartime inflation.¹¹

In his 1728 pamphlet "The Sailor's Advocate", General James Edward Oglethorpe also criticized impressment. Oglethorpe noted the harm caused to trade because merchant ships did not have enough sailors. The ships could not leave port while the cargos rotted in the ships' holds. Thus impressment killed trade because there were no merchant crews,

⁸Zimmerman, Impressment of American Seamen, 16.

⁹Anonymous, "Proposals to Increase Seamen," in The Manning of the Royal Navy: Selected Public Pamphlets, 1693-1873, ed. J.S. Bromley (London: William Clowes & Sons, 1976), 12-13.

¹⁰Robert Crosfield, "England's Glory Revived," in *ibid.*, 2.

¹¹*Ibid.*, 4.

rendering commerce protection (a major duty of the navy) unnecessary and driving many British sailors from the realm to evade the press. Adding one final hazard, impressment deprived the dependents of mariners of their source of support, forcing many children into manual labor rather than sailing.¹²

Numerous British leaders also questioned impressment's legality. Oglethorpe repeatedly called it a form of slavery and hence a violation of the personal liberties guaranteed in the Magna Charta.¹³ In 1768 Navy Lieutenant John Mackenzie also cited impressment as violating the Magna Charta's prohibition against depriving a subject of his liberty without a trial. Because government agents and naval officers arbitrarily seized men for service, the press was illegal. McKenzie also pointed out that no law specifically authorized impressment. The only laws that related to the matter exempted impressment of certain members of society.¹⁴ Mackenzie advocated doing away with impressment because most impressed sailors resented their manner of induction into the service; thus many British subjects deserted the navy, evaded the press, and occasionally mutinied against their commanders.¹⁵

Because of impressment's unpopularity, many pamphleteers vainly offered alternatives to end the practice. In 1693 a proposal circulated calling for the appointment of seamen as apprentices on ships engaged in the coastal trade to learn basic maritime skills.

¹²James Edward Oglethorpe, "The Sailor's Advocate," *ibid.*, 74-75.

¹³*Ibid.*, 75-76.

¹⁴John MacKenzie, "Considerations on the Impress Service," *ibid.*, 129-130.

¹⁵*Ibid.*, 125.

Once the apprentice was fit for sea duty he would enter the navy. Theoretically this apprentice system would satisfy the navy's manpower needs.¹⁶

In 1694, navy captain George St. Lo proposed registering all sailors, sail makers, caulkers, and shipwrights with the navy. When necessary, an impressment agent would call into service enough men to meet the navy's needs and issue deferments to those not needed for service. This registry system would theoretically provide a regulated system to quickly call up enough men, while also allowing the merchant fleet a supply of mariners free to engage in merchant trade. Captain St. Lo estimated that the navy usually used only a third of the men impressed. His registry system called for impressed sailors to serve a year and then be replaced by other sailors in the registry, thus creating a three-year system of rotation that did not hold mariners captive for the duration of a war.¹⁷

In 1709 the Reverend John Swanne advocated sending orphans and wards of the state into the navy. This measure would free church parishes of the burden of taking care of the children while supplying the navy with a steady stream of apprentices. Swanne further argued that seizing the children of the poor and forcing them into naval service would aid their families by reducing their number of children to feed, provide a basic education and trade to the poor, and give additional income to the young boys' families. Swanne believed that this system would help end the cycle of poverty and crime that plagued most of Britain's poor.¹⁸

The first recorded instance of United States citizens impressed into British service occurred on 21 September 1787 on the Thames River, when British press agents seized

¹⁶Anonymous, "Proposals to Increase Seamen," in *ibid.*, 13.

¹⁷George St. Lo, "England's Interest; Or A Discipline for Seamen," in *ibid.*, 21-27.

¹⁸John Swanne, "A Proposal to Man the Royal Navy of Great Britain," in *ibid.*, 46-49.

several Americans serving aboard ships docked in London. The following day the men were released after the United States minister to Great Britain, John Adams, appealed to British Foreign Secretary Francis Osborne, Lord Carmarthen. The foreign secretary pledged to work toward avoiding this mistake in the future, yet that very evening Adams learned of another instance of Americans pressed into British service. Adams again pursued the same remedy.¹⁹

Adams requested more releases on 3 October, writing Carmarthen that the commander of the British frigate *Triumph* had removed American citizen Charles Baldwin from his ship *Favorite*. Baldwin claimed that six or seven fellow Americans were pressed into the ship's crew. The diplomat protested both their removal and the trespass onto American flagged ships.²⁰

In spring 1790 came the second notable incident of Britain's impressing Americans. The seizure of British ships anchored in Nootka Sound on North America's Pacific coast triggered a war scare and the British navy mobilized. United States minister to London Gouverneur Morris reported to President George Washington that British authorities had rounded up American sailors. The press began on 4 May and sixteen days later Morris met with Foreign Secretary Osborne, now the Duke of Leeds.²¹

Leeds admitted that boarding American vessels was wrong and that he would take up the matter with First Lord of the Admiralty John Pitt, Earl of Chatham. Leeds reminded Morris that it was hard to tell the difference between Englishman and American; Morris replied that he hoped to work out a system to spare Americans of impressments but still

¹⁹John Adams to John Jay, 22 September 1787, [The Works of John Adams](#), Volume 8, ed. Charles Francis Adams (Freeport, New York: Books of Libraries Press, 1969), 450.

²⁰Adams to Carmarthen, 3 October 1787, *ibid.*, 455-456.

²¹Morris to Washington, 29 May 1790, [American State Papers](#), Vol. I, Foreign Relations, 123.

allow Britain to man its navy. Morris's solution was to have American admiralty courts issue certificates of citizenship to American sailors. Leeds agreed and Morris asked him to inquire of the cabinet whether the arrangement was suitable.

The next day Morris met with Prime Minister William Pitt and Leeds. Pitt disliked Morris's idea because it was open to fraud. Morris agreed that fraud would happen, but it was in Britain's best interest to go along in case war with Spain broke out and Britain needed the American merchant marine to carry its goods. Sailors gathered in a press or who avoided sailing to Britain out of fear of impressment would not be available to transport those goods. Morris further proposed that the certificates contain a physical description of the bearer to help reduce fraud.²²

Gouverneur Morris's negotiations foreshadowed the state of British-American relations over impressment for the subsequent twenty-two years. The British government continually insisted that its system of impressment was necessary and that the accidental incorporation of American citizens was unavoidable because of similarities in appearance, manners, and language. The United States repeatedly failed to convince the British that even though no system of identification would be immune to fraud, American trade and ability to transport British goods under the protection of a neutral flag were incentive enough to accept a system of identification to protect United States citizens.

The problems incurred during the Nootka Sound scare did not end with Morris's dialogue. On 7 February 1792 Secretary of State Thomas Jefferson reported that John B. Cutting, a private citizen living in Britain, aided American sailors during the crisis. Cutting spent \$7,402 assisting 947 American seamen by paying for their transport to France to evade the press gangs. The United States reimbursed Cutting \$7,642 for his expenses plus 6 per

²²Ibid., 124.

cent interest for the eleven months needed to reimburse him. Foreshadowing the expensive headache that impressment would bring over the next twenty years, Jefferson warned President Washington that the government would continue to endure similar expenses as the common language and culture of the two countries enticed the British to continue seizing American sailors.²³

By 1793 the changes brought by the French Revolution had grown much more radical. France abolished its monarchy, distrusted most of its neighbors, and was at war with Great Britain, Austria, and Prussia. Affairs in Europe drew the United States into the tensions; many observers in the United States, France, and Europe saw the American Revolution as the inspiration for French revolutionaries to topple their king and attack other monarchies. But the biggest complication was that the United States was formally allied with France through its two 1778 treaties. The Treaty of Alliance pledged military assistance in the event that Great Britain ever attacked France's West Indian possessions, and the Treaty of Amity and Commerce granted the French special trading privileges. These facts planted suspicion in the minds of British leaders that the United States was a covert ally of the French, even though the new nation never declared war on Britain. In addition, war with France meant that Britain would need additional sailors to man its ships and the United States merchant fleet provided a source for manpower because similarities in language and culture easily allowed mistaking an American for a British subject.

In 1794 the president dispatched Chief Justice John Jay to London to negotiate a settlement with Britain that hopefully would clean up the growing list of complaints between the countries. Jay's task was monumental. Since 1783 both sides repeatedly failed to abide by the terms of the Treaty of Paris. The United States never compelled its citizens to pay their

²³Jefferson to Washington, 7 February 1792, *ibid.*, 131.

pre-war debts to British merchants and the national government never forced the states to compensate Loyalists for their confiscated property during the previous war. Britain continued to retain posts in the Northwest Territories to bolster British trade with Indian tribes and to supply and incite hostile tribes to attack American settlers. Furthermore, Great Britain never compensated American slave owners for their losses in slaves who were either seized or deserted their masters for freedom with the British. The growing frequency of merchant ship seizures and impressments increased tensions. Within a year of war's outbreak, the large number of American ships taken by the British in the West Indies horrified the Washington administration. Not only did these lost cargos add to the financial woes of American merchants, but the captured ships' crews led to impressed sailors removed on charges of being British.

Jay's strongest trump card in the negotiations was America's merchant marine. The nation remained a neutral, which afforded special protection from French seizure. The 1778 Treaty of Amity and Commerce was still in effect, thus extending to the United States special privileges in dealing with French privateers and warships on the high seas. Further strengthening Jay's hand was Britain's deteriorating strength in the Northwest. The war with France weakened its ability to maintain a presence there, and accommodation on this issue would allow the British to exit honorably while maintaining their commercial and political influence in the area. These advantages partially offset the United States's martial feebleness and Britain's lingering animosity over the outcome of the American Revolution.²⁴

Treasury Secretary Alexander Hamilton pressed for Jay's appointment and strongly desired a treaty with Britain to protect American trade. If Jay failed to strike an agreement

²⁴Bailey, A Diplomatic History of the American People, 76.

and war ensued, Hamilton was convinced that the nation's economy would collapse and with it the new union. With the December 1793 resignation of Secretary of State Jefferson, the influential Hamilton now orchestrated President Washington's foreign policy.²⁵

Believing he had reached the best accommodation possible, Jay attained an agreement with Foreign Secretary William Grenville on 19 November 1794; however, Jay did not know that he had possessed more leverage than he first estimated. Shortly after his departure, Denmark and Sweden offered the United States membership in the fledgling League of Armed Neutrality. This alliance of Baltic nations hoped to counter the depredations on neutral commerce by Britain and France. President Washington declined the invitation on the ground that it dragged the new republic into a formal alliance — a prospect the president detested. What the chief executive did not realize was that Britain feared the power and possibility of war with the League's members, and would negotiate to ameliorate its affiliates. The anxious Hamilton, for his part, assured the British minister in Philadelphia that America would not join, and this information swiftly reached Grenville who then outmaneuvered Jay.²⁶

The Jay Treaty remedied many of the nagging problems between the countries. The United States agreed to pay all outstanding debts to British subjects contracted before the 1783 Treaty of Paris as set by a joint commission of British and American representatives. In return, Great Britain agreed to evacuate its remaining posts in the Northwest Territory by 1 June 1796. Britain also agreed to pay for seizures made under a recent set of decrees issued by the British king and cabinet known as Orders in Council. A joint Anglo-American authority would set the sum. Jay succeeded in stipulating that a joint board set the

²⁵Bemis, *A Diplomatic History of the United States*, 101.

²⁶Ibid.

unspecified boundary along the St. Croix River between the United States and New Brunswick, Canada. Finally, the treaty opened the British East Indies to American merchant ships, and allowed merchantmen of seventy tons or less to enter the British West Indies.²⁷

The Jay Treaty was a breakthrough in British-American relations by proving that disagreements could be settled through negotiation, but it ignored many standing problems, such as the neutral status of non-warlike French goods carried in American hulls, but most glaringly the impressment issue.²⁸ In July 1794, Jay raised the issue during his negotiations with Grenville. The foreign minister replied that the British government did not seek to impress Americans but that mistakes happened because of similarities in speech and the known practice of British sailors evading the press by signing onto American ships while claiming American citizenship. Grenville merely assured Jay that whenever an appeal from an impressed American reached the British government and his citizenship was established, the Royal Navy would release the man, a process that could take years. Grenville further promised to transmit written orders to British captains forbidding impressment of American citizens.²⁹ The Jay Treaty contained none of these guarantees and Grenville's promises to Jay about impressments constituted an informal agreement. Britain's desire to satisfy its manpower problems by taking sailors wherever it found them explains the lack of progress in resolving the impressment controversy. Because Americans were easily judged as British, they remained the prime targets. Hamilton's assurances that the United States would not work in concert with other neutrals also allowed Grenville to promise minimal effort in halting impressment of Americans as long as Britain needed the sailors.

²⁷Ibid., 101-102.

²⁸Ibid., 103.

²⁹Grenville to Jay, 1 August 1794, American State Papers, Vol. I, Foreign Relations, 481-482.

A new wrinkle in the impressment controversy occurred in February 1796 when Great Britain impressed Americans in international waters. Prior to this point, all known cases of impressment occurred on British soil, in British waters, or in a British colony. The United States recognized the right of British officials to board privately owned American ships to remove British subjects when that vessel was in an area under British sovereignty, but any actions outside these confines jeopardized the dominion of the United States. The incident in question concerned the boarding of the American merchant vessel *Lydia* in international waters and the removal of five of its crew. The British commander removed the men on charges of desertion as none could produce proof that they were American citizens. The United States minister to Britain, Thomas Pinckney, protested this act in May and for over a month wrangled with Foreign Minister Grenville for the sailors' release. Pinckney argued that regardless of their nationality, Great Britain did not have the right to board forcibly an American vessel in waters outside British jurisdiction and remove any person who was not an enemy combatant. Pinckney further reasoned that by virtue of this act occurring in international waters the United States was without remedy, because the republic could not seize British subjects outside American waters.³⁰

Grenville responded that because a belligerent had the right to stop neutral ships to remove contraband or citizens of an enemy country, it was also entitled to remove its own citizens. The foreign secretary also acknowledged the removal of some Americans from vessels flying the United States flag and pressed into the Royal Navy, but these instances were rare and the men set free upon determining their true nationality. From the British perspective the remedy was a mutually satisfactory system of identification for natives of the

³⁰Zimmerman, Impressment of American Seamen, 48-49.

United States —with *native* being the optimum word.³¹ Great Britain continued to insist that naturalization did not negate British citizenship, and in 1796 expanded its self-pronounced right to claim the services of seamen regardless of their allegiance or the flag under which they sailed.

The *Lydia* incident is illustrative of the different beliefs held by the British and American governments over extraterritorial rights and evolving theories in international law. The United States government recognized another nation's right to claim the service of former subjects, even when those subjects were naturalized citizens of the United States. Thus, America did not oppose Britain's impressing American sailors who were born in Great Britain. Furthermore, the United States recognized Britain's right to search and remove sailors from privately owned American ships in British waters. What irritated American officials was Britain's practice of searching for and removing sailors from American ships in international waters. Great Britain argued that it could pursue and capture its nationals up to the point that the national entered a foreign jurisdiction; thus it could not search and impress in American waters. The rub came over rights in international waters. The United States adhered to newer views on international law and argued that its flag made merchant ships detached parts of the United States when those ships were in international waters. Britain held the more traditional interpretation and claimed that the flag did not extend sovereignty to privately owned ships, thereby making private merchant vessels in international waters fair game for British boarding.³²

The same month that Great Britain began impressing in international waters, the United States Congress began to address the problem of certifying American mariners' citizenship.

³¹Ibid., 50.

³²Burt, United States, Great Britain, and British North America, 212-213.

New York Congressman Edward Livingston chaired a committee to determine how the federal government could best liberate impressed Americans and to develop a system of identification to prove a sailor's citizenship and protect him from impressment. The committee recommended appointing agents to the British West Indies and London to receive pleas from impressed Americans and speedily work for their release. The West Indies post was considered essential because here the British maintained a large fleet and impressed the most Americans. The agents were tasked to intervene on behalf of all citizens or neutrals taken from American flagged ships. If the emissary could not secure the sailor's release, he was to report this to the secretary of state so the federal government could begin getting an accurate count of impressed Americans and push the British for their release.³³

For better identification, the committee advised empowering port collectors to certify the nativity, naturalization, or permanent residence of any American living in the United States prior to 3 September 1783, the date of the Treaty of Paris.³⁴ With this certificate the British would have no just cause for pressing the man because the terms of that treaty afforded him United States protection.³⁵ Livingston's committee hoped that these measures would not only enable the government to swiftly win the release of impressed Americans, but also create the system of identification that Britain insisted was necessary to avoid these acts of mistaken identity.

³³Report to the House of Representatives, 25 February 1796, American State Papers, Vol. I, Foreign Relations, 532.

³⁴The Treaty of Paris stipulated that any person permanently residing in the thirteen states on or before 3 September 1783 (the date the final draft of the treaty was signed) must choose whether to accept United States citizenship or remain a British subject. Those who adopted American citizenship were freed of the lifetime claim the British king had to their services.

³⁵Ibid.

In May, Livingston's committee recommendations were enacted into law as An Act of the Relief for the Protection of American Seamen. The legislation stipulated that the president appoint two agents with the option to appoint more as needed. A \$15,000 appropriation funded the diplomats. The law ordered federal port collectors to issue and record certificates of citizenship (commonly referred to as "protections" by most sailors and navy officials) to any sailor who could prove such. Each certificate contained the man's name, age, and height, and cost twenty-five cents. Finally, the new law obligated ship masters to report all impressments of their crews to the nearest port collector or American consul. The master was required to recount the name and nationality of the confiscated crewman, the name of the merchant ship he was serving aboard, and the name of the British warship to which he was sent.³⁶

While the new law was the first major attempt to cooperate with Britain on the issue of establishing proof of citizenship, it actually opened more problems. Proof of citizenship was not very concrete, resting on the thin reed of producing a record of baptism or birth, along with an affidavit that the bearer was indeed born in the United States.³⁷ This unlocked the door for forged or deceptive documents. Furthermore, given the low cost and rough description of the bearer, a black market for fraudulent certificates quickly arose. It was possible for an American sailor to visit collection houses up and down the coast, secure numerous citizenship certificates, and then sell these certificates to foreign sailors desiring a safeguard from impressment.

³⁶“Act for the Relief and Protection of American Seamen,” 28 May 1796, United States Statutes at Large, Volume I, 477-478.

³⁷Zimmerman, Impressment of American Seamen, 60-61.

Within a year Secretary of State Timothy Pickering reported that the market in fraudulent protections was common and that British representatives were complaining. To add to the problem, Silas Talbot, the first agent appointed to the West Indies under the Relief for the Protection of American Seamen Act, reported in January 1797 that port collectors did not issue many of the certificates found in the area and therefore many were invalid. Because of this problem, British officials ignored the authority of all citizenship certificates. Talbot also pointed out that many American sailors had not been in an American port since the new law went into effect, and thus relied on certificates issued by consulates or any American official they happened to come across. This burden did not satisfy the hard-pressed Royal Navy, which looked for any excuse to reject a mariner's claim that he was an American. Pickering, like many American leaders, also detested the poorly devised system of certifying American sailors but conceded that no better arrangement existed.³⁸

The difficulty in defending the rights of Americans sailing abroad at this time did not rest on one defect such as the fraud-ridden citizenship certificates. Talbot's letters clearly illustrated that British naval commanders and statesmen saw that national survival rested on the outcome of the struggle against France, and would do whatever necessary to maintain the naval power deemed essential to victory. When Talbot arrived in Port Royal, Jamaica in September 1796, West Indies fleet commander Sir Hyde Parker gave him a very cool reception and quickly assigned subordinates to deal with him. Ironically, for the first two months Talbot met with a good deal of success when captains throughout the fleet released all known Americans who possessed bona fide certificates; however, this process did not

³⁸Pickering to Livingston, 17 February 1797, American State Papers, Vol. I, Foreign Relations, 762.

work for those whose certificates were not signed by a United States customs officer or did not accurately match the physical description found on the certificate.³⁹

By the following summer Talbot faced a more difficult environment. On 4 July 1797 he wrote Pickering that the release of sailors was forbidden regardless of the certificates they carried. In the agent's opinion, naval officers lived above British law as Admiral Parker ordered his officers to ignore British writs of habeas corpus issued for a sailor's release, while the seizure and impressment of Americans with legitimate certificates continued with little hope of abatement. Parker's policy was that no man would go free unless he personally approved it, regardless of writs or protections, because the navy was losing too many men at a time when they were desperately needed.⁴⁰

The British cabinet also showed little respect for the certificates. Lord Grenville informed United States minister Rufus King that the certificates of citizenship carried no value because the supporting evidence for the certificate was "slight". Grenville also regarded the practice of American consulates issuing certificates as illegal. Britain did not recognize the power of a foreign consulate to administer oaths, especially to men who were likely subjects of another country. King assured him that the Act for the Protection of Seamen did not authorize consulates to issue the certificates and that he would instruct them not to do so to preserve the integrity of the certificates.⁴¹ Two months later King reminded Grenville that other nations such as Denmark, Portugal, and Sweden issued protections to their subjects visiting Britain. The American minister unsuccessfully argued that United States consuls needed the power to issue the certificates of citizenship because many mariners left the United States

³⁹Abstract of the Communications from Silas Talbot, *ibid.*, Vol. II, Foreign Relations, 141.

⁴⁰Talbot to Pickering, 4 July 1797, *ibid.*, 144.

⁴¹Grenville to King, 3 November 1796, King to Grenville, 18 November 1796, *ibid.*, 146-147.

before the certificates were authorized, and many others lost their documents while at sea. So long as the representative diligently strove to verify the true citizenship of the protection's bearer, the British should accept these certificates as legitimate.⁴² Despite King's pleas, the fact remained that Britain's acute manpower shortage, combined with the inability of the United States to institute a viable method to certify citizenship, assured continued conflict over impressment.

The cabinet's response to King's protests sums up its position on impressment and the system of certifying American citizenship. In March 1797 Grenville responded to King in a lengthy letter that addressed the problem. Grenville asserted that overlooking any resource was not viable because manning the navy was the kingdom's best way to protect itself. The foreign minister believed that the American system of protections contained so many flaws that British sailors could easily evade their duty. Because the two peoples possessed the same language, manners, and customs, it was easy to mistake an American for a British subject or vice versa.⁴³ But that was not the only problem.

The American system for issuing protections was too susceptible to fraud. The legal requirements for gaining a protection rested on evidence of dubious authenticity. No penalties existed for fraud; thus there was no incentive to dissuade sailors from illegally gaining or transferring their protection papers. Furthermore, customs officials had little to fear from issuing the protections to sailors who were clearly British. Collectors supposedly could profit from additional financial incentives offered by the man to issue a fraudulent protection.⁴⁴

⁴²King to Grenville, 28 January 1797, *ibid.*, 147.

⁴³Grenville to King, 27 March 1797, *ibid.*, 148.

⁴⁴*Ibid.*, 148-149.

The British were also concerned that mere possession of an affidavit supporting the sailor's citizenship claim was too flimsy as evidence to issue the document. For example, a sailor claiming to be from Georgia could go to the Boston collector's office with an affidavit from his Georgia pastor claiming that the holder was born there. The collector could then issue a protection paper based on that lone thread of evidence. How was the affidavit's author credible? How could the collector know that the person described in the affidavit was the same person presenting it to him? There was no way for the collector to verify this information if it came from someone hundreds of miles away.⁴⁵

Grenville pointed out that theoretically one American could go from customhouse to customhouse along the Atlantic coast, legally procuring dozens of protection papers and selling these in port towns to dozens of British sailors. Supposedly one American could free an entire crew from duty.⁴⁶ Here, Grenville exposed a flaw in the American law. While collectors were bound to keep a record of the sailors who were issued protections, the slowness of communication, the poor record keeping, and the ability to use fraudulent aliases supported by erroneous affidavits empowered men to secure numerous protection papers and sell these to British sailors who matched the general physical description printed on the document.

Grenville further expounded that even if a British sailor was a duly naturalized citizen of the United States and legitimately obtained his protection paper, he still could not dissolve

⁴⁵Ibid., 149.

⁴⁶Ibid.

his allegiance to the king and remained liable to impressment. An American law did not trump British law on the high seas or in British territory.⁴⁷

The Pitt government recommended that the United States pass laws that punished those who fraudulently sought protection papers, and further suggested that the certificates describe the evidence supporting the document, so that the British press officer and other officials could determine whether the protection rested on enough evidence. Though this procedure would not stop all cases of fraud, it would improve the certificates' reliability.⁴⁸

In November 1798 the impressment controversy reached a new level when a United States naval vessel -- the *Baltimore*-- was boarded and members of its crew impressed. On the sixteenth, the Royal Navy stopped a convoy of American merchant ships a few miles off the Cuban coast. The United States navy's sloop-of-war *Baltimore* under the command of Captain Isaac Philips protected the convoy.⁴⁹ A British squadron of three ships-of-the-line and two frigates commanded by Captain John Loring stopped the convoy to search for contraband and British subjects. Three times Loring offered to exchange all known Americans serving in his squadron for all British subjects serving aboard the *Baltimore* (a seeming admission that he knowingly took American citizens) and each time Philips refused. After the third request Loring dispatched a boarding party that forced its way onto the *Baltimore* and compelled its captain to muster the crew. Of the *Baltimore*'s fifty-five crewmen not one had a protection and Philips insisted none were needed because the men served aboard a United States naval vessel whose flag protected the crewmen. This argument

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹A sloop of war was designed in a similar fashion to a frigate but was usually smaller in size and with fewer guns. Admiral W.H. Smyth, *The Sailor's Word-Book* (London: Blackie and Son, 1867), 633. A frigate was a class of wind-driven warship that ranked below a ship-of-the-line. Frigates carried between twenty-eight to sixty guns. Ibid., 325. A ship-of-the- line generally was larger than a frigate and possessed more fire power.

did not sway Loring, who promptly removed five of the crewmen on the assertion that they were British subjects.⁵⁰ The *Baltimore* and the remainder of its convoy proceeded to Havana where the American consulate immediately reported the incident to the secretary of state.⁵¹

The *Baltimore* incident was a harbinger of great troubles. A public vessel of the United States was stopped and naval personnel removed. The occurrence was a departure from international law and the British government had previously acknowledged that neutral public ships and their crew were not subject to forced boarding and seizure. Although this event broke several legal precepts, the United States did little to avenge or reverse the act. This was most likely the result of the American navy's weakness and the absence of bloodshed. Indeed, Philips offered no formal resistance to the boarding party or the removal of the five crewmen.

In response to the *Baltimore* episode, President John Adams ordered Navy secretary Benjamin Stoddard to instruct United States naval commanders to resist all attempts to detain or search their commands, and not to allow the seizure of any crewman as long as the vessel he was on had the means to resist. If hostilities erupted and their ships were overpowered, the commanders were to surrender their craft and crew but never individuals or groups of crewmen.⁵²

The United States navy never used Adams's bellicose instructions, for Great Britain limited its future search and seizures to American flagged merchantmen. This offense,

⁵⁰Loring based his decision to disregard Philips's argument that the *Baltimore*'s crew was protected from impressment by virtue of serving aboard a public vessel on a technicality. The *Baltimore* was a former merchant vessel recently purchased by the infant United States Navy. Papers officially commissioning both the *Baltimore* and Captain Philips were not aboard the vessel, thus Philips had no official proof that his ship belonged to the United States. Michael A. Palmer, Stoddert's War: Naval Operations During the Quasi-War with France, 1798-1801 (Columbia: University of South Carolina Press, 1987), 63.

⁵¹Morton to Pickering, 18 November 1798, American State Papers, Vol. II, Foreign Relations, 203.

⁵²Stoddard to the commanders of armed vessels, 29 December 1798, *ibid.*, 204.

however, continued to irritate the weak United States whose navy was in its infancy and incapable of mounting a military response to British depredations. Diplomacy seemed the only solution as the British navy posed too great a power for its American counterpart. In September 1800 a frustrated John Marshall, who replaced Pickering as secretary of state, wrote the American minister in London that the United States remained adamant about its rights as a neutral. The British government did not possess the right to remove any person from an American flagged ship unless they were the subject of a nation at war with Great Britain. Marshall believed the United States held an obligation to protect from impressment any seaman who was not a British subject (Great Britain did not limit its grasp to English-speaking personnel, but often took all able-bodied mariners, even those who spoke no English but were serving on American merchant ships.). The secretary noted that if the United States impressed anyone, regardless of nationality, who served on British merchant ships, then Great Britain would not be content with writing protests but would probably use armed force to stop the Americans.⁵³

While Marshall conceded that the United States would not resort to these measures (the navy was in no position to attack British merchantmen without incurring the wrath of the Royal Navy), he intimated that the United States navy would begin recruiting sailors from the British merchant fleet in an attempt to weaken the island's ability to trade. Marshall was keen that the higher pay, better food and accommodations, and protection of the American flag would attract a large number of British sailors who sought escape from impressment.⁵⁴ Marshall was correct that service in the United States navy was preferable to that of the Royal Navy or British merchant marine and would induce British sailors to enlist. Desertion

⁵³ Marshall to King, 20 September 1800, *ibid.*, 490.

⁵⁴*Ibid.*

by British subjects would become a growing problem for the British as they desperately tried to man their navy. But neither incentive nor written protest would halt Britain's wave of kidnapping.

While the United States and Great Britain wrestled over American impressments, the young nation also struggled with France over commercial seizures. Suspicious of American motives leading to the Jay Treaty, the defensive and unstable French government judged the United States a commercial and political ally of its British enemy. By 1798 French privateers and naval vessels routinely confiscated American merchantmen operating in the West Indies. An outraged American Congress dominated by British-leaning Federalists passed legislation creating a professional navy led by a civilian secretary with cabinet rank, authorized the construction of warships and expansion of the army, and passed legislation to curtail criticism of the government and to double the time in residence needed for naturalization. Letters of marque were extended to numerous American merchant captains authorizing them to act as privateers in seizing French vessels and cargos while the infant navy was ordered to protect American ships from French harassment. Though war was never declared this quasi-war lasted almost two years and increased tensions with Europe's other great belligerent.

In November 1799 the French government changed yet again to a triumvirate led by France's most talented general, Napoleon Bonaparte. One of his first undertakings was to make amends with France's enemies. In 1800, Napoleon reached an accord with the United States, and the 1802 Treaty of Amiens halted the conflict with Great Britain. The Peace of Amiens was more of a breathing spell than a conclusion to the struggle. Both nations were worn down and their treasuries were almost empty.

The temporary calm brought a cessation to cargo seizures and impressment by the British. It appeared that while the legal controversy over impressment remained unsettled, its

necessity no longer existed and the issue would hopefully disappear. This hope was short lived, however, as hostilities resumed in 1803. Napoleon had used the interlude to reorganize the French military and government, and to replenish the French treasury. A substantial contribution to French finances came from the United States, which bought France's recently acquired colony of Louisiana for fifteen million dollars. When news of this purchase followed the resumption of war, Great Britain soon found reason not to regard the United States with favor.

The return of war brought the resumption of impressments. Many Americans seized before the Peace of Amiens had just returned to United States custody or were still languishing in the Royal Navy. Even though London did not hold the Americans in a favorable light, it was eager to avoid a conflict. In July 1803 the United States minister to Great Britain, Rufus King, almost negotiated an agreement with the British to prevent the impressment of sailors on American flagged vessels in international waters for five years. There was one exception, but it was significant enough to prevent an accord. Britain insisted on the right to board merchant ships and seize mariners in the waters termed the "narrow seas" -- the English Channel, North Sea, Irish Sea, and St. George's Channel. These bodies surrounded Great Britain but were more than three miles wide and thus mostly international waters. King refused to accept this stipulation on principle and practicality. Not only did the United States maintain that impressment was illegal in international waters, but the caveat also continued to subject most American merchant crews to the press because their vessels had to pass through the "narrow seas" to reach northern European ports.⁵⁵ King lamented the missed opportunity to finally solve the lingering problem. He believed that a better resolution

⁵⁵Zimmerman, Impressment of American Seamen, 86-93.

was attainable with time, but that an entirely satisfactory settlement regarding foreign-born sailors on American ships was unrealistic. King was convinced that Britain would cooperate with the United States and not press native-born Americans, but foreign-born sailors would always be fair game.⁵⁶

King's failure led the United States to attempt a different tactic to halt the growing list of problems with the British. In 1800 the Federalists lost their control over the federal government and the Republican party led by President Thomas Jefferson now crafted foreign policy. Jefferson and his followers were less inclined toward maintaining a large army or navy. Negotiation based on economic and political incentives lay at the heart of Jeffersonian diplomacy. While this approach resembled that of the preceding Federalist administrations of Washington and Adams, under the Republicans the element of force as a lever did not seem as believable because America's professional military had deteriorated in size and proficiency.

In an effort to resolve grievances with France, Britain, and Spain, the new administration dispatched James Monroe as minister plenipotentiary to negotiate three separate treaties. Monroe arrived in a still peacetime Europe in the spring of 1803, in time to claim credit for the Louisiana Purchase, even though he actually had little to do with the negotiations. He next traveled to London in July before moving on to Madrid fifteen months later to pursue a purchase of the Floridas, only to meet with Madrid's obstinacy over the issue. The Virginian finally made his way back to London in May 1805, where he sought a resolution not only to the impressment controversy, but also to the undetermined boundary

⁵⁶Gallatin to Jefferson, 18 August 1803, The Writings of Albert Gallatin, Volume I. ed. Henry Adams (Philadelphia: J.B. Lippincott and Company, 1879), 141; Zimmerman, Impressment of American Seamen, 96.

between the United States and Canada, and greater trading rights with Britain and its colonies.⁵⁷

In July 1805 Monroe began his endeavor to forge a settlement with Britain over the numerous outstanding differences with the United States. He operated under somewhat rigid parameters set by Secretary of State James Madison and President Jefferson. Madison insisted the treaty stipulate that neither country would remove any crewman or passenger from a private ship flying the other signatory's flag; the lone exception was the removal of enemy military personnel. Madison also ordered Monroe to insert into the proposed treaty a clause guaranteeing that citizens of the United States residing in Great Britain or its colonies would not be forced into British service and swiftly releasing those who had unless they volunteered for service. This clause protected American mariners who, because work or marriage had led them to live in British towns, were pressed into the navy based on a British law requiring service from aliens who lived in Britain for at least two years.⁵⁸

While Monroe was negotiating, British policy turned more hostile toward the United States. The year brought a decided stalemate to the war in Europe. French armies defeated Austria, Prussia, and Russia, thus giving France increasing control of the continent; and the British navy virtually annihilated the fleets of France and Spain at the Battle of Trafalgar, winning Britain control of the seas at the time it lost its ability to strike Napoleon on land. Seeing its maritime strength as the only weapon to attack France, Great Britain sought to break its enemy through economic warfare and a blockade. In June 1805 a British admiralty court handed down the *Essex* decision. This pronouncement reversed an 1802 decision that

⁵⁷W. P. Cresson, James Monroe (Chapel Hill: University of North Carolina Press, 1946), 198, 200, 207, 211.

⁵⁸A convention between the United States and Great Britain, 31 December 1806, American State Papers, Vol. III, Foreign Relations, 82.

permitted the “broken voyage” of non-warlike materials by allowing those cargos to be carried from one enemy port to another in a neutral vessel, provided the carrier first unloaded and later re-loaded the goods in a neutral port. The *Essex* decision re-instituted the older doctrine of “continuous voyage.” Britain declared its right to seize any contraband of French origin, and at the same time, the British government expanded its definition of contraband to include practically any goods leaving or entering French ports. This ruling opened to British seizure practically all United States shipping to France, its allies, or its colonies. The United States protested such a move as a violation of international law and of neutral rights. In retaliation Congress passed the Non-Importation Act of 1806, which prohibited the importation of British manufactures beginning 1 April 1806, unless Britain agreed to a satisfactory settlement.⁵⁹ This was the first in a series of attempts to compel Britain to respect American neutral rights through economic coercion and negotiation.

The treaty Monroe negotiated, the Treaty of London, took almost three years to complete. Part of the delay rested with his other responsibilities in dealing with France and Spain, while British inflexibility also prolonged a settlement. Reaching a consensus took so long that the Jefferson administration dispatched Maryland attorney William Pinkney, a veteran diplomat, in hope that a voice more sympathetic with Britain might facilitate an agreement. On 31 December 1806 Monroe and Pinkney struck their deal but without resolving the issue of impressment. During the negotiations each side unsuccessfully proffered deals that partially addressed the impressment controversy. The British Navy refused to renounce its self-proscribed right to seize British mariners on the high seas, while the United States declined to acknowledge any foreign power’s entitlement to remove non-

⁵⁹Bemis, *A Diplomatic History of the United States*, 140-143.

combatants from a vessel flying the Stars and Stripes. Once this inability to agree became evident, both sides dropped the entire matter from the treaty.⁶⁰ British negotiators did attempt to ameliorate Monroe by presenting a note pledging to punish Royal Navy captains who impressed native-born Americans. The note did not offer to stop impressment aboard American ships in international waters, just the impressment of known Americans. Deciding that half a loaf was better than none and to salvage the rest of the treaty, Monroe and Pinkney accepted this promise and believed it as good as a treaty.

President Jefferson did not share Monroe and Pinkney's sentiments. When Jefferson reviewed the treaty, he was so distraught that impressment was not only unresolved, but not even mentioned, that he refused to forward it to the Senate for approval. May 1807 brought Secretary of State Madison re-instructing the American delegation on the minimum requirements for the treaty based on Jefferson's convictions about American rights. The president believed that halting impressments was a duty to American sailors because the United States flag protected their liberty and lives, even when they served aboard private vessels. To fail in that duty, Jefferson held, would be an abandonment of United States sovereignty. Furthermore, Jefferson saw impressment as a one-sided issue. If the United States conceded or negotiated any point, the new nation would surrender part of its sovereignty. If Great Britain sacrificed any portion of its position on impressment, it merely forfeited a point that did not rightfully belong to it in the first place. Additionally, Jefferson was convinced that most impressments aboard American vessels were the seizure of bona fide American citizens, rather than British subjects. If one side must concede it was only fair that it be Great Britain.⁶¹

⁶⁰Zimmerman, Impressment of American Seamen, 120-121.

⁶¹Madison to Monroe and Pinkney, 20 May 1807, American State Papers, Vol. III, Foreign Relations, 37

While the absence of a satisfactory agreement on impressment was the stumbling block to ratification of the Treaty of London, it was not the only problem the Jefferson administration had with the accord. Madison was not satisfied with positions reached on trade and the seizure of non-contraband goods. The secretary strongly recommended that Monroe and Pinkney emphasize that war was possible if the United States was not pleased. Although the United States was weak militarily, it could become a troublesome belligerent. In 1807 Great Britain did not need another enemy. France fully asserted itself as the military power in Europe and by June had beaten into submission Britain's principal allies of Austria, Prussia, and Russia. Napoleon's victories gave him control of practically all Europe, except the British Isles. The addition of the United States to the list of enemies not only threatened the kingdom's North American possessions, but, more importantly, it would deny American markets and ports to Great Britain and its dependencies.⁶²

Madison urged the two nations to renew their efforts and reach a satisfactory settlement on impressment, while also holding the door open for a compromise. If Great Britain refused to renounce impressment in international waters, the United States would recommend that both nations outlaw the hiring of any non-citizen into their navy or merchant marine unless he had resided in that country at least two years.⁶³ (This two-year exception allowed Britain to exercise its right to impress aliens who resided in their country for two years.) This offer never reached the British cabinet because Foreign Minister George Canning terminated the negotiations in October 1807. Canning's excuse was that Jefferson's refusal to submit the original treaty to the Senate was proof that a satisfactory agreement was

166.

⁶²Ibid., 172.

⁶³Ibid., 173.

unattainable. In reality a much larger problem now lay between the countries that threatened to elevate the impressment issue to warlike intensity.

While Monroe and Pinkney hammered out the doomed Treaty of London, another tactic in the war between Great Britain and France – a blockade – expanded to create new problems for neutrals. Given British naval superiority, a blockade seemed the most viable tool for combating France’s growing economic and military power. In theory, Great Britain accepted the requirements for a blockade as proscribed by international law. These qualifications stipulated that the blockading power warn neutrals of its impending action, and that a sufficient force must be maintained at the blockaded port to interdict all traffic.⁶⁴ In May 1806 the British government declared blockaded the entire northern European coast from the mouth of the Elbe River to the French port of Brest. Known as the Fox Blockade after Foreign Secretary Charles James Fox, this blockade was illegal because the British navy was not large enough to interdict traffic over so many scattered ports.

Napoleon’s response to Fox’s maneuver was the Berlin Decree issued in November 1806. This edict prohibited entry into French-controlled ports all neutral ships that previously visited a British port. The law also declared any British product a lawful prize and subject to confiscation.⁶⁵ In effect, any neutral ship in a port under Bonaparte’s thumb (by 1806 this constituted most of continental Europe) could have seized that portion of its cargo that was manufactured or grown in Great Britain or one of its dependencies.

The Berlin Decree rankled American merchants. The United States favored the doctrine of “free ships make free goods,” meaning that a neutral carrying foreign

⁶⁴Donald Hickey, The War of 1812: A Forgotten Conflict (Urbana and Chicago: University of Illinois Press, 1989), 12.

⁶⁵Ibid., 18.

commodities was protected from seizure because the neutral's ownership of the goods changed its nationality. For example, an American vessel carrying British-made razors was not carrying British razors because American ownership transferred them into American razors. This point was vital because American merchants stood to gain huge profits carrying non-warlike materials between the belligerents. In 1806 Great Britain was the world's greatest manufacturer, but French conquest of the Continent removed Britain's ability to trade directly with this enormous market. By selling to American merchants who in turn transported the manufactures to Europe, Great Britain could continue its overseas trade through neutral American commerce. Bonaparte was keenly aware of this and realized the only way to destroy Britain's economy and bring it to its knees was to stifle all avenues of British exports.

The start of 1807 saw the United States increasingly finding itself unable to avoid disagreement with the British and French belligerents. French prohibitions on British goods and trade created American anxiety over the prospect of cargos seized in European ports despite American ownership. Britain's employment of illegal blockades and its insistence on the right to board private vessels in international waters and remove sailors suspected of British nativity meant that American foreign commerce faced repeated interruptions and higher labor costs as mariners became harder to keep. None of the practices adopted by the two warring powers were designed to hurt the United States, but as a major commercial carrier the American merchant marine could not avoid damage by these attempts at economic warfare. The lack of respect for American sovereignty and power did not help the young republic's position in negotiations. The Jefferson administration possessed opportunities to reach accords with Great Britain, but the impressment issue provided too large of a stumbling block. As the year pressed on Jefferson would find himself in a position where war seemed

unavoidable and the United States possessed few tools to forge an acceptable accommodation with foreign powers.

CHAPTER 2

Tarnished Honor

In the late summer of 1806, the European war arrived unexpectedly on the coast of the United States. The remnants of a French squadron seeking shelter and repairs from a North Atlantic hurricane entered Chesapeake Bay. The French warship *Cybelle* rested in Norfolk, while the *Patriot* limped up the bay to Annapolis, Maryland for refitting. With a significant prize sheltered in the Chesapeake, the British navy lost no time placing ships at the mouth of the bay to intercept the enemy once he attempted to flee. The Royal Navy anchored a squadron in Virginia's Hampton Roads channel and in Lynhaven Bay, while other warships patrolled just off the coast intercepting and inspecting all neutral commerce. It was soon clear that a battle between foreign navies would most likely transpire just outside of American waters.⁶⁶

The British found their first victim just thirty miles to the south. In mid-September three British warships discovered a heavily damaged French man-of-war, the *L'Impetueux*, moving slowly along the North Carolina coast. With little chance of escape or maneuver, the French crew immediately steered toward the nearby shoreline, hoping to beach the vessel rather than allow it to fall into enemy hands. With little regard for American territorial rights, the British pursued their victim and burned the disabled ship, while taking 430 prisoners.⁶⁷

⁶⁶John C. Emmerson, jr., The Chesapeake Affair of 1807: An Objective Account of the Attack by HMS Leopard upon the U.S. Frigate Chesapeake off Cape Henry, Virginia, June 22, 1807, and Its Repercussions (Portsmouth: Self Published, 1954), 1-2.

⁶⁷*Norfolk Gazette and Publick Ledger*, 18 September 1807, in *ibid.*, 2.

The destruction of the *L'Impetueux* encouraged the British officers waiting in nearby Virginia. Using Hampton Roads as an anchorage, they maintained a squadron large enough to stop the trapped French warships should their crews attempt to slip away. With their ships repaired, the two French captains unsuccessfully probed for opportunities to sneak into the Atlantic. As 1806 faded into 1807, the French crews found themselves seemingly perpetual guests of the United States.⁶⁸

The British learned that cornering the French squadron produced new problems. Nourishing hundreds of sailors required frequent shore parties to purchase fresh water, fruits, and vegetables, and to hunt fowl along the local beaches. Many British mariners used these trips ashore to desert. When officers restricted these excursions, some men judged the American shore within swimming distance and fled their ships.

The fugitives deserted for various reasons. The British navy was notorious for its low pay and cruel discipline. Dozens realized that higher wages awaited them in the American merchant marine or navy. Many serving aboard the British warships were American citizens forced into British service who wanted to return home. The United States did not discourage desertion from the Royal Navy because American merchant ships needed experienced sailors, while the navy constantly looked for seasoned crews.

Responsibility for recovering these deserters fell upon the British consul in Norfolk, John Hamilton. On 6 March 1807, he wrote the Norfolk navy yard commander, Captain Stephen Decatur, requesting the return of William Ware, Daniel Martin, John Strachan, and John Little. The four allegedly deserted the H.M.S. *Melampus* by stealing one of its gigs and rowing ashore. Another sailor named Jenkin Ratford left the sloop *Halifax*, and Hamilton also sought his return. British officers witnessed three of the men enlisting to serve aboard

⁶⁸Ibid., 3.

the American frigate *Chesapeake*, and Decatur was asked to order them back to the *Melampus*. The following day, Hamilton requested the return of two more deserters named John Wilson and John Murphy. Both men were also suspected of entering the American navy.⁶⁹

The Americans refused to return the accused deserters because adults who entered American service freely could not be surrendered. (John Murphy was apprenticed to his merchant captain and returned because of his status as a minor.) Realizing the Royal Navy would persist in its demands for the deserters' return, Commodore James Barron, squadron commander of the crews that had supposedly recruited the fugitives, investigated the identity and location of the men.⁷⁰ After a one-month probe, Barron reported what he had discovered to Secretary of the Navy Robert Smith. Barron determined that William Ware was a native of Maryland who had been pressed aboard a British frigate while serving on an American merchant ship. Ware was also a veteran of the United States Navy. Daniel Martin, a native of Massachusetts, was also pressed into British duty while employed aboard an American merchant ship. John Strachan was a native of Maryland who apparently entered into British service involuntarily while working aboard a British merchantman. He later accepted a cash bounty to volunteer for the Royal Navy.⁷¹

Vice Admiral George Berkeley, commander-in-chief of the British North American station, determined to prevent the deserters from escaping to the American navy, and on the first day of June took action. He ordered the squadron commanders anchored in Virginia to

⁶⁹Hamilton to Decatur and Sinclair, 7 March 1807, in *ibid.*, 5-6.

⁷⁰The rank of captain was the highest grade in the United States Navy. Whenever two or more ships were assigned a task a captain, usually the officer with the most seniority, would command the squadron. This squadron commander held the title of commodore.

⁷¹Barron to Smith, 7 April 1807, in *ibid.*, 7-8.

stop the American frigate *Chesapeake* in international waters and search this public vessel for the men. In an attempt to appear fair, Berkeley authorized a reciprocal search if the *Chesapeake*'s commander requested it. Berkeley specified the *Chesapeake* because he had reports that some of the fugitives "openly paraded in the streets of Norfolk, in sight of their officers, under the American flag, protected by the magistrates of the town, and the recruiting officer of the above named ship [*Chesapeake*]." ⁷²

Commodore Barron knew that British deserters signed on to the *Chesapeake*, but accepted their presence because he needed all the seamen he could find. The *Chesapeake* was scheduled to depart for a long assignment in the Mediterranean Sea. The crew's mission was to join the American squadron already there, and to protect American commerce. One of the ships in this distant squadron, the *Constitution*, was overdue for relief, and Barron needed to reach his new duty station quickly. In addition to Commodore Barron, the *Chesapeake* also carried provisions and the newly appointed consul to the Balearic Islands, Dr. John Bullus.

Barron was a native of Virginia who had served in the United States Navy since its 1798 inception and fought in the Barbary Wars under the command of his older brother, Commodore Samuel Barron. ⁷³ It was then that James Barron drew the enmity of Captain John Rodgers. The younger Barron brother assisted his sibling with his command duties while Samuel recovered from illness. This aid thwarted Rodgers's ambition to command the Mediterranean squadron during Samuel Barron's incapacitation. The bitterness between John Rodgers and James Barron continued to fester after the two returned to the United States, and the months leading up to Barron's 1807 departure were dominated in large part by scheduling a duel with Rodgers. After receiving orders from the secretary of the navy not to fight, the

⁷²Berkeley to the captains and commanders under his command, 1 June 1807, in *ibid.*, 9.

⁷³"James Barron" in American National Biography [database online] available from <http://www.anb.org>

two captains peacefully negotiated a settlement after protracted talks between their seconds. Negotiating the duel and its settlement consumed much of Barron's time and energies, distracting him from preparing for his upcoming assignment.

Although Commodore Barron would command the Mediterranean squadron, Charles Gordon was the *Chesapeake's* captain and the officer responsible for ensuring that the frigate was sufficiently staffed, provisioned, and prepared for any unexpected problems. Gordon joined the navy in 1799 and, like Barron, served in the Barbary Wars. When given command of the *Chesapeake* in January 1807, the young Gordon was elevated to the rank of captain over every other master commandant in the navy. This feat was probably due in large part to Gordon's family. He was the nephew of both Treasury Secretary Albert Gallatin and Congressman Joseph Nicholson.⁷⁴

Problems plagued the American frigate's departure. Barron inspected the ship on 6 June and found that the crew needed more gunners and a carpenter. The commodore did not believe he could leave port until the additional crewmen were signed on.⁷⁵ About two weeks later, on the twenty-first, Barron wrote Navy Secretary Robert Smith saying that Captain Gordon reported the ship ready for sea and planned to depart as soon as the winds allowed.⁷⁶ An anxious Barron finally put the *Chesapeake* underway the following day.

As the frigate moved out to sea it passed two British warships at anchor in Lynhaven Bay. As the Americans continued on, another British frigate, the *Leopard* commanded by Captain Salusbury Pryce Humphreys, began to follow them. By 4:00 p.m. and just nine miles off the Virginia coast, the *Leopard* came within hailing distance. Captain Humphreys

⁷⁴Tucker and Reuter, *Injured Honor*, 88-89.

⁷⁵Barron to Smith, 6 June 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letter 7.

⁷⁶Barron to Smith, 21 June 1807, *ibid.*, letter 23.

requested that the *Chesapeake* stop so that Barron could receive a written communication from him. Barron immediately ordered a halt and a British boarding party quickly approached. Once aboard, Lieutenant John Meade presented Barron with a copy of Vice Admiral Berkeley's 1 June order. Barron knew immediately that he could not allow a British boarding party to muster his crew, as this would violate the executive order issued by President Adams in the wake of the 1798 *Baltimore* boarding. He hastily drafted a note informing the *Leopard's* commander of his refusal.⁷⁷

Within minutes hostilities seemed imminent. As Barron awaited a reply he noticed the British gun crews preparing for action. In response, the commodore ordered the *Chesapeake's* crew to battle quarters, but Barron stipulated no use of drum or bugle (the usual method for calling a crew to quarters). Barron did this to avoid tipping off the sailors aboard the *Leopard* about his intention to defend the ship.⁷⁸

The *Chesapeake* stood little chance of achieving victory in the ensuing battle. The powder magazine was in disarray with only eight cartridges (four full and four half empty) containing any gunpowder. In addition, there was a lack of powder horns (used to prime the *Chesapeake's* cannons), and a dearth of matches and loggerheads used to ignite the ship's large guns. Even had the crew remedied these deficiencies, several of the frigate's cannons were still inoperable because of improper fitting onto the gun carriages. To add to these problems, the decks of the frigate were strewn with lumber, sails, and cables. Before firing, the sailors first had to clear the decks sufficiently to load and discharge their cannons, a process requiring hours that Barron did not have. To make matters worse, most of the

⁷⁷Barron to Smith, 23 June 1807, *ibid.*, letter 25.

⁷⁸*Ibid.*

Chesapeake's crew were new to the ship and drilled infrequently. Only a third of the men reported to their proper battle stations.

The *Leopard's* guns initiated the lopsided mêlée as soon as the boarding party returned, and devastating broadsides followed repeatedly. Within fifteen to twenty minutes the *Chesapeake* was incapable of resisting, and Barron ordered the ship surrendered. During the brief battle, Barron often ordered his men to keep down rather than attempting to return fire. The ship's complement of marines managed to load their muskets, but never fired them because neither Barron nor Marine commander Captain John Hall gave an order to do so.⁷⁹ The Americans answered the overwhelming fire of the British with a single cannon shot seconds before the surrender. American casualties were three killed and eighteen wounded, including Barron, who received a very painful leg wound while standing in the ship's exposed gangway.

A quick inspection of the American frigate began with a second British boarding. Three deserters sought in Norfolk (William Ware, Daniel Martin, and John Strachan) were taken to the *Leopard*, but Humphreys refused Barron's surrender of the entire ship and crew because Great Britain and the United States were not at war. In addition to the three men, the British removed a fourth sailor, Jenkin Ratford, serving under the alias John Wilson. Once the deserters and their captors returned to the *Leopard*, the British warship proceeded back to Norfolk. After a brief meeting of the *Chesapeake's* officers, Commodore Barron determined the frigate unfit to continue its journey, and ordered it returned to Norfolk for repairs.⁸⁰

Bad news continued to mount for Commodore Barron. The day after the engagement, he wrote Secretary Smith that the officers of the *Chesapeake* would probably charge him

⁷⁹Tucker and Reuter, *Injured Honor*, 10-13.

⁸⁰*Ibid.*

with prematurely surrendering his ship. A letter to that effect addressed to Secretary Smith followed quickly. The letter reflected a short but tense post-battle meeting of the ship's officers that transpired shortly after Barron ordered the *Chesapeake* surrendered. During that conference, Lieutenant William Crane opined that it would have been better for the ship to be blown from the water than to suffer such humiliation. Lieutenant William Allen concurred with Crane, calling the surrender an unforgivable act of cowardice that disgraced the United States flag.⁸¹

The *Chesapeake*'s officers closed their message by demanding Barron's arrest for failing to clear his ship for action when an encounter was imminent, and for not defending the frigate to his utmost ability. Six officers signed the epistle, but not Captain Gordon. Barron, for his part, did not question the valor of his subordinates, and vowed to travel anywhere to defend himself as soon as his leg wound healed.⁸²

The scathing letter to Smith did not end the airing of the officers' embarrassment. An exasperated Lieutenant Allen wrote his father about the personal shame he felt over the ship's surrender. The lieutenant desired that the event be erased from his memory, insisting that had a braver commander been aboard, the crew would have followed his lead. Allen claimed that the Americans could have returned a broadside in a mere three minutes and that had this occurred, the *Chesapeake*'s crew would have avenged their fallen comrades.⁸³ Perhaps Allen's emotions distorted his memory, for it is unlikely that the *Chesapeake* was in a position to return fire so soon. It is impossible to assess the effect of such a broadside, but

⁸¹Ibid.,15.

⁸²Barron to Smith, 23 June 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letter 27.

⁸³Tucker and Reuter, Injured Honor, 100-101.

given the condition of the *Chesapeake* at the time of surrender, it is doubtful that the vessel could have survived more than two or three rounds of British fire. Allen's honor might have been less bruised, but his ship might also have lain at the bottom of the Atlantic, all for the sheer sake of appearances.

This letter is an excellent example of the disgust and division caused by Barron's surrender. The poor performance of the American crew embarrassed the navy's personnel in general. Many American sailors believed that Barron's actions reflected on the service as a whole, and that the American public and other navies now believed the United States Navy composed of cowards. But the *Chesapeake's* defeat also divided these same men. Was Allen's opinion of Barron correct, or was it the product of an overwrought mind consumed with shame over the surrender? Was Commodore James Barron a coward who humiliated his country, or was he a prudent commander who refused to waste precious lives in a futile effort to resist a more powerful foe? The small, young navy quickly divided over these questions.

Captain Humphreys also wasted little time reporting the engagement to his superiors. In stating his version of events to Captain John Douglas, commander of the British squadron anchored near Norfolk, Humphreys explained that pursuant to his orders he had hailed the commander of the *Chesapeake* to stop. Humphreys estimated that his ship's distance from the shore was twelve to fifteen miles, thus beyond the three-mile jurisdiction of the United States. Captain Humphreys quickly dispatched an officer to the *Chesapeake*, who promptly showed Barron a copy of Vice-Admiral Berkeley's order to recover the deserters serving aboard the *Chesapeake*. After forty-five minutes, the officer returned with a note from Barron claiming that no crewmen matched the description given by the British, and that the *Chesapeake's* recruiting officers were under orders not to enlist British deserters. Barron

concluded his message by informing Humphreys that only the officers of the *Chesapeake* could muster the crew.

Humphreys claimed that he tried to avoid bloodshed by pleading with Barron to turn over the deserters. When the American ignored his pleas, the British commander ordered a shot across the *Chesapeake's* bow. Because this warning did not produce the desired results, Humphreys ordered a full broadside. Captain Humphreys estimated that the *mêlée* lasted ten minutes before the American flag was lowered and a second boarding party dispatched. While the British claimed the four deserters they sought, Humphreys reported that his officers saw other deserters serving aboard the American ship; however, these fugitives remained aboard the *Chesapeake* because only four names appeared in Berkeley's orders. Humphreys concluded his report by pointing out that he refused Barron's offer to surrender the ship and crew, did not hesitate to offer assistance to Barron, and communicated his regret that violence had erupted.⁸⁴

In Norfolk, newspapers reported detailed accounts of the battle the day after the *Chesapeake* returned. Using an unidentified source, the *Norfolk Ledger* claimed that the *Leopard* fired seven unanswered broadsides into the *Chesapeake*, all while the American frigate seemed incapable of a response. The newspaper maintained that during the clash Barron attempted to hail Captain Humphreys, but his pleas never overcame the noise of battle. The unidentified informant announced that a sole American cannon fired simultaneously with the striking of the American flag. The article closed by claiming that the independence and territorial sovereignty of the United States came under attack, and the

⁸⁴Humphreys to Douglas, 22 June 1807, Emerson, The Chesapeake Affair of 1807, 21-23.

author praised the residents of the city for remaining calm and for not assaulting British nationals as a reprisal.⁸⁵

The citizens of Norfolk reacted swiftly to the battle that occurred in nearby waters. Without awaiting directives from state or federal officials, a committee formed on 24 June to formulate a response. Acting in a manner reminiscent of a Revolutionary-era Committee of Public Safety, this panel had no government sanction but appeared to possess the full approbation of local authorities. It decided that all communication between the town and British warships would cease immediately, and that any local resident violating this order would be deemed an enemy of the United States. The board also forbade local pilots from guiding any British naval vessel into the Chesapeake Bay or Hampton Roads. Finally, the committee called on the mayor to summon the local militia to defend the town and to enforce the resolutions passed by this extra-legal committee.

In addition to these bold moves, the group appointed a second committee and charged it with spreading word of the attack to local communities. This body was similar to the Revolutionary era committees of correspondence, so effective in uniting the colonists against the crown. As a final measure, the panel asked the local port collector to use revenue cutters to disrupt communication between the British consul in Norfolk and the British squadron positioned in nearby waters.⁸⁶

The behavior of the Norfolk citizenry presents a course of action paralleling that of many Americans on the eve of the preceding Revolutionary conflict with Great Britain. Without any official sanction, groups of men stepped outside the bounds of their legal authority and assumed control of the Norfolk area in the face of a possible British attack.

⁸⁵*Norfolk Gazette and Publick Ledger*, 24 June 1807, in *ibid.*, 13-16.

⁸⁶*Ibid.*, 24-25.

While Norfolk's defense rested primarily with the federal government, and secondarily with the state government, quick communication with these officials was impossible, leaving residents to protect themselves and their property.

Fear of a British strike gripped the lower Chesapeake for several days after the battle. On 28 June, the four-day-old committee concluded that a British attack on the neighboring town of Hampton would transpire soon. Upon hearing of the attack on the *Chesapeake*, residents of Hampton destroyed numerous casks of fresh water bound for the crew of the British warship *Melampus*. As a result, the *Melampus*'s commander now feared water shortages, and some officers threatened reprisals if more water was not delivered. To block British aggression, the Norfolk committee requested that Commodore Stephen Decatur, who had relieved Barron on the twenty-sixth and now commanded both the Norfolk navy yard and the *Chesapeake*, equip all gunboats under his command and position them near Hampton. Decatur agreed to do this.⁸⁷

Preparations to repel an invasion intensified in late June and early July. On the thirtieth, the local militia's cavalry troop mustered. The Norfolk citizens' committee also met and called for the repair of the town's dilapidated fort. The group also requested the people of Norfolk and nearby Portsmouth to volunteer their labor to accomplish this, as well as to turn over any quantities of gunpowder they possessed to aid in the area's defense. Finally, the panel proposed punishing any person attempting to sell gunpowder at inflated prices.⁸⁸

As word of the attack on Barron's command spread throughout the country in late June, the public expressed similar sentiments to those felt in southeastern Virginia. A Baltimore newspaper called for men to defend the rights and the lives of their fellow citizens

⁸⁷Ibid., 34.

⁸⁸Ibid., 38.

if Britain did not offer sufficient satisfaction for their offense. The paper professed a desire to avoid war and hoped that if Britain refused to make amends for Humphreys's actions, the United States would point out the vulnerability of British commerce to American raiding. If this reasoning failed, America should not hesitate to attack the British.⁸⁹

The Jefferson administration's organ, the *National Intelligencer*, was more aggressive in its charges. The Washington paper claimed it was irrelevant whether the seized sailors were deserters; no nation possessed the right to search a public vessel in international waters. To add to this insult, the *Leopard* chose to attack the *Chesapeake* as it was leaving port — a time, the *Intelligencer* posited, when Humphreys knew that the crew would be busy stowing their provisions and unable to resist. As a final affront, the *Intelligencer* claimed that the *Leopard* returned to Norfolk and supposedly enjoyed the hospitality of the local population.⁹⁰ (Apparently news of the local citizens' reaction had not reached Washington.)

As June drew to a close, another assault on American honor occurred. On the twenty-ninth, the revenue cutter *Active*, transporting Vice President George Clinton from Washington, D.C. to New York City, received British fire just four miles from Cape Henry, Virginia. The incident occurred just outside of American waters and, as with the *Chesapeake*, involved a public vessel of the United States. This time, however, the government ship carried a prominent federal official. A small British warship pursued the *Active* for five hours and fired repeatedly at the cutter before abandoning pursuit.⁹¹ American leaders interpreted

⁸⁹*Baltimore American*, quoted in 29 June 1807 *New York Post*, 2.

⁹⁰*National Intelligencer*, 29 June 1807, 2

⁹¹Deposition of First Lieutenant John Squire, Second Lieutenant G.R. Rice, and Vincent Smith, American State Papers, Vol. III, Foreign Relations, 10.

this act as further proof that Great Britain held little respect for the sovereignty of its former colonies.

Federal response to the *Leopard's* attack came in early July. On the second, President Jefferson issued a proclamation ordering all British warships and privateers out of American waters, and he forbade any American to either trade with or supply their crews. Jefferson's edict also made it illegal for any pilot to assist these British crews, unless they were departing American waters. The exceptions to this order were any warship in distress, or one carrying dispatches to British diplomats.⁹² Jefferson's proclamation was very provocative. The United States remained neutral in the war between France and Great Britain. By prohibiting British naval vessels and privateers from American waters, the United States was allowing France particular advantages not extended to its enemy. Jefferson's move could have been interpreted as a lapse in neutrality and a shift toward a French alliance.

Tensions around Norfolk mounted on 3 July when Captain Douglas sent a threatening letter to Norfolk mayor Richard Lee. Douglas claimed that he would interdict sea traffic as long as communications between his squadron and the British consulate were disrupted. Captain Douglas considered this interference a hostile act and vowed to protect the integrity of the British flag. He also communicated his intention to stop all commerce in the Chesapeake Bay if his demands were not satisfied. The British commander closed his correspondence by reminding the Norfolk mayor that the controversy involving the *Chesapeake* was a matter between national governments, and that his squadron would anchor in the mouth of the bay (in American waters) until he received the mayor's reply.⁹³

⁹²Ibid., 23-24.

⁹³*Norfolk Gazette and Publick Ledger*, 6 July 1807, in Emmerson, 44.

Mayor Lee's reply came on Independence Day, but it did little to lessen the stress. He asserted that Douglas's letter was menacing and that the people of Norfolk would resist any British attack. Lee pointed out that the citizens' committee was not a government organ, and that as long as these men broke no laws he would not arrest them. (Apparently, the mayor chose not to regard the committee's sanctions and threats as criminal.) Lee did promise Douglas that if his men used any violence, the residents of Norfolk would respond with force. The decision therefore lay with Douglas. As a gesture of good will, the mayor included with his response the latest letters from the British consulate in Norfolk.⁹⁴

While Lee parried with Douglas, Decatur pondered the navy's ability to defend the Norfolk area. The commodore reported to Navy Secretary Smith that repairs to the *Chesapeake* would require three additional weeks. Meanwhile, the British squadron had moved inside the mouth of Chesapeake Bay to stop all water traffic. Decatur confirmed that local residents were under the threat of attack if they did not supply the British mariners with water and food, and that the *Chesapeake* and the *Cybele* were subject to capture if an attack took place. Decatur put little stock in Douglas's threats, as he regarded the British incapable of navigating the local channels. He estimated that their force was too small to overcome the shore batteries, gunboats, and two frigates positioned in the area.⁹⁵ Decatur assumed that Douglas's bullying was a ploy to gain the provisions that his men needed, lest they had to leave Virginia waters to escape thirst and hunger.

⁹⁴Emmerson, The Chesapeake Affair of 1807, 45.

⁹⁵Decatur to Smith, 4 July 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letter 38.

While Decatur prepared to defend the lower Chesapeake, Secretary of State Madison began work on settling the incident through negotiation. Madison wrote James Monroe on 6 July to officially inform him of the matter. As the United States's minister plenipotentiary in London, Monroe was responsible for pressing American claims for reparation and a just punishment for those who ordered the attack. In his letter to Monroe, Madison stressed that an attack on a national ship was unheard of, and that three of the sailors removed from the *Chesapeake* were native-born citizens of the United States who were pressed into British service. Madison believed that a settlement of this outrage should be on American terms and ordered Monroe to demand a formal disavowal of Humphrey's aggression and the speedy return of the four sailors; and in the boldest of moves, Madison wanted Great Britain to renounce impressing any sailors serving aboard an American flagged ship.⁹⁶

Madison's last demand was the most controversial. Receiving a British disavowal would be easy. If the government refused to order its commanders to stop American warships, it followed that repudiating Humphreys's action was elementary. Restoration of the men taken in such an obnoxious manner merely complemented the repudiation. Convincing Britain to renounce impressments from American merchant ships, however, was expecting too much. While the British government never asserted a right to board and remove crew from the public ships of a friendly government, privately owned vessels were another matter. The British government still maintained the right to search and remove men from these ships while in international waters. Given the plentiful resource of experienced seamen that American merchant ships provided the British military, it was unreasonable for Madison to expect such a voluntary sacrifice.

⁹⁶Madison to Monroe, 6 July 1807, American State Papers, Vol. III, Foreign Relations, 185.

Madison's letter to Monroe hinted strongly that war was likely if Great Britain denied all the United States's stipulations. Because of Washington's notoriously hot summers, Congress was not in session and President Jefferson and his cabinet soon fled the city for more comfortable climates, but Madison did anticipate that Congress and Jefferson would be in the capital when word of Monroe's progress was due. If Monroe did not win the concessions Madison outlined, the president would probably seek a declaration of war. With this in mind, Madison informed his envoy that if the British cabinet did not accede to the terms, Monroe was to order all American ships out of British harbors as quickly and as quietly as possible. Presumably, this move would protect American vessels from British seizure. Once this evacuation was complete, Monroe was to inform the American squadron in the Mediterranean of the diplomatic failure.⁹⁷

With Madison's instructions dispatched, the focus of the federal government returned to the situation in southeastern Virginia. The threat of a British attack on Norfolk continued to loom during the first week of July. On the eighth, Decatur notified Navy Secretary Robert Smith that while Captain Douglas claimed that he had no intention to harm the people of Norfolk his words did not match his actions. Unlike before, the American commodore now feared that the British squadron might attack the town and the ships under his command. This reversal came upon the observed removal of excess cargo to lighten Douglas's ships. The assumed motive for this was to enable these war vessels to navigate the shallow waters of Hampton Roads, Lynhaven Bay, and its tributary rivers. If Douglas could maneuver these waters, the surrounding towns and the American squadron would be exposed to attack. In response to this threat, the citizens of Norfolk mounted eight guns at Fort Norfolk while the

⁹⁷Ibid., 184.

crews of the *Chesapeake*, *Cybele*, and four gunboats anchored in the narrow channel between the fort and the town to block any British advance.⁹⁸

Just when Norfolk seemed on the cusp of devastation, documents from Washington, D. C. initiated a gradual reduction of warlike tensions. Delivery of both Jefferson's 2 July proclamation and, more importantly, correspondence from British minister David Erskine inaugurated this lessening of hostile sentiment. Erskine's letter arrived on 6 July, and it strongly requested that Douglas await instructions from London before taking any offensive operations.⁹⁹ A copy of Jefferson's order went to British commanders on the eleventh, and on the following day, two British frigates, the *Bellona* and the *Leopard*, departed. This reduction in force diminished the likelihood of a British assault. These events happened simultaneously with the steady arrival of Virginia militia units called out to defend the coast and enforce the president's proclamation. The militia bolstered the United States's ability to defend its territory, and they reduced Douglas's chances of successfully attacking any land targets.

The militia demonstrated its ability to foil British movements with the capture of a British foraging party. Despite President Jefferson's executive order, the British could not abandon their presence at the mouth of Chesapeake Bay, lest the two French frigates escape to the open sea. Because the sailors still needed food and water no longer procured easily from American suppliers, the Royal Navy began sending personnel ashore to retrieve whatever fresh water and food they could find. On one of these expeditions, Virginia militia patrolling the beaches captured two officers and three sailors. The prisoners were held in local jails until early August, when they were returned to the Royal Navy. In addition to

⁹⁸Decatur to Smith, 8 July 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letter 43.

⁹⁹Tucker and Reuter, *Injured Honor*, 109.

intercepting British personnel, the militia also provided crewmen for Decatur's undermanned gunboats.¹⁰⁰

British desire to avoid a war with the United States, the arrival of Virginia militia, and the Royal Navy's grudging compliance with Jefferson's proclamation slowly nurtured a more peaceful atmosphere. To improve interaction with the Americans, the less bellicose Sir Thomas Hardy replaced Douglas. Hardy immediately took the British squadron out of land's sight and ordered the *Leopard* to Bermuda. This action removed from the eyes of Virginians both a menacing presence and an obnoxious reminder of the June assault. As July slipped into August, the British presence off the Virginia coast decreased but never disappeared. It slowly became evident that war was not on the immediate horizon and that negotiation of a settlement would now become the focus of attention.

In London, work on resolving the crisis with the United States did not begin until word of the *Leopard's* attack arrived in late July. British Secretary of State for Foreign Affairs George Canning informed Monroe of the event in a short note dated 25 July. Madison's instructions had yet to reach Monroe, leaving him on his own until these orders appeared. In his correspondence to Monroe, Canning admitted that details were still sketchy, but he promised Monroe that if the British commander was at fault, Britain would make "prompt and effectual" reparation.¹⁰¹ From the outset Canning seemed to sense that Britain was in the wrong, and that the British would need to placate the United States to avoid adding it to the long list of British enemies. Two days later, Monroe replied that he received Canning's note and expressed confidence that Britain would make suitable reparation if the

¹⁰⁰Decatur to Smith, 19 July 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letter 56.

¹⁰¹Canning to Monroe, 25 July 1807, American State Papers, Vol. III, Foreign Relations, 187.

British commander was culpable.¹⁰² Monroe could settle the controversy as long as he did not make demands that Canning considered outrageous.

Monroe's next encounter with Canning was noticeably harsher. The two diplomats met in person, and Monroe acknowledged that he received word of the attack but lacked official instructions for handling the matter. The American representative believed that settling the controversy should come before discussing any other problems between the countries. In an attempt to place some culpability on the United States, Canning had previously inquired about the nativity of the sailors sought and recovered by Humphreys. If Canning could prove the men were natives of Great Britain, he could partially justify Humphreys's actions as simply retrieving men bound to serve their country. During this exchange, Monroe insisted that the nativity of the crewmen was irrelevant. Britain did not possess the right to board a national ship and remove any personnel.¹⁰³

The American legate continued his condemnation of Humphreys's actions by reminding Canning that an attack on a naval vessel and its crew was an attack on the United States. To add insult to this injury, the *Leopard's* commander ordered a second boarding and removed four American sailors. Monroe pointed out that just hours before, the *Leopard's* crew had enjoyed the hospitality of the United States. He then expressed his conviction that the *Chesapeake* had capitulated because Barron had no reason to suspect an attack by a nation at peace with his own. Despite these more heated emotions, Monroe still expressed a

¹⁰²Monroe to Canning, 27 July 1807, *ibid.*

¹⁰³Monroe to Madison, 4 August 1807, *ibid.*, 186.

desire to settle the matter quickly, and he promised not to mingle previous violations of American sovereignty with this issue.¹⁰⁴

Four days later, Canning responded to Monroe's increased sense of agitation with his own. The king conceded that Humphreys acted negligently, and he also disavowed the forced boarding of the *Chesapeake*. The monarch promised reparations for the families of the slain, for the wounded survivors, and for damage done to the ship. One of the few things the two negotiators still agreed on was not to incorporate other outstanding problems into the negotiations.¹⁰⁵ Monroe soon upset this point of concurrence.

Word of Jefferson's 2 July proclamation did little to improve the chill between Canning and Monroe. Canning wrote to Monroe to verify that Jefferson had indeed ordered British armed vessels from American waters while French warships still enjoyed the neutral's hospitality.¹⁰⁶ (Word of the declaration had not reached Monroe and he could not confirm the report.) The decree posed a serious stumbling block. The United States claimed neutrality, but the British cabinet intimated that if French vessels received sanctuary in American ports while British warships were barred, the United States became a French ally.

While Canning and Monroe sparred in London, the situation in the United States continued to move away from conflict. In early August, President Jefferson, his cabinet, and most of the diplomatic community made their summer flight from Washington, D.C. Their departure indicated that no further movements on the topic of the *Chesapeake* would

¹⁰⁴Monroe to Canning, 29 July 1807, *ibid.*, 187.

¹⁰⁵Canning to Monroe, 3 August 1807, *ibid.*, 188.

¹⁰⁶Canning to Monroe, 8 August 1807, *ibid.*

transpire until autumn. More importantly, the absence of the chief executive and Congress prevented a war declaration by the United States any time soon. This tranquil mood continued throughout the month. The Admiralty recalled the blundering Admiral Berkeley from his post; and as the end of August approached, Commodore Decatur could report that the waters around Norfolk were calm, and that his most pressing problem was an outbreak of influenza.¹⁰⁷ The only noticeable disturbance in Anglo-American relations was the 31 August execution of former *Chesapeake* crewman Jenkin Ratford, alias John Wilson, who was hanged for desertion in Halifax. His death made impossible the American demand for the return of all crewmen removed from the *Chesapeake*.

Much like the war fervor in Norfolk, many American newspaper editors eased their belligerent passions, and Federalist editorials seemed more numerous. An editorial in the *Boston Repertory* argued that the United States should have turned over the sailors to the British authorities when first demanded. The writer claimed that Britain always returned civilian and military deserters from American ships, making it fair that American authorities do the same.¹⁰⁸ An essayist writing to the *United States' Gazette* noticed that in June and July the country and its leaders appeared united and ready to stand up to British transgressions. The departure from the capital of the president and Congress indicated that combat was not in the near future, since both were needed to declare war and finance the conflict. The author argued that negotiation must come first, as peace was preferable to war, and if war did come the United States would suffer because of the military's weak condition.

¹⁰⁷Decatur to Smith, 27 August 1807, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 8, letters 91.

¹⁰⁸*New York Evening Post*, 18 August 1807, 2.

Preparation, he argued, was America's best measure. Preparation for a fight would induce Britain into negotiating an honorable agreement, and if it did not the United States would be in a much stronger position should bloodshed come.¹⁰⁹

By August, Canadian editorials on the matter were also found in American pages. The *National Intelligencer* carried an opinion from the *Montreal Mercury* arguing that the attack on the *Chesapeake* was necessary because it was the only way Britain could claim its deserters. The Royal Navy was Britain's best line of defense and unchecked desertion weakened that line. Britain, the Canadian editor argued, was America's protector, and its navy was the only force standing between North America and French domination. The United States, according to the *Mercury*, should not be ungracious.¹¹⁰

On the other side of the Atlantic, the press could only react to events that were several weeks old. London's *Morning Chronicle* first reported the scrape on 28 July. The editor believed that Barron should have given up the sailors for the sake of peace, but he conceded that Barron was correct in refusing Humphreys's request to search the ship. Had he agreed, America would have lost a degree of sovereignty.¹¹¹

The *Morning Sun* also criticized Humphreys's actions as a violation of national independence. The editor asked Britons to place themselves in Barron's position. Would a royal frigate anchored in Portsmouth allow an American boarding party to muster the crew, question each sailor about his birthplace, and remove accused deserters? To say that Humphreys possessed this right is to say that the Americans also possessed it. Respecting

¹⁰⁹*United States' Gazette*, 4 August 1807, 2.

¹¹⁰*National Intelligencer*, 24 August 1807, 2.

¹¹¹*New York Evening Post*, 17 September 1807, 2.

American dominion, the editor argued, would protect British sovereignty. If Humphreys's behavior went unpunished, the door would open for similar treatment from other nations.¹¹²

The *London Times* appeared more chauvinistic by labeling Berkeley's actions as legal and honorable. Britain first attempted to regain the deserters diplomatically, and when that failed, Humphreys waited for the men to leave American waters and then asked for their return with a polite note. When peaceful methods failed, the *Times* argued, force became necessary.¹¹³

Two days later, the *Times* conceded that a battle between Humphreys and Barron was unavoidable. The editor recognized that both men acted under orders; Humphreys's instructions were to claim the deserters, and Barron's naval guidelines forbade him to allow a foreign officer to muster and remove any of the crew. The London paper did dispute the American claim that Barron was ambushed. The *Times* editor estimated that in the forty minutes between receiving Humphreys's demand and the opening shot, Barron had ample time to clear his decks and prepare his guns for battle.¹¹⁴

A London citizen wrote the *Times* to say that the culpable nation should apologize immediately and end the controversy. Great Britain claimed the men were deserters, while the United States maintained they were native citizens. The writer acknowledged that if the men were pressed into British service, they had the right to desert, but if they volunteered for the Royal Navy, Humphreys had a duty to take them. Based on the truth of their assertions,

¹¹²Ibid.

¹¹³*London Times*, 5 August 1807, 3.

¹¹⁴Ibid., 7 August 1807, 2.

the Londoner postulated, the government that made the unreasonable demands should now make amends.¹¹⁵

The Londoner's attempt to simplify the problem actually misses the point that decides the issue: the greatest offense was the method used to take the men, not their nativity or status with the Royal Navy. Little doubt remained about Jenkin Ratford's birth place or the fact that he deserted the British Navy. Questions remained about whether Ware, Martin, or Strachan volunteered or entered British service by force. Regardless of these details, Humphreys did not possess the right to forcibly board a vessel belonging to the United States government or to remove anyone from it. All governments, including Great Britain's, recognized the sovereignty of a public ship, and by intruding upon the *Chesapeake*, Humphreys violated that dominion.

Hopes to settle the *Chesapeake* attack through negotiations in London began to fade in September. This failure resulted from Monroe's attempt to incorporate other Anglo-American problems into the settlement. This change in scope (which contradicted his original assurances that he would not attach other disagreements with the settlement) came after new instructions from President Jefferson and Secretary of State Madison. Sensing an opportunity to end the noxious practice of impressments aboard American ships, Jefferson, through Madison, instructed Monroe to attach to any settlement an agreement that barred impressment aboard any ship flying the American flag.¹¹⁶

¹¹⁵Ibid., 17 August 1807, 2.

¹¹⁶Monroe to Canning, 7 September 1807, American State Papers, Vol. III, Foreign Relations, 190-191.

Monroe wove in this new demand by reminding Canning that the *Leopard's* attack transpired because the admiralty sought impressed Americans who escaped the Royal Navy's clutches. If impressment aboard American ships ceased, future encounters such as the *Chesapeake* incident would never happen. The American negotiator also stressed the arbitrariness of the Royal Navy's methods. When Britain seized cargo from an American bottom, both ship and cargo first went to port where an admiralty judge rendered a verdict on the confiscation's legality. With a British press gang, on the other hand, a single naval officer served as judge, jury, and executioner, while the accused sailor was guilty of being a British subject until he could prove otherwise. The mariner lost his liberty and entered a life threatening service with no chance of appeal. Even enemy combatants found aboard neutral vessels, Monroe pointed out, had some rights as prisoners of war.¹¹⁷

Monroe apparently believed his words would shame the king's government into accepting a broadened settlement that addressed the impressment predicament. He even closed his note to Canning with such an expectation. Monroe's strategy had defects. The American plenipotentiary undermined his own credibility with this sudden incorporation of outside issues. The move contradicted his previous assurances that such would not happen. This reversal left the appearance that Monroe's word was unreliable. What other last-minute stipulations might he try to attach to an agreement?

A second weakness of Monroe's tact was his lack of consideration for Britain's rights. While his castigation of British impressment practices was justified, he did not offer a remedy for claiming deserters. Americans sometimes volunteered for the British navy to accept an enlistment bounty, only to desert at the first opportunity. It appeared that some of

¹¹⁷Ibid., 190.

the men Humphreys sought may have taken the bounty. Was Britain expected to abandon its pursuit of bona fide deserters who accepted British money and ran? Theoretically, the British navy prohibited impressing known American natives, and the United States's demand for their immediate return was reasonable; however, Great Britain could not renounce its right to claim deserters.

Canning presented Monroe with a spirited reply two weeks later. He began by denouncing Jefferson's July proclamation as a breach of American neutrality, and labeled it an act of hostility. The order gave the French an unfair advantage by offering them sanctuary, while denying the same to British war vessels whose crews might perish or be captured because they could not enter an American port. Since the British government promptly disavowed Humphreys's actions, such an offensive order was no longer necessary. The United States had no reason to fear British warships attacking American vessels in American waters.¹¹⁸

Canning moved next to the nationality of the sailors removed from the *Chesapeake*. The foreign secretary argued that recruiting British subjects into the American navy was no different from merchant captains hiring them. Britain still had a right to their service. The only error committed in the *Chesapeake* matter was the forced return of the deserters. On the other hand, the United States's failure to hand the men over when demanded by the British consul was also an act of hostility, though not as severe as Humphreys's.¹¹⁹

The next item to draw Canning's wrath was the link Monroe drew between the settlement of the *Chesapeake* incident and other outstanding issues. The British statesman

¹¹⁸Canning to Monroe, 23 September 1807, *ibid.*, 200.

¹¹⁹*Ibid.*

expressed shock that, given the great amount of shame the United States professed over this defeat, it now seemed to oppose a quick settlement. Canning reminded Monroe that impressment was an ancient British right and that as long as Americans spoke, dressed, and exhibited similar manners as Britons, unavoidable mistakes by the press gangs would continue. The British navy was facing a grave manpower crisis, making it wrong of the United States to expect London to surrender this age-old entitlement.¹²⁰

Canning concluded by arguing that because Britain disavowed the attack, all that remained for settling the *Chesapeake* incident was setting the amount of damages. If Monroe's instructions bound him to include a renunciation of impressments, further talks were pointless, as Great Britain would never take such a step. Canning did promise to dispatch a special envoy to Washington for the express purpose of reaching a reparation amount for the *Chesapeake*, should the two not reach a settlement in London. The foreign secretary cautioned Monroe that this envoy would settle the monetary damages and nothing else. If Madison or Jefferson attempted to tie impressments or any other disputed subject to this mission, the whole enterprise would fail.¹²¹

Canning's letter to Monroe heralded the end for his European mission. Monroe acknowledged that he was under orders to attach impressment to a settlement of the *Chesapeake* attack, and he also expressed disappointment that Canning did not want to combine other outstanding problems in Anglo-American relations into one agreement. The American minister agreed that failure to include impressment in the agreement rendered further talks pointless. Monroe promised to notify Madison immediately of the special

¹²⁰Ibid., 201.

¹²¹Ibid., 201.

envoy's assignment and why it was now necessary. Monroe closed by defending Jefferson's 2 July proclamation as a method to improve relations with Great Britain by ordering away an irritant.¹²² With that, Monroe's assignment ended. He failed yet again to reach an agreement acceptable to both governments.

Monroe felt frustrated at his inability to improve Anglo-American relations, and he soon embarked for the United States. To his credit, he appeared able to conclude deals with the British cabinet. Both the 1806 Treaty of London and the initial discussions to settle the *Chesapeake* attack were successful. The administration in Washington always seemed to require extra considerations on impressments—demands that London would never accept. Monroe's failures were not so much his as they were Jefferson's and Madison's.

The British attack on the *Chesapeake* was a clear violation of international law that embarrassed the British government. From the genesis of Anglo-American tensions during the 1780s and 90s, this one event came the closest to provoking a war. British naval commanders stationed thousands of miles from their civilian leaders strayed into issues that were in the domain of the Foreign Office, and attempted to recapture deserters by force rather than through diplomatic channels. This resulted in inflaming American sentiment to the point of bellicosity. British officials reined in their naval commanders operating along the American coast to prevent mistakes similar to Berkeley's and Humphreys's from happening again and potentially adding to the long list of Great Britain's enemies.

¹²²Monroe to Canning, 29 September 1807, *ibid.*, 202.

From America's perspective, the British attack on the *Chesapeake* was a humiliating reminder of its own weakness. The European war had moved to within earshot of the Virginia coast, and yet the navy was unable to hold its own. The nation's military seemed somewhat palsied in the days following the attack, while the populace of Norfolk expected devastation. The crisis highlighted the young republic's inability to control its waters, while tarnishing its very honor. One of the United States's most powerful warships capitulated without firing a meaningful shot. The product of Barron's feeble defense was that many in the fledgling navy felt humiliated by his performance, and the officer corps quickly divided between Barron's supporters and his detractors. Although Great Britain admitted guilt and offered compensation, the only remedy that could fully remove this stain was inflicting a similar devastating attack on a British warship.

CHAPTER 3

Mounting Frustrations

The cooling autumn of 1807 reflected the moderating passions of citizens in both Great Britain and the United States. With the growing unlikelihood of war, each nation initiated steps to prevent another *Chesapeake*-like incident. Both countries needed to assess culpability for the attack, while also seeking remedies to their long-standing problems. From the British perspective, the guilt of Royal Navy personnel seemed obvious, making punishment of the officers who orchestrated the attack the easiest path for meting out justice. Great Britain also sought solutions to its other problems with the Americans, but its remedies must weaken its war effort against France. From the American side, necessity dictated punishment for those aboard the *Chesapeake* whose negligence led to the lopsided defeat, but this retribution had to come in a manner that did not enlarge the growing divide within the officer corps. Like Great Britain, the United States was pressed to find answers to its tribulations with foreign powers. (France's blockade restrictions remained almost as troublesome as Great Britain's.) Failure to resolve these problems promised further insults to America's sovereignty that could lead to conflict.

In October 1807, the British government addressed one of the major sources of Anglo-American tension--- the service of British subjects in foreign navies and merchant marines. British deserters tended to flock to the United States flagged ships, which was the

root cause of the *Chesapeake* incident.¹²³ To fix the dilemma, he issued a proclamation recalling all British sailors from service abroad. His order instructed all native-born sailors, pilots, and carpenters to volunteer for the king's navy by making their way to a British port or boarding the first British warship they encountered. The king issued this mandate as an emergency measure because the empire was struggling to survive, and the navy remained its most potent weapon. He thought it unacceptable that the Royal Navy toiled with manpower problems while British sailors labored in the service of others. The monarch reminded his subjects that naturalization did not remove their allegiance to him, and that all British mariners were obliged to serve his navy when directed. Those who obeyed the king's order would receive a pardon for their past evasion of national service. In an obvious reference to the still unresolved *Chesapeake* controversy, King George forbade British naval commanders from removing his subjects from foreign warships, but he still sanctioned their removal from merchant ships. In his proclamation, the king stipulated that if a naval commander suspected that a subject served aboard a neutral warship, the officer should ask the captain of the vessel to grant the man's release. If denied, the British commander should report the matter to the British minister serving in the nation that owned the warship.¹²⁴

King George's proclamation served two purposes. First, it called in all Britain's maritime manpower; and second, the declaration placed the United States in the unenviable position of either harboring criminals (British subjects who ignored their king's summons to

¹²³American ships were popular with British sailors because they paid higher wages than either the Royal Navy or the British merchant marine. British mariners could serve under the flag of a neutral without the barriers of language or unfamiliar customs. Deciding whether to serve in the American merchant marine or in the United States Navy presented a dilemma. Serving aboard a merchant ship offered both higher wages and the almost certainty of eventual impressment by the Royal Navy. Serving in the United States Navy promised lower wages but an almost certain protection from the press. While accurate estimates are hard to establish, most British sailors probably chose the American merchant service rather than the navy.

¹²⁴A Proclamation by the King, 16 October 1807, American State Papers, Vol. III, Foreign Relations, 25-26.

serve) in the American navy and merchant marine, or barring those sailors from service aboard desperately understaffed American ships. In 1807, blockade and commerce raiding remained Britain's only avenue for breaking French power. The demands of such a project required every sailor possible. This was evidenced by the Royal Navy's vicious impressment methods, which included seizure of native-born Americans, who could provide service while their pleas for freedom slowly worked through government channels. Now that the king had officially called on all his maritime subjects (even those who had acquired American citizenship) to return for duty, any Britons found aboard American ships would be criminals. If the United States prevented their return or assisted their evasion of duty, America would be in complicity with lawbreakers. King George cleverly crafted his proclamation to reclaim as many seamen as possible, while also placing the United States in the odious role of abetting offenders.

While the king combated the problem of subjects serving aboard foreign ships, President Jefferson prepared to lead Congress on a path he hoped would lead to international respect and accommodation with the warring powers. In late October, Congress assembled for a special session per executive order. Jefferson issued the call on 30 July while American blood ran hot for a response to the *Leopard's* attack. By the time Congress assembled, support for a conflict had evaporated. Coastal communities depended on overseas trade, and the British Empire remained the United States's primary foreign market. These commercial interests would strongly oppose any war declaration and turn to the Federalists for support.

As Congress gathered for the special session, a naval board of inquiry determined that a court martial of Commodore Barron was warranted. The board believed him negligent of not preparing the frigate for battle. As evidence, the panel noted that he assumed command

on 6 June, yet visited the ship only twice before sailing. During this time, the ship's guns were never tested, the crew was quartered aboard ship for only a few days, and a mere three battle drills took place. While Captain Charles Gordon reported the *Chesapeake* ready for sea on 17 June, Barron did not come aboard until the day before departure. The panel members doubted that Barron knew his command would undergo a search before leaving Norfolk, but they did think that as the ship left port, the sudden activity in British flag communications and the maneuvering of the *Leopard* should have tipped off the veteran officer to the likelihood of a battle. The panel added that the crew could have better prepared the warship for the impending exchange while Barron spent nearly forty-five minutes dealing with the first boarding party.¹²⁵ The board of inquiry also concluded that Barron was slow and inefficient in ordering the crew to its battle stations. Given the men's greenness, it was unreasonable to expect them to respond to the call to arms without confusion, yet Barron did not take this into account as he slowly organized for the engagement. Finally, the council believed Barron behaved in a manner that dispirited his men. He repeatedly ordered them to keep their heads down instead of returning fire, and then surrendered the ship when its guns were minutes away from firing.¹²⁶

As a result of these conclusions, President Jefferson ordered a court martial of Commodore Barron, Captain Gordon, head gunner William Hook, and Marine Captain John Hall, commander of the ship's complement of marines. Secretary of the Navy Robert Smith selected eleven members for the court martial and scheduled it to begin on 4 January 1808.¹²⁷

¹²⁵Opinion and Report of the Court Inquiry into the Causes of the Surrender of the *Chesapeake*, 4 November 1807, *ibid.*, 22.

¹²⁶*Ibid.*, 23.

¹²⁷Tucker and Reuter, *Injured Honor*, 162-163.

This group's responsibility included leveling blame for the disaster, and it would have to pursue conclusions and punishments with tact, as well as justness.

While Congress sought ways to retaliate against European insults, and the American navy prepared for the crucial court martial of those believed most responsible for the *Chesapeake's* defeat, the British cabinet unintentionally widened the breach with the United States. The cabinet issued a new Order in Council in November 1807. The fiat came in response to France's Berlin Decree, which proclaimed a blockade of British ports. Although the Berlin Decree did little to bottle up those ports, it did remove large amounts of British goods from the European market through confiscation on continental docks. To counter this move, the new Order in Council mandated that all neutral ships bound for Europe stop first in a British controlled harbor for a cargo inspection to ensure that no material helpful to France's war effort (commonly referred to as military contraband) made it to areas in Europe under French control. In addition, the order required merchant captains to pay a customs duty and purchase a trade license before continuing on to the Continent.¹²⁸ As the largest neutral carrier, these restrictions seemed designed primarily for American merchants.

The new order came not only as a result of France's plan to harm the British economy by reducing merchants' profits and driving up insurance rates; it also derived from domestic pressure that influenced the cabinet's decision to issue the new edict. British merchants claimed that driving neutral commerce from the West Indies was the only way to prevent their bankruptcy. The British government further justified the measure as a protective tariff, and as an incentive for neutrals to stand up to Bonaparte's illegal Berlin Decree. France

¹²⁸Bemis, *A Diplomatic History of the United States*, 149-150.

clearly could not blockade the British Isles with its navy, rendering the Berlin Decree a paper blockade and illegal according to international law. While Britain's blockade of northern Europe was also a paper blockade, command of the seas gave "the ruler of the waves" the luxury of enforcing its own illegal measures while denouncing those of its enemies.¹²⁹

The new orders created numerous problems for American merchants and their government. Great Britain continually altered the definition of what it construed as military contraband. Items such as cotton had little direct use in combat, yet Britain initially forbade its transport to Europe. Paying British customs and purchasing a license drove up the cost of goods delivered by American ships and also trampled on United States sovereignty. American leaders believed their flag protected freight traveling under it. Requiring American flagged vessels to stop first in a British port to pay crown duties reduced America's status to that of a colony.

The 1807 Orders in Council strengthened support for Jefferson's less belligerent response to British depredations. When the president realized that insufficient support for war remained, he recommended outlawing all foreign trade. Word of the new Orders in Council reached Washington just as Jefferson's proposal sped through Congress. Hesitant congressmen supported his proposal as suitable retaliation for the new British law.¹³⁰ Jefferson's request cleared Congress in four days, and this haste produced the poorly drafted Embargo Act. The reasoning for the legislation rested on the president's argument that violations of American commerce and impressment aboard American ships could not take

¹²⁹Erskine to Madison, 23 February 1808, American State Papers, Vol. III, Foreign Relations, 209-210.

¹³⁰Burton Spivak, Jefferson's English Crisis: Commerce, Embargo, and the Republican Revolution (Charlottesville: University Press of Virginia, 1978), 102.

place if those vessels were not at sea. Furthermore, keeping American vessels from foreign ports prevented American goods, ships, and sailors from falling into enemy hands should war erupt. Additionally, with America's neutral commerce no longer aiding the belligerents, both sides would hopefully agree to respect the United States's rights and avoid future conflicts.

Jefferson's embargo strategy possessed numerous possibilities. The embargo served as a potent tool for attacking Great Britain by breaking its economy. Though the embargo prohibited all foreign trade; British control of the Atlantic already stifled American trade with continental Europe. Jefferson hoped that complete absence of American commodities would compel the British to renounce their blockades and seizures in exchange for American goods. Britain seemed likely to concede because its West Indian colonies needed American produce and British industries relied on American raw materials for its success.¹³¹

The embargo could also serve as a weapon against France. Though France did not possess the naval power of Britain, French privateers and lone naval vessels helped themselves to American merchantmen. Bonaparte's decrees also resulted in the seizure of some American goods in continental ports. France acted as much a trade enemy to the United States as Great Britain and the removal of the few American goods that made it to Europe could compel Napoleon to end his hostile policies.¹³²

The shortcomings of Jefferson's solution appeared almost immediately. American commerce and sailors did not disappear from the world's sea lanes quickly. The new legislation allowed American captains to sail to foreign ports to retrieve goods they claimed

¹³¹Lawrence S. Kaplan, "Jefferson, the Napoleonic Wars, and the Balance of Power," *The William and Mary Quarterly* 14 (1957): 199-201.

¹³²Thorp Lanier Woford, "Democratic-Republican Reaction in Massachusetts to the Embargo of 1807," *New England Quarterly* 15 (1942): 40.

had been bought before the act became law. Over 600 merchant ships left with American merchandise in their holds to barter for these commodities.¹³³ Because intra-coastal trade remained legal, many ships left port fully laden, under the guise of visiting another United States harbor, only to rendezvous with foreign vessels in international waters to transfer the cargo. Captains found it simpler to leave American seaports and claim that bad weather blew their vessels into foreign ports. Naturally, merchants argued, they sold the ship's cargo there rather than risk another dangerous voyage. Despite these evasions, the embargo resulted in an economic downturn as American goods struggled to reach lucrative markets, and American sailors and naval craftsmen vainly searched for employment. Ironically, many of these unemployed Americans volunteered for British naval or merchant service, thus negating one of the embargo's goals of keeping American mariners out of the British navy.¹³⁴

The Embargo Act met approval in Paris and London. Though first disappointed that the United States did not declare war on Britain in the wake of the *Chesapeake* affair, Napoleon soon welcomed the move as a complement to his plan to dominate European markets.¹³⁵ Great Britain also benefited because, as most of the American merchant marine remained idle, Britain's quickly replaced it. A glut in inventories soon disappeared and the British economy improved.¹³⁶

¹³³Bradford Perkins, Prologue to War: England and the United States 1805-1812 (Berkeley: University of California Press, 1968), 162-163.

¹³⁴Ibid., 204.

¹³⁵Ibid., 166.

¹³⁶Ibid., 167.

France's unforeseen 1808 invasion of Spain further weakened the embargo. This surprise move shifted Spain from the French camp to the British, resulting in a new alliance that coupled with revolts against Spanish rule opened new markets to British merchants that summer. The embargo removed the United States from competing for Spanish trade, and British ships soon dominated Spanish ports throughout the Americas. This in turn further strengthened the British economy and neutralized any parliamentary opposition to the 1807 Orders in Council.¹³⁷ The opening of Portuguese markets further weakened the embargo by giving Britain a new source for cotton-- the Portuguese colony of Brazil.¹³⁸ As the American economy faltered as a result of the embargo, the British economy blossomed because of it. The U.S. failure either to retaliate in the face of British insults or to bring Britain to an accommodation through economic restrictions produced the perception of a weak and easily manipulated United States.¹³⁹

France further disrupted America's ability to trade when Bonaparte issued the Milan Decree in December 1807 to counter Britain's November proclamation. The order complemented the 1806 Berlin Decree and increased the Continental System's effectiveness. The new French edict declared that any neutral captain who complied with Britain's new Order in Council, or who allowed a British boarding party aboard his vessel, would subject his ship to seizure once it arrived in a French controlled port.¹⁴⁰

¹³⁷Louis Sears, Jefferson and the Embargo (Durham: Duke University Press, 1927), 272.

¹³⁸Jeffrey Frankel, "The 1807-1809 Embargo Against Great Britain," *Journal of American History* 42 (1982): 297.

¹³⁹Perkins, Prologue to War, 174.

¹⁴⁰Hickey, War of 1812, 18.

The new measure placed American merchants and their employees in an almost impossible position. If a captain complied with the British fiat, his ship and cargo stood a better chance of crossing the Atlantic because of Britain's overwhelming naval superiority. Only the occasional French warship or privateer stood in his way. Unfortunately, once the vessel crossed the ocean and cleared British inspectors and the ship owner or captain paid the requisite fees, he still could not sell the cargo in Europe because France would immediately seize the craft and its merchandise on entering a continental harbor. On the other hand, if a merchant house chose to trade with continental Europe by ignoring the British law, the likelihood of a capture of ship and cargo increased because of the Royal Navy's blockade. Theoretically, the sanctions of Britain and France did not harm Americans because the embargo kept American ships in home waters, but many merchant houses quickly recognized the fallibilities inherent in the embargo, and American vessels continued to traverse the oceans. For the United States, the problems associated with foreign trade policies refused to go away.

Public attention returned to the *Chesapeake* incident in January 1808, when the court martial of Barron, Gordon, Hall, and Hook began in Norfolk. Littleton Tazewell, the Norfolk attorney who had presided as judge advocate over the board of inquiry, again served in that capacity. Robert Taylor acted as defense council for Barron. Secretary Smith's selection of board members created a new debate. John Rodgers, a well-known detractor of Barron, served as president of the board. In addition to Rodgers, Stephen Decatur, an outspoken critic of Barron in the weeks following the attack, also sat on the panel. Decatur pleaded repeatedly with Smith for a dismissal because of his harsh feelings toward the accused, but the secretary refused Decatur's request, as few officers equal to Barron's rank were available. The

remaining members of the court martial, Captains William Bainbridge, Hugh Campbell, and John Shaw, demonstrated no apparent ill will toward Barron or any of the accused.

The court martial's composition created more controversy with the appointment of officers of inferior rank to Barron. Master Commandants John Smith and David Porter, as well as Lieutenants Joseph Tarbell, Jacob Jones, James Lawrence, and Charles Ludlow all held ranks inferior to Barron's and, with the exception of Smith and Porter, were subordinate to Gordon too. Questions surrounded their integrity in rendering a verdict, given that these men could have had prior disagreements with the accused or anticipated promotion from their superiors if they extended leniency to Barron. Smith justified the board's composition because the navy's small size allowed him few officers to spare from essential duties while serving at the court martial. Although his excuse seemed plausible, the board's composition also indicated the Jefferson administration's hope for an outcome that would condemn the accused, while also meting out soft punishments to soothe the young navy's wounded honor.¹⁴¹

Testimony began with four of the *Chesapeake's* lieutenants and the frigate's sailing master. All had signed the inflammatory letter calling for Barron's prosecution. Not surprisingly, each gave an unflattering recollection of the commodore's performance. While differing in a few details, the five presented very similar versions of the confrontation. Lieutenants William Crane, William Henry Allen, Sidney Smith, and Sailing Master Samuel Brooke agreed that the *Leopard's* lower deck gun ports remained open as the warship approached. This should have tipped off Barron to the coming trouble; normally these would remain closed to keep water out of the ship's bottom. The three lieutenants agreed that

¹⁴¹Tucker and Reuter, Injured Honor, 163.

Barron's halting the ship's drummer as he beat to battle quarters produced confusion among the green crew, leaving many unsure of what to do. The lieutenants also asserted that the *Chesapeake* could have resisted longer, and that Barron's quick surrender proved his failure to protect his ship and crew.¹⁴²

Gordon's testimony followed that of the lieutenants. Because the captain also faced prosecution from the same board, he received protection from self-incrimination and refused to answer many of their questions. Gordon stated that both he and Barron never anticipated the Leopard's opening fire. Barron noticed the British frigate's movements and commented on them to Gordon; however, the idea that the British would attack a neutral warship seemed unfathomable to both commanders. The captain verified that Barron encouraged his men to fight, and to his knowledge never uttered words to the contrary. Gordon criticized Barron's lack of preparation for the ensuing battle. He claimed that the *Chesapeake* could have been cleared for battle within twenty minutes, twice the time Barron spent discussing Humphreys's demand with Lieutenant John Meade, commander of the British boarding party. Barron never ordered preparation for battle until after Meade left, and Gordon claimed he failed to do so because his past experience led him to assume that once the British politely made their demand they would leave peacefully.¹⁴³

In analyzing Gordon's testimony, one should remember that he also faced criminal charges. The command structure aboard the *Chesapeake* dictated how the navy would

¹⁴²Proceedings of the General Court Martial Convened for the Trial of Commodore James Barron, Captain Charles Gordon, Mr. William Hook, and Captain John Hall, of the United States Ship *Chesapeake* in the Month of January, 1808 (Washington: Jacob Gidion, 1822), 25, 26, 31, 38, 48, 50, 51, 53, 54, 70, 71, 76, 96.

¹⁴³*Ibid.*, 100, 101, 107, 115-120.

prosecute the ship's leaders. Barron was the squadron commander and Gordon the *Chesapeake's* commander. This distinction was key. Barron's responsibilities encompassed the efficient execution of his squadron's duties. The squadron was dispersed throughout the North Atlantic and Mediterranean, and would operate under his direction once he arrived at a suitable station in the Mediterranean. Gordon commanded only the frigate *Chesapeake*, and that ship's preparation lay solely with him, not with Barron. If the court martial exonerated Barron, it would most likely condemn Gordon for the *Chesapeake's* defeat. Given these factors, Gordon had to calculate carefully what he said. If he harshly criticized Barron and Barron won an acquittal, the commodore might exact revenge on the now exposed Gordon. If Gordon painted too complimentary a picture, Barron might escape all punishment and Gordon would probably receive all the blame.

After Gordon concluded his testimony, the *Chesapeake's* midshipmen were questioned. Their youth and inexperience limited the scope and expertise of their testimony. Much like their senior commanders, the junior officers never anticipated hostilities until the last moment. The midshipmen agreed that no one believed a battle would transpire. Their testimony further supported the premise that the *Chesapeake's* crew never expected a battle with the *Leopard*.¹⁴⁴

With the completion of the officers' testimony, Barron presented his defense. Basing his argument in part on the prescribed duties of each vessel's commander, he reminded the board that it was Gordon's responsibility to prepare and maintain the *Chesapeake* for action. Barron justified his failure to anticipate hostilities by reasoning that because the United States was at peace with Great Britain, there was no reason to regard the *Leopard's*

¹⁴⁴Ibid., 125-131, 145-165.

movements as menacing. Even after reading Humphreys's note, Barron still doubted his hostile intentions and calculated that he possessed sufficient time to prepare for battle. It was only after Lieutenant Meade returned to the *Leopard* that Barron noticed the ship's guns trained on the *Chesapeake*. At this point, Barron organized for a confrontation, but he sought to do this stealthily to prevent agitating the British. For this reason, Barron ordered the ship's drummer to cease beating to quarters.

Barron concluded his defense by arguing that the *Chesapeake's* defeat resulted from a combination of the crew's poor discipline, its lack of expertise at battle stations, and his opponent's greater firepower and size. The lone individual responsible for ensuring that the crew was in better shape was Gordon. Barron maintained that once the battle began he could not sustain suitable resistance and ordered the *Chesapeake* surrendered to save lives.¹⁴⁵

Barron's defense strategy rested on shifting as much blame as possible onto Gordon. Barron's stance had some merit. As ship's captain, Gordon was responsible for the condition of the vessel and the crew. Before leaving Norfolk, he reported the *Chesapeake* ready for its mission. These facts do not exonerate Barron completely. As squadron commander, he was still responsible for the execution of the duties assigned to his subordinates. Barron knew he was departing aboard the *Chesapeake*, and he was aware that Gordon had never before commanded a vessel of the *Chesapeake's* size and strength. Barron should have more closely monitored the ship's preparation and the quality of the crew and armaments. Both men failed because neither imagined such a swift attack, as their testimony demonstrated. The nation was at peace when the *Chesapeake* left port, and there was no reason to expect a sharp change in foreign relations. The prospect of using the ship's guns so soon did not enter

¹⁴⁵Ibid., 269-292, 299-300, 313-314.

anyone's mind. While many could argue the logic of Barron and Gordon's failure to anticipate hostilities, national humiliation over the *Chesapeake's* feeble resistance meant that the navy had to find scapegoats. The court's responsibility lay in determining who would receive the heaviest penalty for the disgrace.

On 8 February 1808 the court martial exonerated Barron on all charges except one: failure to perceive and prepare for an imminent engagement. The panel agreed with Barron that the *Leopard's* maneuvering with its lower deck gun ports open did not indicate that a battle would ensue; however, the board believed that Meade's note should have alarmed Barron enough to prepare the ship for combat. Barron received a five-year suspension from the navy without pay.¹⁴⁶

Within days of rendering Barron's verdict, the court martial did the same for the three remaining defendants. The board convicted Gordon of failing to prepare his ship and crew for battle, and for erroneously reporting his ship and crew ready for duty. Given this verdict, the panel apparently accepted Barron's argument that Gordon bore responsibility for the *Chesapeake's* poor performance once the engagement began. The punishment meted out, however, seemed trifling. Gordon received a private reprimand from the secretary of the navy.¹⁴⁷

Reasons abound to explain why Gordon received such a minor penalty. The administration and the navy hoped to limit the embarrassment and the bitterness triggered by the humiliating defeat. The president and Secretary Smith also wanted to limit the public's exposure to their poor policy decisions. The inadequate state of the *Chesapeake's* armaments

¹⁴⁶Ibid., 331, 334-335.

¹⁴⁷Ibid., 453-454.

and crew largely resulted from reductions in naval appropriations and overextending the small navy. Quickly trying and then lightly punishing Gordon would probably limit the public's ability to learn of these errors. Gordon's family connections also helped him. The captain advanced to his command over others with greater seniority. It is reasonable to assume that relatives and friends aided his promotion. These same people would not have allowed him to bear the brunt of condemnation for the *Chesapeake's* performance.

The court martial judged Hall guilty of negligence. This conviction stemmed from his failures to equip his personnel. Like Gordon, Hall received a reprimand from the secretary of the navy.¹⁴⁸

Hook received the harshest punishment of all the defendants-- permanent dismissal from the navy.¹⁴⁹ Like Gordon and Hall, Hook was convicted of negligence-- and as with Barron, suffered the humiliation and financial strain of forced departure from the service; but unlike Barron, there was no timetable for his return. Of the four, Hook possessed the fewest patrons within the navy or government. His rank did not merit an officer's commission, and he was the lowest ranking crewman to be charged. If the navy needed a defenseless scapegoat, Hook fit the bill. On the other hand, the Americans' most glaring weakness during the battle was their inability to fire the *Chesapeake's* guns. Had the deck been cleared of supplies, many guns would still have remained improperly mounted, and the equipment for igniting the cannons was inadequate. Hook failed to prepare the *Chesapeake's* guns for an encounter.

¹⁴⁸Ibid., 476-478.

¹⁴⁹Ibid., 494-496.

With the court martial concluded, public attention again turned to settling the *Chesapeake* incident as Madison and Britain's special envoy, George Rose, attempted to find a compromise. Rose arrived in Hampton Roads in December 1807. Appointed in the wake of Monroe's failure to conclude the issue in London, the thirty-seven-year-old Rose was a Member of Parliament, a veteran of the British diplomatic service, and the son of a prominent British statesman. Controversy ensued immediately upon Rose's arrival aboard a British warship. The president's proclamation of 2 July remained in effect. The federal collector in Norfolk immediately questioned the legitimacy of Rose's ship entering American waters. After almost ten days of inquiry with Washington authorities, the vessel proceeded to Annapolis where Rose began his overland journey to the capital.¹⁵⁰ This embarrassing reception set the tone for subsequent talks.

Rose triggered an impasse by presenting an unexpected stipulation for initiating his negotiations— rescission of Jefferson's 2 July order barring British warships and privateers from American waters. Rose justified this requirement by arguing that Britain's quick repudiation of Humphreys's actions, coupled with its swift promise of compensation, rendered the fiat both unnecessary and a breach of American neutrality. Britain's gestures proved its good faith in fixing the problem. Unfortunately, Rose argued, the United States adopted a hostile policy despite British goodwill. Jefferson's unnecessary action offended the government. Rose confidently predicted that once the president withdrew the proclamation, his mission would speedily and successfully conclude.¹⁵¹

¹⁵⁰Emmerson, *The Chesapeake Affair*, 95.

¹⁵¹Rose to Madison, 26 January 1808, *American State Papers*, Volume III, Foreign Relations, 213.

Rose further defended his demand by noting the king's efforts to resolve some of the remaining problems in Anglo-American relations. He pointed to the king's October proclamation recalling British subjects to naval service. This measure, Rose claimed, was designed to placate the United States. By calling his maritime subjects to their duty, the American merchant marine should be void of any sailors subject to impressment. Once this process was completed, the United States need not worry about removals.¹⁵² The British representative exaggerated the proclamation's potential. British cruisers would remove sailors from merchantmen as long as additional manpower was needed and the Royal Navy could get away with it. Neither the shortage of sailors nor the similarities between British and American men disappeared with a stroke of the king's pen. Rose seemingly calculated that claiming the October proclamation solved the impressment problem would disarm the secretary of state. Given the British belief in American weakness, such a strategy is not surprising.

Madison responded to Rose's demand by defending the prohibition. The secretary of state argued that Jefferson's order served as a remedy for the ill will resulting from numerous British incursions into American waters. Madison recounted that in the summer of 1804, a British frigate had sailed into New York harbor, boarded a merchant vessel anchored in American waters, and removed both passengers and crew for British naval service. London rewarded the frigate's commander with a promotion to command a ship-of-the-line. Months later, another British warship trespassed into American waters and attempted to stop an American vessel by firing a warning shot that resulted in the death of an American crewman. A British court acquitted the commander of the warship. Finally, Madison brought up the

¹⁵²Ibid.

burning of the French warship *Impetueux* in September 1806. Not only did this destruction take place along a North Carolina beach, but when the attacking British squadron reached Hampton Roads, its commander refused to release impressed American crewmen.¹⁵³

Madison stressed the July order's necessity because these instances, combined with Douglas's threat to attack Norfolk in the days after the *Chesapeake* mêlée, required prohibiting the Royal Navy from American waters. British personnel behaved too provocatively, and the best way to avoid future transgressions was to remove the irritants.¹⁵⁴

The secretary of state next expressed shock that Britain demanded a rescission of the order before proceeding with the talks. It seemed that the victim must first placate the guilty before the guilty made amends. While the United States did not require resolution of all the ongoing controversies in Anglo-American relations, it did require a satisfactory settlement of the *Chesapeake* attack before ending the prohibition.¹⁵⁵

Madison's exchange spelled the end of Rose's mission. On 17 March, the negotiations to settle the *Chesapeake* incident terminated. Rose insisted that his instructions required a withdrawal of the 2 July proclamation before he could make his offer. Since this repeal did not appear likely, he saw no other alternative but to return home.¹⁵⁶ In concluding his assignment, Rose insisted that Great Britain attempted to reach an agreement quickly. As soon as word of the attack reached London, his government offered a settlement to Monroe, who refused it because of the omission of a prohibition on impressment. The government

¹⁵³Madison to Rose, 5 March 1808, *Ibid.*, 214.

¹⁵⁴*Ibid.*

¹⁵⁵*Ibid.*, 216-217.

¹⁵⁶Rose to Madison, 17 March 1808, *Ibid.*, 217.

quickly disavowed Humphreys's actions and later ordered his subjects to leave American vessels. Monroe's rebuff combined with the proscription of British warships from American waters to shock the ministry. Although Great Britain dispatched a special envoy to Washington, the exclusion of British warships blocked Britain's desire to conclude an agreement. Great Britain regarded the order as a breach of American neutrality. These moves should have convinced the United States that no more boardings of public vessels would take place, rendering Jefferson's order unnecessary. But they did not. The continued barring of British warships from American waters indicated either that the United States sought retaliation or did not accept the king's word in good faith. This left the British government with no choice but to end the mission.¹⁵⁷

The failure of Rose's mission placed in limbo yet another problem between the United States and Great Britain. From the British perspective, the king and cabinet did all anyone could expect. The government repudiated the violation of a public ship and its crew, punished Captain Humphreys, and authorized suitable reparations for the offense committed against the United States. Failure to conclude the matter rested with the Jefferson administration. The president's insistence on tying impressment to the settlement prevented Great Britain from making final amends. From London's viewpoint, Great Britain behaved reasonably and was rejected; any future initiatives must come from Washington.

From the American side, Great Britain still remained responsible for initiating future talks. Madison instructed the American minister in London, William Pinkney, to entertain an offer so long as there were no preconditions — the only exception being the promise of a revocation of the 2 July injunction upon approval of a settlement. The secretary of state also

¹⁵⁷Ibid., 217-218.

stipulated that any settlement include the return of the sailors seized from the *Chesapeake*, the payment of an indemnity to the families of the deceased crewmen and compensatory damages to the wounded, and, finally, the promise of a suitable punishment of Captain Humphreys.¹⁵⁸ For the time being the *Leopard's* attack would remain another festering sore.

Failure to resolve the *Chesapeake* controversy reflected Jefferson's ineffective policies, and the collapse of the embargo further underscored his futile measures. While Madison and Rose haggled, the American embargo continued to flounder. By April 1808, few Americans possessed any confidence in the Embargo Act's ability to compel Great Britain and France to ease their oppressive blockades. After four months, the law had brought nothing but unemployment, a struggling economy, and increased smuggling. The measure survived only because of a surprising amount of support in the southern and mid-Atlantic states. Most southerners supported Jefferson's measure out of deep devotion to him and the Republican party. Those in the Mid-Atlantic States backed the embargo because it fostered domestic industry. New York and New England, on the other hand, opposed the law because it damaged their economies the most.¹⁵⁹

The embargo hurt upstate New York and western New England because many of the area's farmers sold their products to Canadians, who in turn shipped the commodities to lucrative West Indian markets. The Embargo Act prohibited exportation via overland routes, thus barring farmers from legally selling many of their goods. Along the coast, the great merchant houses of New York City and New England saw their ships rot at their moorings, while their debts mounted because of the dearth in trade. Initially, New England Republicans

¹⁵⁸Ibid., 221.

¹⁵⁹Sears, Jefferson and the Embargo, 66-68.

defended the embargo by arguing that it encouraged frugality by removing “luxuries” from the market, and that it protected the property of the small merchant and farmer from foreign seizure. The only victim, the Yankee Republicans claimed, was the wealthy speculator. But once the New England economy began to weaken, Republican leaders such as Massachusetts Governor James Sullivan attempted to soothe discord by issuing trade certificates allowing commodities such as flour to move toward border towns for almost certain smuggling into Canada.¹⁶⁰ The trade ban hit New England the hardest, and it is not surprising that stiff resistance soon erupted.

Open rebellion against the Embargo Act began in western New York during the summer of 1808. In the town of Oswego, residents refused to obey the law and attempts by overwhelmed federal and local authorities to halt exports to Canada were ineffective. When President Jefferson requested that Governor Daniel Tompkins use state militia to quell the disturbance, he refused, asking instead for a few highly publicized prosecutions rather than employing New York voters to enforce a deeply unpopular law.¹⁶¹

New Englanders’ opposition to the Republican sponsored measure expanded into movements for disunion. By the winter of 1809, the Federalist party claimed a great deal of popular support that had once belonged to the Republicans. The loss of trade, combined with the growing dominance of the Republican party by southerners and westerners, drove many New Englanders into the Federalist camp. Large-scale opposition made the embargo unenforceable in New England, as many merchants illegally traded with nearby Canada. Dissatisfaction with Jefferson’s policies spawned talk of separating the New England states

¹⁶⁰Wolford, “Democratic-Republican Reaction in Massachusetts to the Embargo of 1807,” 44-45, 53.

¹⁶¹Sears, Jefferson and the Embargo, 93-94.

from the United States to form a new country that would openly trade with Britain.¹⁶² This frightful news increased anxiety that the nation might fall apart unless the federal government quickly changed tack.

As Jefferson's presidency entered its final weeks, so too did the embargo. The European powers never suffered the economic collapse Jefferson predicted, but the American economy and union teetered on disintegration. Though Great Britain suffered significant losses, the nation staved off economic collapse by taking advantage of newly opened Spanish and Portuguese markets that provided enough raw materials to allow British industry to survive long enough for American will to break.¹⁶³ France too discovered that it possessed enough resources through conquest and smuggling to survive without American trade.

James Madison, Jefferson's hand-picked successor, won the 1808 presidential election, primarily by carrying southern, western, and Mid-Atlantic states that did not depend on overseas trade for prosperity. Madison prepared to continue the diplomatic struggle that had dominated most of his energies as secretary of state. Devoid of any fresh ideas, the president-elect relied on tactics, seemingly identical to those of Jefferson. Great Britain offered a small ray of hope when it promised repeal of the Orders in Council, if the United States agreed to trade exclusively with the British Empire. Unfortunately, London attached a caveat that rendered the offer unacceptable. It required that the United States permit the Royal Navy to search and seize any American vessels suspected of violating American law by trading with France.¹⁶⁴ The proposal would reduce the United States to its former

¹⁶²Ibid., 139.

¹⁶³Frankel, "The 1807-1809 Embargo Against Great Britain," 291.

dependent status within the British Empire. Jefferson quickly rejected Britain's offer, while the proposition increased American animosity because of its insulting nature. The Republican-led Congress chose to replace the Embargo Act with the Non-Intercourse Act-- a new measure aimed at restoring trade and hopefully winning diplomatic concessions.¹⁶⁵

The Non-Intercourse Act made its way through Congress in the closing weeks of Jefferson's final term and became law on 1 March 1809. The measure repealed the failed Embargo Act and opened trade with all nations except Great Britain and France. The new legislation differed from the Embargo Act by allowing American merchants to do business in countries that remained neutral, or had allied with either France or Britain but refrained from disrupting America's foreign trade. Even though Napoleon indirectly controlled Russia and Denmark, American merchant ships could legally call on ports in these nations because neither had demonstrated hostile trade policies. The new law also prohibited either nation's warships from entering American waters. As an inducement to stop seizing American merchant ships not carrying war contraband, the legislation promised to resume trade with the first belligerent that agreed to respect America's neutral rights.¹⁶⁶ This new provision placed the onus on London and Paris to decide who would enjoy exclusive trade rights with the United States.

Within weeks of the act's passage, David Erskine, Britain's minister to the United States, offered the trade concession that America desired. Erskine announced that his nation

¹⁶⁴Perkins, Prologue to War, 211.

¹⁶⁵Instrumental in replacing the embargo with non-intercourse was a faction of dissident Republicans commonly referred to as the "Invisibles." This loose coalition was dissatisfied with the leadership of Jefferson and his disciples, most notably Madison. Ironically, this dissident faction supported repeal of the embargo as a measure to preserve Republican unity in the face of a Federalist resurgence in New England. John S. Pancake, "The Invisibles: A Chapter in the Opposition to President Madison," *Journal of Southern History* 21 (1955): 27.

¹⁶⁶Perkins, Prologue to War, 231.

would rescind its Orders in Council effective 10 June. In response, the new secretary of state (the former navy secretary), Robert Smith, declared that the United States would resume trade with Britain at that time.¹⁶⁷ Unfortunately, the apparent breakthrough rested on shaky ground. Three months previous, British Foreign Secretary Canning specifically ordered Erskine to accept no agreement that did not include American acceptance of both the Rule of 1756 and, more notoriously, Britain's right to search and seize American merchant ships violating the American ban on trade with France.¹⁶⁸ By ignoring the stipulations of his superior, Erskine sealed the fate of his own accord.

News of the Erskine Agreement infuriated Canning. After a prolonged cabinet debate in which some members argued for accepting Erskine's terms, Britain's government rejected the plan and Canning formally disavowed it. The cabinet's refusal not only prolonged the ongoing diplomatic struggle with the United States, but it also spelled the end of Erskine's work in Washington. The much-adored minister, who seemed to be one of a few British diplomats capable of successfully negotiating with the Republicans, was soon recalled from his post and replaced with the less congenial Francis James Jackson, who himself lasted only a few months as British minister to the United States before his own sour temperament led President Madison to request another representative of the British government.

Canning's rebuke triggered resentment and feelings of humiliation in the United States. President Madison, furious at apparently being duped, now called an emergency cabinet meeting to decide his next move. The hastily assembled cabinet determined that Canning's rejection of the Erskine Agreement left the United States with no other alternative

¹⁶⁷Ibid., 212.

¹⁶⁸Ibid., 211.

but to suspend trade with Britain yet again. In a mere four months the United States went from euphoric relief that commerce with “the ruler of the waves” would resume to hatred over the arrogant stipulations attached by the British government.¹⁶⁹

To compound the tension already existing between Washington and London, the 1810 rebellion in the Spanish province of West Florida created new problems. The province’s boundaries were defined by the Perdido River in the east, the Gulf of Mexico and the United States Territory of Orleans to the south, the Mississippi River to the west, and the thirty-first parallel to the north. Included in this region were the cities of Baton Rouge and Mobile. Spain assumed title to West Florida in 1783, but the area contained few Spaniards and developed slowly under Madrid’s rule. The unsettled condition of the Spanish government, brought on by Bonaparte’s 1808 invasion, decreased what little support the territory received from the Spanish Empire. By 1810 West Florida was Spanish in name only as immigrants from the United States poured into the region and agitated for union with their former country.

The United States had already claimed West Florida as part of the 1803 Louisiana Purchase. Both the Jefferson and Madison administrations argued that because West Florida originally belonged to the former French colony of Louisiana, it was included in the purchase. Spain refused to transfer title to the United States, reasoning that even though the area may have been formerly attached to the colony of Louisiana, it had been separated from

¹⁶⁹Madison relied on a cabinet that was far from unified, making it difficult for him to act on a solid strategy in foreign policy. When forming his cabinet the outgoing secretary of state wanted to turn the department over to his trusted associate Albert Gallatin. With Gallatin’s exit from the Treasury Department the Invisibles pushed for the appointment of Navy Secretary Robert Smith, the younger brother of Invisible leader Senator Samuel Smith. Distrusting Smith’s abilities to handle his new job, Gallatin asked Madison to retain him at Treasury and the position of secretary of state went to Robert Smith as an act of appeasement to the Invisibles. Smith often differed with Madison and the cabinet, and the problems caused by his brother Samuel and his allies were not forgotten. Pancake, “The Invisibles,” 27-28.

the colony during subsequent British and Spanish administrations. Attempts to negotiate the disagreement failed, and President Madison believed it unwarranted to take possession by force.

In September 1810, a rebellion led mainly by American settlers began in Baton Rouge. The small Spanish garrison offered little resistance, and the rebels quickly declared all West Florida a free republic governed under a constitution similar to that of the United States. The new government swiftly requested annexation by the United States. In proffering this request, the West Floridians threatened to seek protection from an unnamed foreign power (most likely France) if the United States refused their request.¹⁷⁰ Given that the United States government believed it already owned the region, and acting out of fear that the land might be lost to another rival, the Madison administration ordered the occupation of West Florida. The province joined the United States on 27 October 1810, while Madison defended the move as adhering to the provisions of the 1803 Louisiana Purchase.¹⁷¹

Because Spain could not support or defend its colony, its authorities in Mobile agreed to the American occupation as a preferable alternative to rebel rule. The Spanish governor requested American annexation and offered his own troops' assistance in securing the area for the United States.¹⁷² Within three months West Florida went from a mostly ignored Spanish colony to the newest addition of the United States, all with the acquiescence of local Spanish officials.

¹⁷⁰The President of the Convention of Florida to the Secretary of State, 10 October 1810, American State Papers, Vol. III, Foreign Relations, 395.

¹⁷¹ Proclamation of the President of the United States, 27 October 1810, *Ibid.*, 397-398.

¹⁷² Governor Folch to Smith, Secretary of State, 2 December 1810, *Ibid.*, 398.

Great Britain quickly denounced Madison's decision to take possession of West Florida. British opposition came as a result of London's commitment to assist its Spanish allies in foreign affairs. Because Spain did not have a stable government, no authority could legitimately claim to speak for the Spanish people. Most of Spain's diplomatic corps supported the Iberian insurrection against French occupation; thus, Spanish envoys relied on their British allies for help in dealing with other nations. While Spanish officials in West Florida may have grudgingly accepted American annexation, Spanish representatives in London did not, and these men quickly pressed the British government to protest the American seizure.

On 15 December 1810 the British chargé d'affaires in Washington, John Morier, expressed British displeasure with the American occupation and offered his assistance in crafting an accommodation between the United States and Spain.¹⁷³ Morier acknowledged the controversy over the territory's ownership, but he ignored previous attempts to settle the matter and professed not to understand why the United States failed to negotiate with Spanish representatives. Morier claimed that the presence of American soldiers in West Florida amounted to an act of hostility toward a nation struggling for its existence against French oppression. He closed by offering Britain's assistance in mediating an agreement between Spain and the United States, and he also requested a written clarification of American intentions regarding West Florida. Secretary of State Smith evasively replied two weeks later that the United States minister in London, William Pinkney, would communicate any explanations of the matter to the British government.¹⁷⁴ When the American embassy in

¹⁷³With the August 1810 recall of Francis Jackson no British minister resided in the United States until the arrival of Augustus Foster in July 1811. During the interim Morier served as chargé d'affaires.

¹⁷⁴Morier to Smith, 15 December 1810, and Smith to Morier, 28 December 1810, *ibid.*, 399-400.

London failed to do this after months of waiting, Great Britain lodged a formal protest against the seizure of West Florida.¹⁷⁵

Britain's opposition did not deter the United States and American possession of West Florida proceeded smoothly. In January 1811 the Madison administration issued benign instructions for the ongoing occupation. Spanish laws, administrators, and property titles were to remain in place, all West Floridians could practice the religious beliefs of their choice, those Spanish garrisons that surrendered peacefully were to remain unmolested, and American military commanders were to evict any foreign military presence.¹⁷⁶

As relations with the English continued to deteriorate, tensions with France likewise did not improve as Napoleon ordered the seizure of American commerce as retaliation for the Non-Intercourse Act. In March 1810 Bonaparte issued the Rambouillet Decree, which directed port authorities to confiscate every American ship found in any French controlled port. This announcement came in part as retaliation over America's refusal to trade directly with France, but also as a measure to strengthen the Continental System. With the repeal of the Embargo Act, American merchants resumed trade with European states such as Denmark and Prussia. Given France's indirect control over most of continental Europe, American merchants actually traded in nations heavily influenced by Napoleon. The emperor refused to allow American commerce to flourish under his nose while the United States refused to trade directly with France. After the Rambouillet Decree, dozens of surprised merchant captains found their ships and cargos arbitrarily seized by local authorities. Not only did the hapless

¹⁷⁵Foster to Monroe, 2 July 1811, *ibid.*, 542-543.

¹⁷⁶The Secretary of State to General George Matthews and Colonel John McKee, 26 January 1811, *Ibid.*, 571.

Madison administration seem incapable of moving the two belligerents toward recognizing American trade rights, but it now appeared that the United States was a powerless nation good only for insult and plunder.

The Non-Intercourse Act lasted fourteen months but failed to entice either Great Britain or France to abandon their policies concerning neutral commerce. The law contained almost as many loopholes as the Embargo Act, and it served more as a means to ease the economic and political problems caused by the embargo rather than as an instrument to influence British and French trade policy. Britain's disavowal of the Erskine Agreement and the news of the Rambouillet Decree proved that the measure had failed to win any concessions. One reason for the law's failure was its inability to harm the belligerents' economies. Once an American ship left for a foreign port, it could change course and head to a French or British harbor. A ship bound for Oslo could just as easily wind up in London or Bordeaux. Gaining American goods was no different than before the Embargo Act. The main value of the measure was its face-saving utility in the wake of the embargo's collapse.¹⁷⁷

To address the failures of the Non-Intercourse Act, the Republican-led Congress crafted yet another new law, Macon's Bill #2. After numerous drafts and maneuvering, the new law replaced the Non-Intercourse Act in May 1810. Since trade with the belligerents happened anyway, the new bill authorized trade with both. For the first time since the attack on the *Chesapeake*, American law did not prohibit any type of foreign trade. A special provision in the law promised that the United States would suspend trade with the enemy of the first belligerent to agree to end its illegal blockades and unlawful seizures. To avoid provoking either power, Macon's Bill #2 gave the recalcitrant belligerent three months to

¹⁷⁷Perkins, Prologue to War, 232-233.

rescind its illegal blockade before the trade prohibition went into effect. The Republicans seemed to have stumbled upon the right combination to win concessions in either Paris or London, or both.

France appeared to respond to the incentives in Macon's Bill #2 with the duplicitous Cadore letter. Issued in August 1810, the Cadore letter promised to revoke the Berlin and Milan Decrees as they applied to the United States, effective 1 November 1810. The letter however, did contain a very suspicious proviso. For the repeal to take place, the United States had to compel Great Britain to abandon its Orders in Council and "cause their [American] rights to be respected by the English."¹⁷⁸ Napoleon sought either to open his ports to the outside world via American shipping, or to induce the United States to declare war on his enemy.

Madison's response to Napoleon's announcement stretched the limits of any statesman's credibility. The beleaguered president, who for years had unsuccessfully sought an end to European depredations of American commerce, chose to accept the letter as proof that France repealed its obnoxious decrees. On 2 November 1810 the president declared that France satisfied the terms of Macon's Bill.¹⁷⁹ Great Britain still had time to enact a similar order, but in February 1811 the United States banned British imports as no accommodation appeared forthcoming.

The Cadore letter did not end French seizures of American vessels. These continued for several months under the guise of local laws and bureaucratic red tape that allowed

¹⁷⁸Ibid., 246.

¹⁷⁹Ibid., 249.

French authorities to continue pillaging in their own ports.¹⁸⁰ Madison (who perhaps hoped the Cadore letter would give the United States the leverage necessary to persuade Britain to end its Orders in Council) struggled in the ensuing months to justify his pronouncements in the face of blatant French treachery. To compound his problems, the president now dealt with a British ministry that viewed his acceptance of the Cadore letter as a thinly veiled economic attack on Britain. The United States appeared to be another satellite of France. British diplomats in London and Washington argued that the French Decrees obviously remained in effect, and steadily produced reports of French seizures to back their assertions. Madison refused to budge. He had only a few straws to cling to, but he insisted that his administration had finally reached a settlement in the matter. Many within Madison's administration complained that he was tricked, and that accepting the legitimacy of the Cadore letter tarnished the nation's honor. This rift resulted in the forced resignation of the controversial pro-British secretary of state, Robert Smith. He left office in April 1811 and Madison's former protégé, James Monroe, replaced him.¹⁸¹

Tiring of Madison's justifications for accepting the Cadore letter, the British cabinet ordered the Royal Navy to initiate reprisals. During the spring of 1811, seizures of American merchant ships increased dramatically. Even more disturbing to the United States, many of these seizures took place just miles off the American coast. While British commanders carefully avoided violating the United States's three-mile jurisdiction, many cruisers

¹⁸⁰Ibid., 253-254.

¹⁸¹The removal of Smith as secretary of state probably went deeper than mere disagreement over the Cadore letter. The Invisibles acted as noticeable irritants to the Madison administration (they helped defeat Gallatin's 1811 request to renew the Bank of the United States's charter) and Smith's removal seemed appropriate. Replacing the secretary of state with Monroe, a reconciled disciple of Jefferson and Madison, would strengthen the unity of the Madison cabinet. Pancake, "The Invisibles," 33.

patrolled the coastline and hovered near busy American ports, taking cargos that only loosely fitted the definition of contraband.

Perhaps more infuriating to many Americans, a sudden increase in impressments aboard American merchant ships accompanied these seizures. British officers interdicting American trade helped themselves to crewmen who might be of use on their warships. Many of these kidnapped mariners served on vessels sailing from one American port to another, and their abduction increased the sense of vulnerability among coastal residents. One of the more infamous impressments involved a Massachusetts native named John Diggio-- a carpenter on a coasting vessel who was forced into British service when the frigate H.M.S. *Guerriere* stopped his ship just outside American waters. Reports of Diggio's capture quickly circulated in American newspapers, leading to public demands for his release. Exasperated American officials now had to deal with impressments taking place within eyeshot of the American shore and in a heated atmosphere of public howls for protecting American sailors and liberating them from the Royal Navy.

CHAPTER 4

The Encounter

By May 1811 American frustration over Britain's trade and impressments neared a breaking point. For six frustrating years, attempts to persuade London to abandon practices many Americans considered illegal met with failure. To compound this problem, rumors persisted that British traders in Canada stirred increased restlessness among the tribes of the Northwest, while the United States Navy still tried to live down the humiliation of the *Chesapeake's* performance in 1807. The triumph of young, bellicose Republicans (nicknamed War Hawks) in the 1810 congressional elections reflected Americans' increased aggravation. The War Hawk victory indicated that unless Britain ameliorated its treatment of the United States, armed conflict would ensue. Given these circumstances, every reported act of impressment, seizure of merchant cargo, or delay in negotiation increased the chances of a violent eruption that could trigger a war.

From the British perspective, the United States appeared as a pawn of Napoleonic France. Federalist propaganda and political gossip circulated the belief that the Republicans soon hoped to strike a military alliance with France. President Madison's bewildering acceptance of the Cadore letter as France's legitimate renunciation of illegal seizures certainly strengthened that perception, and increased British frustrations. The United States seemed too illogical to deal with, but too menacing to ignore. If American leaders simply adhered to British trade policy, then its merchants and their suppliers could enjoy the prosperity of neutral trade. But the American government refused, instead spurning British commerce in exchange for empty French promises. Great Britain wanted to bring the Americans to heel, but could not risk a North American war while the fate of Europe

remained questionable. Given America's refusal to trade, much less accept British regulations, the London government believed it held only one viable option: to disrupt American commerce in international waters until the Madison administration agreed to be reasonable. With each passing month, anger and anxiety brought on by the breakdown in diplomacy increased, and in May 1811, the crisis nearly boiled over.

By confiscating American cargoes as punishment for refusing to import British goods, the Royal Navy forced American commanders to increase their vigilance along their own shores. Consequently, the small American navy constantly trained for conflict, looked for ways to improve protection of merchant ships off the coast, and enforced territorial sovereignty by driving British cruisers from American waters. This in turn exacerbated the growing problems between the two nations and meant that a naval engagement was a likely way to start a war.

As one of the navy's senior leaders, Commodore John Rodgers received a large degree of responsibility for ensuring that the United States protected its coast and commerce. Rodgers joined the service in 1798, fought against the Barbary corsairs, almost dueled with Commodore James Barron and later presided over the latter's court martial, and frequently led squadrons on routine cruises. In 1811, the frigate *President* served as his flagship, and the port of New York City functioned as his home port. This eleven-year-old warship mounted fifty-four guns and possessed a reputation for speed and easy handling.¹⁸² These qualities served well in the pursuit and battling of enemy vessels, which gave Rodgers confidence in the capabilities of his ship.

¹⁸²John Schroeder, Commodore John Rodgers: Paragon of the Early American Navy (Gainesville: University Press of Florida, 2006), 77.

In April 1811 Rodgers sailed the *President* to Annapolis, Maryland for maintenance and training. He expected, as he wrote to Secretary of the Navy Paul Hamilton, that the *President* would “cruise around station” on or about the nineteenth of that month.¹⁸³ Upon completion, Rodgers planned to dock in Annapolis so he could visit his family in nearby Havre de Grace and take care of personal business in Baltimore. The commodore intended to stay in Maryland until mid-May and then sail the *President* up the Delaware River and have its copper hull cleaned of crustaceans that impeded the craft’s speed.¹⁸⁴

An urgent message from Hamilton interrupted Rodgers’s plans. The navy secretary ordered Rodgers to take the *President* to New York City as soon as possible. Alarmed by reports that foreign warships and privateers interfered with American merchantmen off the coast of New York, Hamilton directed Rodgers to return immediately to disperse the raiders.¹⁸⁵ The *President* left Annapolis on the tenth, but unfavorable winds prevented him from reaching the mouth of Chesapeake Bay until four days later when the *President*’s crew stopped to aid the *Madison*, a commercial vessel from Baltimore that had lost its anchor. On the following day, the crew helped another private vessel, the *Sussex* of New York.¹⁸⁶ After

¹⁸³Rodgers’s station consisted of the area encompassing Long Island Sound, the Long Island shore line, the port of New York City and its nearby anchorage of Sandy Hook, New Jersey, the New Jersey shore, Delaware Bay, which served as the entrance to the port city of Philadelphia as well as a hiding place for foreign warships and privateers, the Delmarva Peninsula coastline, and the Virginia Capes. The Virginia Capes consist of Cape Charles lying at the northern entrance of Chesapeake Bay and Cape Henry situated at the southern entrance.

¹⁸⁴Rodgers to Hamilton, 9 April 1811, Letters Received by the Secretary of the Navy From Captains, 1807-61. Reel 21, letter 177.

¹⁸⁵Hamilton to Rodgers, 6 May 1811, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, United States Navy Department, Washington, D.C. Reel 9 Vol. 9, 348.

¹⁸⁶Rodgers’s Report to the Secretary of the Navy, 23 May 1811, American State Papers, Vol. III, Foreign Relations, 497.

lending aid to these private vessels, Rodgers ordered the *President* into the Atlantic to resume its trip north.¹⁸⁷

On the morning of the sixteenth, the crew of the British sloop *Little Belt* spotted a “strange sail” in the distance and pursued it for identification— as they were in search of the British frigate *Guerriere*.¹⁸⁸ One month previous the sloop’s commander, Arthur Bingham, received orders to head south toward Charleston and locate the larger *Guerriere*. Once Bingham found the ship, he was to deliver correspondence to its captain and then proceed with him in accordance with the sealed orders.¹⁸⁹

Shortly after noon the lookouts aboard the *President* spotted the *Little Belt*’s sail to the east. Within an hour the faraway ship was close enough to allow the Americans to identify the craft by the shape of its sails as a British warship. Rodgers ordered his commodore’s pendant raised to announce the *President* as an American warship. The British mariners soon turned southward, presumably after seeing the pendant raised.¹⁹⁰ When Rodgers noticed the British ship breaking off its intercept, the commodore ordered a pursuit to ascertain its nationality, size, and name. By 3:30 p.m. the *President* had closed the distance

¹⁸⁷The events of 16 May are shrouded in some controversy. The commanders of the *President* and *Little Belt* related what happened during that anxious day in written reports to their superiors. With the noticeable exception of the details involving the exchange of fire, their memories corroborate the two accounts with only slight variances in time of day. Both commanders’ versions are presented here to establish each man’s side-- these being the same official reports that the United States and Great Britain used to argue their nation’s position during the subsequent negotiations.

¹⁸⁸A sloop of war in the British Navy was designed in a similar fashion to a frigate but was usually smaller in size, had only one deck, and was armed with fewer guns. The defining distinction, however, was the rank of the vessel’s commander. A sloop was led by an officer holding the rank of commander, while an officer possessing the higher rank of captain commanded a frigate. Theoretically a vessel could be a frigate on one cruise and a sloop of war on another dependent upon the rank of the commanding officer. Smyth, The Sailor’s Word-Book, 633. The *Little Belt* possessed less firepower than a frigate.

¹⁸⁹Rear Admiral Sawyer’s Instructions to Commander Bingham, 19 April 1811, American State Papers, Vol. III, Foreign Relations, 475.

¹⁹⁰Rodgers’s Report to the Secretary of the Navy, 23 May 1811, *ibid.*, 497.

separating the two ships so that the upper half of the British craft's stern was visible from the deck of the American frigate. At that point the wind slackened and the breadth between the ships remained constant, which prevented the American commander from either identifying the size of his quarry or confirming its nationality.

By 1:00 p.m. the *Little Belt*'s officers determined that the distant sails belonged to a warship, most likely a frigate, heading eastward. Bingham attempted to contact the vessel, but finding his signals unanswered, concluded it was an American frigate "as she had a Commodore's Blue Pendant flying at the Main." Bingham ordered the British flag raised and turned the sloop south to reach Cape Hatteras, North Carolina before proceeding to Charleston.¹⁹¹ Bingham soon noticed the American frigate's pursuit and attempted to communicate with his chaser through the same system of flag communication tried earlier. Unfortunately, the British signals differed from the Americans' and Bingham's efforts again went unanswered. By 6:30 p.m. he perceived that the trailing ship was gaining on the *Little Belt* and would most likely overtake his vessel before sunset. He had hoped to outrun his pursuer until nightfall and use the cover of darkness to elude whoever was following him; but this option no longer seemed viable. Bingham still believed the other vessel was American, and he ordered the ship halted and the British ensign again raised while plenty of daylight remained for the Americans to see that he was not an enemy. Bingham also ordered the *Little Belt*'s guns loaded in case the frigate proved to be a French warship.¹⁹² Rodgers claimed that around 7:15 p.m. he saw the vessel raise a flag but by that point the sunlight had grown too dim to identify the nation it represented. Rodgers's observation brings up a critical point: the

¹⁹¹Commander Arthur Bingham to Vice Admiral Herbert Sawyer, 21 May 1811, in The Naval War of 1812: A Documentary History, William S. Dudley, editor, Volume I (Washington: Naval Historical Center, 1985), 41.

¹⁹²*Ibid.*, 42.

lack of daylight added to the uncertainty felt by both commanders. As the two ships maneuvered in the fading light, there was not enough time remaining for the commanders to identify each other, which heightened the degree of tense insecurity felt by both crews.

By 7:45 p.m. the *President* was within a mile and a half of the *Little Belt*. To more easily communicate with the ship's commander and to help identify his own craft, Rodgers tried moving parallel to the British vessel. As he did, Bingham's crew took evasive action to prevent the *Little Belt* from receiving potentially devastating broadsides. This maneuvering lasted until 8:20 p.m. when the *President* was finally seventy-five yards away from the *Little Belt* — thus offering the Americans their first glimpse of the other ship's side. In the dimming twilight Rodgers and his crew misjudged the shadowy figure to be a frigate.¹⁹³ In his after-action report to Navy Secretary Hamilton, Rodgers explained this mistake by stating that the *Little Belt* “has the appearance of a frigate, and would always be taken for such from the view we had of her during the chase.”¹⁹⁴

According to Rodgers, he hailed Bingham first and demanded the name of his ship. Bingham apparently did not distinguish what Rodgers said and replied with the similar question, “What ship is that?” After a fifteen-second pause and without responding to Bingham's request, Rodgers again asked the British commander to identify his vessel. The *Little Belt* responded to this second call with a single cannon shot, damaging a portion of the *President*'s topmast. Marine Captain Henry Caldwell informed the stunned Rodgers of the

¹⁹³Rodgers's mistake in estimating the size of an opposing vessel did not end with the *Little Belt*. As Rodgers's biographer John Schroeder notes in Commodore John Rodgers: Paragon of the Early American Navy, the commodore garnered a lackluster combat record during the War of 1812 due in part to repeatedly misjudging the strength of his opponent. This flaw oftentimes led Rodgers to avoid combat with ships weaker than his own or to waste hours pursuing an enemy only to turn away when he realized he was sailing against a stronger adversary.

¹⁹⁴Rodgers's Report to the Secretary of the Navy, 23 May 1811, American State Papers, Vol. III, Foreign Relations, 498.

assault. Before Rodgers could order a retaliatory shot, one of the *President*'s cannon delivered the response. The *Little Belt*'s crew then fired three cannons and a full broadside of musketry. Rodgers believed the first shot fired by the British was an accidental discharge, but he assumed that the full broadside was an attempt by the British commander to gain glory by attacking a warship erroneously judged to be no greater than his own.¹⁹⁵

Bingham's version of the encounter's opening moments differs considerably from Rodgers's. The British commander interpreted Rodgers's aggressive maneuvering shortly before the exchange as an effort to position the *President* so that its guns could rake the *Little Belt*. Three times Bingham successfully frustrated the Americans' game, but by 8:15 p.m. the opposing ship was parallel to the *Little Belt* and within hailing distance, but barely enough sunlight remained to identify the pursuing vessel. Bingham requested the name of the mysterious craft before he was asked to identify the *Little Belt*, but his hail met only with the call that he identify his own warship. When Bingham offered a second hail, not only did he fail to receive a reply, but the opposing ship unleashed a full broadside. Bingham then ordered his own guns to return fire and a general exchange commenced.¹⁹⁶

Rodgers claimed that once the battle began an initial exchange lasted four to six minutes. Based on the "feeble opposition" of the *Little Belt*, the commodore soon determined that his opponent was of inferior strength and ordered a cease-fire. After a pause of approximately four minutes the *Little Belt* again opened fire. In the second exchange the *President*'s forward lower shrouds were cut off and the forward lower mast damaged. This

¹⁹⁵Ibid.

¹⁹⁶Bingham to Sawyer, 21 May 1811, Dudley, ed., Naval War of 1812, 1:42.

second exchange, according to Rodgers, lasted three to five minutes and ended when Rodgers ordered another cease-fire.¹⁹⁷

After the second termination of gunfire Rodgers again asked the British commander to identify his craft. This time, Rodgers learned that the ship belonged to the British Navy but he could not discern its name. Rodgers ordered the *President* to pull away, but the crew lit several lanterns so the *Little Belt*'s men could call on the Americans for help.

According to Bingham, the firing lasted forty-five minutes when the American vessel ceased its barrage and appeared to be afire near the main hatchway. The American ship pulled out of range of the *Little Belt*'s guns and Rodgers again asked Bingham to identify his craft, which the British mariner did. Bingham claimed that Rodgers inquired if the British had struck their colors (signifying their surrender). Bingham denied that he surrendered and requested and received the opposing warship's identification. The response confirmed for Bingham that he had faced a United States frigate.¹⁹⁸

At dawn on 17 May the *President* approached the *Little Belt* from several miles away and it was soon clear why the battle was so one-sided. The *Little Belt*, with only twenty guns and a displacement of 460 tons,¹⁹⁹ was much smaller than the *President*, which displaced 1,576 tons and mounted fifty-four guns.²⁰⁰ Rodgers sent a boarding party under Lieutenant J. Orde Creighton to learn the name of the ship and its commander, determine the damage, and inform the captain of how much Rodgers regretted the incident. Creighton also offered

¹⁹⁷Rodgers's Report to the Secretary of the Navy, 23 May 1811, American State Papers, Vol. III, Foreign Relations, 498.

¹⁹⁸Bingham to Sawyer, 21 May 1811, Dudley, ed., Naval War of 1812, 1:42.

¹⁹⁹J.J. Colledge, Ships of the Royal Navy (London: Greenhill Books, 1987), 203.

²⁰⁰Dictionary of American Naval Fighting Ships, Volume 5. James L. Mooney, chief editor (Washington, D.C.: Navy Department), 371.

assistance to the British crew.²⁰¹ At 9:00 a.m. Creighton returned to the *President* and reported the British ship's name and commander to Rodgers. The lieutenant explained that Bingham "politely declined" any assistance because he had the necessary material for repairs, and that he estimated suffering twenty to thirty casualties, including some fatalities. Conversely, the Americans suffered only one casualty, a cabin boy wounded in the arm.²⁰²

Bingham's recollection of the morning after the engagement differs slightly from Rodgers's. Bingham held that at dawn the American ship maneuvered toward the *Little Belt* and by 8:00 a.m. was in hailing distance. The Americans asked to send a boat to the *Little Belt* and Bingham agreed. The boarding crew identified themselves as coming from the American frigate *President* under the command of Commodore John Rodgers. The officer in charge of the landing party (Lieutenant Creighton) expressed his regret for the incident and declared that had the American crew known the *Little Belt* was half their size they would not have fired. Bingham inquired why they had fired, and Creighton responded that the British had shot first. Bingham acknowledged the American's offer of help, and that Creighton advised him to put into the closest American port for repairs, but Bingham declined the offer and the advice.²⁰³

Bingham surmised that the *President's* commander planned to engage any British ship with whom he came into contact. Given the way Creighton apologized, and that the Americans loaded their guns with grapeshot, round shot, and "every scrap of iron that could be collected", it seemed apparent to the British officer that Rodgers sought to destroy his sloop. In his report to Vice Admiral Herbert Sawyer, commander of the British fleet

²⁰¹Rodgers's Report to the Secretary of the Navy, 23 May 1811, American State Papers, Vol. III, Foreign Relations, 498.

²⁰²Ibid.

²⁰³Bingham to Sawyer, 21 May 1811, Dudley, ed., Naval War of 1812, 1:42.

headquartered in Halifax, Bingham reported thirty-two casualties and damage to the *Little Belt* that included the masts, sails, rigging, and hull--- which had many holes above the waterline, large amounts of shot in the side, the upper works completely destroyed, and the starboard pump shattered. As soon as the *President*'s boarding party departed, Bingham immediately embarked for Halifax, almost sinking in a gale along the way.²⁰⁴

The engagement between the *President* and the *Little Belt* was a one-sided affair. Almost immediately questions arose about who started the *mêlée*, why the naval craft of two nations at peace had engaged in such a bloody affair, and the ramifications of this incident on already fragile British-American relations. Each commander blamed his counterpart, and representatives of the two nations argued that the opposing party should pay reparations. In the months following the *President-Little Belt* affair, both navies conducted investigations to determine responsibility. Meanwhile both Secretary of State Monroe and British representatives to the United States used the attack as a bargaining chip in settling damages resulting from the British attack on the *Chesapeake* in 1807.

The after-action reports of both Rodgers and Bingham demonstrated that heightened tensions and mistaken identity created a tense air in which a single shot led to combat. The *Little Belt*'s crew apparently believed they were intercepting the *Guerriere* when they instead approached the *President* on the afternoon of 16 May. Once it became obvious that the distant sails did not belong to a British frigate, Bingham ordered a change in course with the intention of proceeding south and finding the British warship. When Rodgers saw a British vessel approach his ship and then suddenly turn away, curiosity led him to investigate. Knowledge that the British navy preyed upon American ships, sometimes within sight of

²⁰⁴Ibid., 43.

United States territory — encouraged his actions and fueled the increasing animosity between the nations.

The battle erupted because the diminished daylight created an atmosphere in which neither commander could determine his opponent's identity or strength. Bingham was convinced that an American warship pursued him and could not understand why his chaser acted so aggressively when Great Britain and the United States enjoyed peaceful relations. Was he dealing with a French warship or privateer? That question set the crew of the *Little Belt* on edge, and in the shadows of the fading twilight led them to open fire on a party whose commander seemed determined not to identify his ship.

As for the Americans, Rodgers and his men knew that foreign vessels were wreaking havoc on American commerce — the very reason they were returning to New York. Furthermore, British warships forcibly removed American sailors for service in the British navy. Throughout 16 May, the Americans strongly suspected they were chasing a British naval craft whose proximity to the United States needed investigation. Not until the next morning did the Americans positively identify their quarry. What became certain was that once shots rang out it was a matter of which ship would outlast the other.

Within hours of the *President's* departure of the *Little Belt* news spread quickly of a battle. Three days later, Commodore Stephen Decatur, commander of the American squadron stationed in Hampton Roads, Virginia, wrote Navy Secretary Paul Hamilton that on the previous day a merchant ship officer reported that members of the *President's* crew had boarded his craft. The officer overheard crewmen talking about the engagement. Two more merchant vessels entered Hampton Roads, and their commanders reported seeing two warships approaching each other on the evening of the sixteenth, and that an hour-long battle had erupted around 9:00 p.m. Decatur informed the secretary of his certainty that the

President was one of the ships engaged and that he would depart immediately to investigate. Both Decatur's concern and haste were understandable. If indeed an American naval vessel had clashed with a foreign warship, wounded sailors might need assistance. Perhaps more important to the commodore, if the *President* had incurred an unprovoked attack, would more follow? As a squadron commander, Commodore Decatur needed to determine quickly whether or not a general offensive had begun against the United States Navy. To attain intelligence as quickly as possible, he gathered thirty crewmen from local gunboats and ten sailors assigned to shore duty (the United States Navy was facing a severe manpower shortage in 1811 because of competition from higher paying merchantmen), and proceeded on the frigate *United States* to investigate the reports.²⁰⁵

On 21 May, Bingham reported his scrape with the *President* in a letter to Vice Admiral Sawyer. Not surprisingly, Bingham called the action an unprovoked American attack. He acknowledged initiating contact under the mistaken assumption that he was intercepting the *Guerriere*; but upon recognizing his mistake, he had sought to steer away from the distant ship and proceed south peacefully to locate the *Guerriere*. When the Americans' pursuit became clear, the British crew repeatedly attempted to communicate their nationality. Bingham claimed that after the *President* finally caught up with the *Little Belt*, his craft took fire from a ship more powerful than his own and commanded by an officer who sought glory by overpowering the first British vessel he came across.²⁰⁶ Clearly Bingham portrayed himself as a victim whose crew had been overtaken by a much stronger predator.

On 23 May, from the anchorage of Sandy Hook, New Jersey, Rodgers wrote Hamilton to inform him of the engagement and to present his version of events. Rodgers

²⁰⁵Decatur to Hamilton, 19 May 1811, Letters Received by the Secretary of the Navy From Captains, 1807-61, Reel 21, letter 225.

²⁰⁶Bingham to Sawyer, 21 May 1811, Dudley, ed., Naval War of 1812, 1:41-43.

claimed that he had merely performed his duty by pursuing a foreign war vessel sailing close to the United States coast. Given the nature of his mission – to disperse British warships and privateers from disrupting American trade – he needed to investigate this ship to carry out his orders. Rodgers held that he wanted to determine the name, size, and mission of the foreign warship, and that violence erupted when his quarry refused to identify itself and instead opened fire on the *President*. Rodgers further stressed his attempts to offer aid to the *Little Belt's* crew, casting the British vessel as one similar in appearance to a frigate, even though it was much smaller and possessed less firepower. Finally, Rodgers requested a formal hearing so he could call witnesses from the *President's* crew and prove that he acted with mercy and out of self-defense.²⁰⁷

Rodgers also informed his wife, Minerva, of the scrape. In a short note that omitted many details, the victorious commander simply informed her that he had battled a ship smaller than his own, inflicted heavy damage while receiving little in return, and escaped personal injury.²⁰⁸ The brevity of Rodgers's letter suggests that he wished to remain tight lipped with those not responsible for disciplining navy personnel or handling negotiations with the British government. Rodgers hoped for vindication by an official inquiry and his behavior suggests his reluctance to discuss the matter at length with anyone – including his wife.

Minerva Rodgers quickly replied to her husband's letter, and her response reflected the wild rumors that circulated shortly after news of his victory. She expressed relief over her

²⁰⁷Rodgers's Report to the Secretary of the Navy, 23 May 1811, American State Papers, Vol. III, Foreign Relations, 497-498.

²⁰⁸John Rodgers to Minerva Rodgers, 23 May 1811, I:13, Rodgers Family Papers, Manuscript Division, Library of Congress, Washington, D.C.

husband's safe arrival in New York, as anxiety had swept over her once learning of the encounter. She went on to say that upon his quick departure from Annapolis numerous and often times contradictory reports circulated about the nature of his mission. The general belief held that Rodgers left under orders from Navy Secretary Hamilton to search for recently impressed American sailors, and, if necessary, to liberate them by force. These rumors seemed true when news of the battle with the *Little Belt* reached the mainland. Mrs. Rodgers admitted to believing them herself. Upon receiving her husband's letter, however, she now believed that the battle had come by chance and had nothing to do with the instructions issued by the navy secretary.²⁰⁹

Minerva Rodgers's letter illustrates the initial public response to her husband's triumph. His hasty and unexpected departure after receiving written orders from Hamilton sparked the curiosity of many neighbors and friends. Naturally, Rodgers did not share the details of his orders with civilians. This secretiveness only heightened public curiosity. Newspapers reported the seizure of American cargos on a daily basis, and word of the Diggio impressment became public knowledge at the same time Rodgers left Maryland. In the small port city of Annapolis, Rodgers's quick arrival from Havre de Grace and the unexpected return from Washington of many of the *President's* officers must have caught the public eye. When these men suddenly put their frigate to sea, all while word of mouth and local newspapers reported the British depredations along the American coast, it only took news of the bloody affair with the *Little Belt* to ignite rumors that Rodgers must have acted under secret orders to attack British warships as soon as he came across them.

²⁰⁹Minerva Rodgers to John Rodgers, 27 May 1811, Ibid.

Conspiracy theories abounded. Many people postulated that Madison ordered a preemptive attack upon the British navy-- perhaps to stop the British seizures, or to liberate Digging and other impressed Americans. A more sensational theory held that Madison ordered the attack as a way to finally take the United States to war with Britain by instigating an incident sure to bring a British war declaration. Such a move placed the onus for declaring war on Britain, while also freeing Madison from the burden of securing his own war declaration from a reluctant Congress. These rumors soon found their way into American newspapers, heating the nationwide debate on Rodgers's actions.

It is highly unlikely that Madison ordered an attack or conspired to initiate a war with Great Britain. The United States military force was much too small and poorly equipped to fight the British. The nation's finances would not allow for an enterprise as expensive as a war, and given the Republicans' aversion to raising taxes or re-chartering the Bank of the United States, paying for the conflict did not seem reasonable at the time. Given the recent election of War Hawks to Congress, it seems inconsistent to believe President Madison needed to scheme to get support for his war declaration. The president could wait a few more months, when the new Congress met, and get the authorization then. That Madison still held hope for a peaceful accommodation with Great Britain also makes it unlikely that he orchestrated the attack. The new British minister would soon arrive in Washington, and the president hoped he would negotiate a settlement with the United States. In May 1811, President Madison still wanted to avoid war and it seems unlikely that he would jeopardize American neutrality to gain a war declaration that he could easily attain in a little over six months.

In Washington, President Madison referred to the battle on the same day that Rodgers made his report to the navy secretary. In a letter to his brother-in-law, Richard Cutts,

Madison announced that the buzz in Washington the past few days had been news that Rodgers's warship had engaged a British frigate. Madison called the engagement "so little probable that it will be doubted till regularly confirmed."²¹⁰ Madison probably responded both to rumors circulating in the city's inner circles and from press reports in that day's *National Intelligencer*.

On 28 May, Navy Secretary Hamilton informed Rodgers that intelligence of the mêlée had reached Washington, and he fully expected the British government to demand his court martial and conviction. More serious was Hamilton's belief that the British navy had "marked" the victorious commodore for retribution. Hamilton hoped the British practiced the courtesy of seeking revenge with a force equal to the American's, giving Rodgers and his crew a fair chance of defending themselves. The secretary remained certain that if a battle on equal terms ensued Rodgers should prove victorious and "affix a standard of imitation for the American navy." Hamilton also ordered Rodgers to look for Commodore Decatur's arrival in New York, and to request that the commander of the New York naval yard, Captain Isaac Chauncey, order construction of more masts in anticipation of hostilities. The secretary also urged Rodgers and Decatur to remain in close contact and not to sail alone until further notice.²¹¹ Secretary Hamilton believed that if vengeful British commanders attacked Rodgers the addition of Decatur's frigate, the *United States*, increased the likelihood of an American victory.

The following day Hamilton sent a second dispatch to Rodgers confirming receipt of the 23 May letter reporting the action, and commending him for "supporting properly the

²¹⁰Madison to Cutts, 23 May 1811, *The Papers of James Madison*, 8 vols., J.C.A. Stagg, ed. (Charlottesville: University Press of Virginia, 1984), 3:314.

²¹¹Hamilton to Rodgers, 28 May 1811, *Letters Sent by the Secretary of the Navy, 1798-1868*, Reel 9, Vol. 9, 362.

honor of the flag committed to your protection,” and for ceasing “fire the moment that your country’s & your own honor permitted you to do so.”²¹² The incident also caught more of President Madison's attention. According to Hamilton, Rodgers’s actions against the *Little Belt* won Madison’s “unqualified approbation; deeming it unnecessary to institute any further investigation.”²¹³ This statement in effect denied Rodgers the inquiry he had requested in his 23 May letter to Hamilton.

On the twenty-ninth, the British navy began its investigation into the attack. In addition to Bingham’s letter to Admiral Sawyer, Royal Navy officials examined five of the *Little Belt*’s crewmen, and a damage report compiled by Halifax’s navy board commissioner, T.N. Inglefield. The latter’s report served as an official record of the severe damage sustained by the *Little Belt*.

The sloop’s senior lieutenant, John Moberly provided the first account-- one very similar to Bingham’s 21 May letter to Vice Admiral Sawyer. Moberly affirmed that around 11:00 a.m. and roughly fifty miles off the United States coast, the crew of the *Little Belt* saw the sails of a distant ship. Given the size of the sails, the sloop's officers estimated that these belonged to a frigate. Hoping that the distant vessel was the *Guerriere*, the *Little Belt* proceeded toward the warship. To gain the attention of the outlying frigate’s crew, Bingham ordered signals by flag requesting the approaching craft to identify itself. These signals went unacknowledged.²¹⁴

²¹²Hamilton to Rodgers, 29 May 1811, *ibid.*, 366.

²¹³*Ibid.*

²¹⁴Statement of Action Between that Sloop *Little Belt* and the Frigate *President*, 29 May 1811, British National Archives, Admiralty Papers 1/501, pages 267-268 (PRO).

Moberly continued by stating that a little more than three hours later the crew spotted an American commodore's pendant at an estimated distance of six miles. Realizing that their mission of locating the *Guerriere* still remained, Bingham ordered the British flag raised and his vessel turned south to continue its search for the *Guerriere*. Consistent with Bingham's report, once the *Little Belt* turned south the *President* then followed and steadily gained on the sloop.²¹⁵

According to Moberly, around 7:00 p.m. Bingham ordered the *Little Belt* halted and the British flag raised again – thus, he believed, giving the Americans ample evidence as to the nationality of his ship. Bingham also ordered the crew to their battle stations in case an action ensued. Once the American ship came within hailing distance, Bingham futilely asked for its identification. Bingham again repeated his request, and his second hail met a full broadside by the American vessel. The British commander then ordered the *Little Belt's* crew to return fire, which it sustained for almost an hour.²¹⁶

Moberly further testified that the American ship ceased its fire first, and then requested Bingham to identify his vessel. Bingham called out his craft's name several times. Moberly believed that the steady wind, combined with the distance between the ships, made it difficult for each commander to understand the responses to his hails. This failure to understand these replies increased the anxiety between the crews and contributed to the start of gunfire.

Moberly concluded by reporting that after Bingham communicated his vessel's name, the American commander asked if Bingham had surrendered his ship, to which Bingham immediately replied that he had not. The American frigate then pulled away but remained in

²¹⁵Ibid.

²¹⁶Ibid., 268-269.

sight of the *Little Belt*. Around six o'clock the next morning, the *President* began to move toward the British sloop, and within two hours hailed Bingham requesting, and quickly receiving, permission to send a boarding party. During a ten-minute visit the American officer identified his ship as the United States frigate *President*, under the command of Commodore John Rodgers. Once the boarding party returned to the *President*, it sailed away.²¹⁷

Lieutenant Thomas Lowe's statement differed only slightly with Moberly's. Lowe recalled spotting distant sails around 11:00 a.m., and within two or three hours the *Little Belt*'s crew determined that a frigate sailed in front of them. The British sailors then attempted to signal the outlying vessel, but their effort met only an American commodore's blue pendant. At this sight the *Little Belt* turned south, and Bingham raised the ensign. Almost immediately the American frigate began chasing them. After three hours the crew prepared for a possible battle with their pursuer, and at 7:30 p.m. the ship stopped and again raised its flag. Lowe recalled that for the next forty minutes Bingham maneuvered his craft to prevent the *President* from positioning itself on the sloop's stern. At 8:10 p.m. the *President* stopped and Bingham hailed the frigate's commander for identification. Bingham's request met with the same question and he once again repeated his desire for the American frigate's name. This second request was greeted with another hail for the *Little Belt*'s identification, as well as an American broadside of cannon fire. Bingham immediately ordered the *Little Belt*'s guns to commence firing, initiating a general action.²¹⁸

Lowe corroborated Moberly's assertion that the American crew ceased fire first, and requested Bingham to identify his ship. The lieutenant added that after several attempts,

²¹⁷Ibid., 269-270.

²¹⁸Ibid., 270-272.

Bingham finally made his craft's name understood. He then requested the same courtesy from the Americans. The *Little Belt's* crew could only gather from the response that they faced a United States frigate, but they could not understand the vessel's name. Lowe also attested that the American commander asked Bingham if he surrendered his ship, and that he denied doing so. The American frigate soon pulled out of sight.²¹⁹

According to Lowe, the *Little Belt's* crew worked throughout the night refitting the ship and at first light noticed the *President* eight or ten miles to the windward. At about 6:00 a.m., the *President* began to move toward the *Little Belt* and within two hours received permission from Bingham to send a boarding party. The detail remained on the *Little Belt* for ten or fifteen minutes, and upon their return to the *President* the Americans sailed away to the west.²²⁰

Boatswain's mate²²¹ James Franklin provided a brief account, omitting much of the information provided by Lieutenants Moberly and Lowe. Franklin's account began with the 6:30 p.m. approach of the *President* on the evening of the sixteenth. Within an hour the frigate maneuvered near the British sloop. This action compelled Bingham to order the ship's ensign raised, and, a little over an hour later, to hail the American warship. This call went unanswered. Franklin further swore that at eight o'clock Bingham twice requested that the Americans announce themselves, but the first call met only the American commander's demand that Bingham state the name of his craft. The second American response came with

²¹⁹Ibid., 272.

²²⁰Ibid., 272-273.

²²¹A boatswain's mate served as assistant to the boatswain; who was in charge of the vessel's sails, rigging, canvas, anchor, cables, and ropes. In addition to assisting in these duties, the boatswain's mate also summoned all watches or the crew as a whole by using a high-pitched whistle to sound different tunes for each call. Smyth, The Sailor's Word-Book, 113.

a full broadside from the frigate. The *Little Belt*'s crew returned fire and sustained it for approximately one hour, when the American vessel ceased its firing and called on the British commander to identify his ship. Bingham accommodated the request and also assured the Americans that he had not surrendered his ship. Franklin could not provide more information because he suffered a wound during the battle and remained below deck for medical treatment.²²²

The *Little Belt*'s purser²²³ supplied the fourth account, and it echoed that of Lieutenant Lowe. According to Purser Hinshelwood, the sequence of events and corresponding times matched those given by Lowe. Much like Franklin's testimony, Hinshelwood briefly stated his recollection.²²⁴

Ship's surgeon William Turner tendered the last testimony. Turner's statement contained less detail than any of the four preceding accounts. The doctor similarly recalled the actions of the morning and afternoon of 16 May, but without any precise times. As daylight vanished and both vessels stopped for the series of hailings, Turner went below deck to prepare for any wounded in need of assistance. According to Turner, at 8:10 p.m. he heard Bingham ask loudly for the American ship's identification but he received no answer. Five minutes later Bingham again called the American commander, but back came a reply that Turner could not understand. Turner claimed that Bingham called twice more, and that an

²²²Statement of Action Between that Sloop *Little Belt* and the Frigate *President*, British National Archives, Admiralty Papers 1/501, 273-274 (PRO).

²²³A purser was in charge of the ship's provisions. Smyth, The Sailor's Word-Book, 550.

²²⁴Statement of Action Between that Sloop *Little Belt* and the Frigate *President*, British National Archives, Admiralty Papers 1/501, 274-275 (PRO).

American broadside answered his second call. Turner heard Bingham order a volley in return and a general action then commenced, lasting about forty-five minutes.²²⁵

The following day T.N. Inglefield, navy commissioner in Halifax, submitted a damage report prepared by William Hughes, master shipwright of the Halifax navy yard. The report noted that much of the planking toward the rear and along the left side of the craft, as well as most of the left broadside, received heavy damage from cannon shot that left holes in the sloop's side running down to below the waterline. One pump positioned between decks was destroyed. Shrapnel and debris shattered both the skylights of the gunroom, and also the vessel's cabin. The small booms located on both sides of the ship's bow barely remained intact. The bowsprit and the iron clamping that attached the sprit to the craft had been shot through. The masts and booms had several gaping holes, and the sails and rigging also sustained heavy damage. Cannon shot almost smashed the *Little Belt's* general-purpose boat and launch.²²⁶

While the officers' and crewmen's statements generally corroborated Bingham's belief that he acted in self-defense, the dearth of supporting testimony actually weakened his position. Of the dozens of crewmen aboard the *Little Belt*, only five testified that the *President* fired first. Of those five, three gave very brief accounts and one, Surgeon Turner, was below deck when the firing erupted. Bingham needed more detailed corroborating evidence to strengthen his claims that Rodgers acted as the aggressor. Bingham's somewhat weak position opened the door for the United States to conduct an investigation that could trump Bingham's assertions through the sheer magnitude of supporting evidence.

²²⁵*Ibid.*, 276-277.

²²⁶Statement of Action Between that Sloop *Little Belt* and the Frigate *President*, 29 May 1811, American State Papers, Vol. III, Foreign Relations, 475.

Toward the end of May, American newspapers began to weigh in on theories about Rodgers's mission. The *Columbian Centinel* hypothesized that Rodgers probably acted under presidential orders to request the return of Diggio should he encounter the *Guerriere*, but that Rodgers did not possess instructions to board British warships (either peacefully or by force) to search for impressed Americans.²²⁷ The *Centinel*'s position counterbalanced a Federalist leaning editorial reprinted in the same *Centinel* issue that maintained Rodgers acted under instructions to reclaim Diggio by whatever means necessary. The Federalist scribe derided the Republicans for abandoning President Adams's naval expansion policies, which would have prevented assaults upon American commerce and seamen.²²⁸

As the month closed, Rodgers showed increasing anxiety that he might become the victim of reprisals. On 31 May, he wrote Secretary Hamilton that he would depart for sea in seven or eight days and that he worried about a possible ambush by vengeful British commanders. While Rodgers realized that British calls for his conviction would soon work through diplomatic channels, he remained more concerned that Royal Navy personnel misinterpreted his scrape with the *Little Belt* as an attempt to avenge the 1807 attack on the *Chesapeake*. The encounter occurred in waters just a few miles from that of the *Chesapeake*'s defeat. Given the British sloop's smaller size and weaker firepower when compared to the *President*, Rodgers feared that British officers might misjudge his actions as a cowardly attempt to restore the navy's tarnished honor. Indeed, many Americans already declared the *Chesapeake* attack avenged. If his fellow countrymen interpreted the bloodshed as an act of redemption, Bingham's fellow officers probably drew similar conclusions. The

²²⁷*Columbian Centinel*, 29 May 1811, 1.

²²⁸*Ibid.*, 2.

commodore called on the “assistance of heaven in a just cause,” and believed the nation would stand by him should Britain demand his life. Rodgers concluded his letter by informing Hamilton that the *President*’s lone casualty was Walter Rodgers, the son of a “respectable but indigent family” from New York. He suffered an arm amputation but recovered.²²⁹

Rodgers again demonstrated his apprehension in a 3 June letter to Hamilton that once more announced his anticipated departure from New York on the eighth. Rodgers hoped that Decatur’s frigate, the *United States*, arrived in time to join him. The increased safety provided by adding Decatur’s ship to his own weighed on Rodgers’s mind. Aware that the popular mood in Halifax would become very belligerent once the *Little Belt*’s crew gave their version of events, Rodgers promised Hamilton that once at sea he would “be cautious not to afford a very [superior] force an opportunity of menacing us.”²³⁰

The manpower problems of the United States Navy continued to worry Rodgers. Upon arriving in New York, twenty-seven of the *President*’s crew left the frigate as their enlistments expired. Re-enlisting them did not pose a great problem. Within a few days most of the twenty-seven would spend their mustering pay on alcohol, housing, and food and would need immediate employment. The problem lay with the anticipated arrival of Decatur’s understaffed frigate. The two commanders would be forced to compete for these experienced sailors.²³¹ If war soon began, this manpower shortage could prove acute and prevent the American navy from leaving port in sufficient force to take on a more powerful foe.

²²⁹Rodgers to Hamilton, 31 May 1811, Letters Received by the Secretary of the Navy From Captains, 1807-61. Reel 21, letter 246.

²³⁰Ibid., 3 June 1811, Reel 22, letter 3.

²³¹Ibid.

While Rodgers fretted, Britain's representative in Washington, John Morier, began assembling information about the encounter. Morier knew that a new minister was en route to Washington and Morier expected his arrival at any day. Until that time, he sought to collect as much intelligence as he could so that both Foreign Secretary Richard Wellesley and the new minister could handle the situation as effectively as possible.

On 4 June Morier wrote Wellesley informing him of the dramatic change in American popular opinion over the previous month. The impressment of Diggio boosted Madison's and the Republicans' popularity, while also casting Britain in the light of an aggressor. Morier also noted and gave credence to the numerous rumors swirling through the country that Commodore Rodgers acted on secret orders from the administration. Morier based his acceptance of the innuendo on unsubstantiated reports circulating in Baltimore. Supposedly, an unnamed cousin of former Secretary of State Smith claimed to have seen written proof that Rodgers acted according to presidential directive. Navy Secretary Hamilton allegedly instructed Rodgers to force his way aboard the *Guerriere* and reclaim Diggio. In Morier's mind, the attack on the *Little Belt* seemed to have confirmed the story.²³² Morier tied this gossip with Monroe's somewhat tardy 18 May application for Diggio's release, and conjectured that the Madison administration ordered Rodgers to attack, only to proceed through diplomatic channels once Madison realized Rodgers assailed the wrong vessel.

Morier wrote the letter before seeing Bingham's official report but after reading a reprint of Rodgers's 23 May letter to Secretary Hamilton in the *National Intelligencer*. Based on this publication, Morier remained convinced that Bingham was the victim of American

²³²Morier to Wellesley, 4 June 1811, British National Archives, Foreign Office 5/74, page 308 (PRO).

aggression. Morier reasoned that for most of the day Rodgers pursued the vessel of a nation at peace with the United States, but also at war with France. Given that an American warship had no reason to stalk a British craft, and that the frigate maneuvered aggressively before pulling alongside the *Little Belt*, Bingham had no choice but to believe that a French ship had closed on him. Given these assumptions, Commander Bingham had no other alternative but to open fire and defend the *Little Belt* and its crew.²³³

Morier closed his dispatch by saying that he would await further instructions and, upon receipt of an official report from Admiral Sawyer, deny any wrongdoing on the part of Bingham. Morier theorized that given the Republicans' love of France and the residual embarrassment over the *Chesapeake* incident, Britain needed hard proof of any written orders instructing Rodgers to attack British warships.²³⁴ Without such confirmation it would be hard to convince the public that the Madison administration had ordered a hostile act.

American concern about the Royal Navy's response to the *mêlée* increased in early June. Decatur reported from Hampton Roads that two days previous a party from the *Guerriere* boarded a pilot boat operating outside Chesapeake Bay. The officer in charge of the boarding party knew of the *Little Belt*'s pummeling and inquired about the strength of Decatur's frigate, the *United States*. The officer wanted to know if reports of manpower shortages in the American navy were true, and if so, to what extent that problem affected the strength of the *United States*'s crew. Finally, the British officer inquired about when the *United States* would sail again. Decatur confirmed to the secretary that his command was under-staffed, but that he would face the *Guerriere* if pursued and attacked.²³⁵

²³³Ibid., 308-309.

²³⁴Ibid, 309.

²³⁵Decatur to Hamilton, 7 June 1811, Letters Received by the Secretary of the Navy From Captains,

While Decatur prepared for a possible duel with the *Guerriere*, Rodgers sat in New York somewhat distraught that reports of the *Little Belt*'s fate had not reached him. Of the numerous vessels entering New York from Europe, the Caribbean, or other American ports, none carried word that the *Little Belt* had reached Halifax, or any port for that matter. Given the sloop's grave damage, and in view of the heavy gale and resulting high seas that disrupted local waters for the four days after the attack, it seemed probable that the ship had sunk. Rodgers hoped this was not the case.²³⁶ Rodgers probably agonized over the fate of Bingham and his crew because he suffered feelings of guilt about devastating a warship much weaker than his own; or he may have worried that if Bingham and his men perished British anger over the loss would eventually lead to the destruction of his own ship and crew.

President Madison also pondered the effects the incident would trigger. In a letter to former President Jefferson, Madison noted "the new shapes our foreign relations are taking" by predicting that the *President-Little Belt* affair "will probably end in an open rupture, or a better understanding as the calculations of the B.[ritish] government may prompt or dissuade from war."²³⁷ Madison anticipated that the action would either entice Britain into declaring war, or finally convince them that conflict with the United States would not be as easy as they apparently believed; therefore, an accommodation recognizing American rights would be in the best interest of both parties. The *mêlée* could possibly open the door for the long desired resolution of grievances that plagued American presidents since Washington, and that had especially befuddled Republican executives since 1805.

1807-61. Reel 22, letter 9.

²³⁶Rodgers to Hamilton, 7 June 1811, *ibid.*, letter 10.

²³⁷Madison to Jefferson, 7 June 1811, Stagg, ed., The Papers of James Madison, 3:329.

The federal government desperately needed an accommodation with Great Britain, because its power in New England seemed to be weakening while the Anglo-American deadlock dragged on. Senator Timothy Pickering of Massachusetts, former secretary of state in the second Washington administration and also in John Adams's, used the Non-Importation Act to extend his influence in New England politics. New England merchants bristled under the Non-Importation law barring British goods and they increasingly turned to Pickering for leadership. Numerous merchant ships set out from New England ports for the British West Indies with domestic produce, only to return empty because British goods could not enter the country legally.²³⁸ If the administration did not find a solution to its problems with Britain, whether through negotiation or war, the eastern states might separate from the Union to resume their lucrative British trade. As long as the diplomatic stalemate continued, so too would the unrest grow in New England.

As Madison and Rodgers pondered the future, the behavior of British commanders became more restrained. On 10 June Decatur reported that some of his men boarded a pilot boat approximately ten miles off the Virginia coast. The pilot and his crew stated "that they had not seen or heard of any improper act committed, such as detaining vessels; [or] impressing men" by the British.²³⁹ Furthermore, Decatur declared that when his frigate departed Hampton Roads in early June to rendezvous with Rodgers's in New York, it came across a British squadron consisting of the sloop *Atalante* (estimated with twenty-four guns) and the frigate *Eurydice* (estimated with thirty-eight guns) just outside Chesapeake Bay. The *Eurydice* carried letters addressed to the United States government, and its commander hailed

²³⁸Ibid.

²³⁹Decatur to Hamilton, 10 June 1811, Letters Received by the Secretary of the Navy from Captains, 1807-61. Reel 22, letter 16.

Decatur's frigate to arrange a transfer. Before the exchange, one of Decatur's guns fired accidentally. The Americans assured the *Eurydice's* captain that the discharge was accidental, and he accepted the explanation graciously. The British then passed on the correspondence.²⁴⁰ Decatur's reputation seemed the only casualty from the event, as he received a reprimand from Hamilton stressing the need to remain on peaceful terms with foreign nations, especially given the ongoing tensions with Britain.²⁴¹

The Royal Navy's more restrained behavior illustrates a noticeable departure from its previous conduct. The crew of the pilot boat reported no offensive behavior by the British. The accidental firing of one of the *United States's* guns was not returned, but instead the *Eurydice's* captain pardoned the mishap. Ever since the near demolition of the *Little Belt*, British commanders, who once treated American ships with contempt and sometimes with belligerency, now behaved with moderation and cordiality. Part of this can be attributed to Britain's desire not to provoke a war with the United States while it still battled Napoleon; but the recent bloodying of Bingham's crew also served as a reminder that engaging an American frigate was not a guaranteed victory.

Although Royal Navy activity now seemed more pacific, Decatur still chose to remain in Hampton Roads until 12 June to monitor the British squadron off the Virginia coast. He then planned to join Rodgers in New York. Rodgers, for his part, decided to depart New York on the fourteenth with or without Decatur. He planned to sail south in search of the *United States* and then proceed on his cruise. The commodore continued in his certainty that if the British found the *President* and had superior force, he would be attacked as

²⁴⁰Ibid., letter 17.

²⁴¹Hamilton to Decatur, 14 June 1811, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, Reel 9, Vol. 9, 378.

revenge for the *Little Belt*.²⁴² Fortunately for Rodgers, adverse winds delayed his departure until the fifteenth, the day Decatur arrived outside New York harbor.

Now in New York, Decatur and Rodgers did not leave for several days because of contrary winds. Both meanwhile collected intelligence on British ships in the area that might threaten American commerce. As they waited, more reports of improved British behavior arrived. The H.M.S. *Melampfers* stopped a fishing boat from New York roughly fifteen miles off the coast. British officers politely inquired about the name and number of American warships in the port city and soon departed.²⁴³

Rodgers's suspicions that an ambush awaited him increased because the British both inquired about American naval strength and maintained a squadron outside New York harbor. Rodgers informed Hamilton that the *President*, the *United States*, and the brig *Argus* would leave New York as soon as favorable winds allowed. The presence of five British frigates and one brig at the mouth of the harbor convinced him that his smaller squadron would come under attack as soon as it left New York.²⁴⁴ Rodgers attempted to determine British intentions by sending out a reconnaissance boat, but poor weather and adverse winds prevented it from gathering information. On the twenty-seventh the American squadron departed New York and soon discovered that the British had left the area.²⁴⁵

While Rodgers and Decatur agonized over possible British traps, diplomatic activity concerning the *President-Little Belt* controversy gained momentum. Morier dispatched his private secretary to London with letters updating Wellesley on the *Little Belt* negotiations.

²⁴²Rodgers to Hamilton, 13 June 1811, Letters Received by the Secretary of the Navy, 1807-61, Reel 22, letter 21.

²⁴³Rodgers to Hamilton, 22 June 1811, *ibid.*, letter 37.

²⁴⁴Rodgers to Hamilton, 25 June 1811, *ibid.*, letter 40.

²⁴⁵Rodgers to Hamilton, 27 June 1811, *ibid.*, letter 45.

Morier had learned that many in Madison's cabinet believed Rodgers's victory avenged the *Chesapeake*.²⁴⁶ Morier's information reflected the attitude of most Americans. For four years the United States Navy and most of the public nursed the humiliating wounds of the 1807 attack, all while a settlement proved elusive. Rodgers's success seemed to have erased that humiliation, though it did little to facilitate compensation for the victims of the *Leopard's* assault.

Morier submitted another update to Wellesley noting the discrepancies between Bingham's version of events and Rodgers's. The chargé received Admiral Sawyer's report, including a copy of Bingham's statement on the attack, and decided not to undertake further discussions on the matter until the American navy conducted its own inquiry. Morier communicated this demand to Monroe along with an accusation that the recent accidental firing of one of the *United States's* guns (during the transfer of correspondence from the *Eurydice*) proved the poor discipline of American gunners.²⁴⁷ The British representative further insinuated that Rodgers's crew probably mistook the accidental firing of one of its own guns for that of the *Little Belt's*. This in turn led to a full broadside by the Americans. Morier based his theory in part on the affidavit of a supposed deserter from the *President*, William Burkett. Burkett swore that he served aboard the *President* during the battle, that one of the *President's* guns fired accidentally, and that the Americans fired a full broadside under the mistaken belief that they were under attack. Burkett also claimed that as many as three hundred of the *President's* five hundred crewmen were British subjects who abhorred firing at a British vessel.²⁴⁸ (This was a perplexing statement given the lopsided outcome of the

²⁴⁶Morier to Wellesley, 13 June 1811, British National Archives, FO 5/74, 321 (PRO).

²⁴⁷Morier to Wellesley, 26 June 1811, *ibid.*, 329.

²⁴⁸Testimony of William Burkett, British National Archives, FO 1/501, 130-131 (PRO).

battle.) Morier closed his dispatch with speculation that an American inquiry would never take place because such a proceeding would bring to light Rodgers's orders to board British naval vessels and remove impressed Americans.²⁴⁹

Toward the end of June, any attempt to settle the *Little Belt* controversy appeared temporarily suspended. The two governments could not undertake serious discussions until a new British minister arrived in Washington. Rodgers and Bingham each insisted that his crew did not fire first; the scarcity of supporting testimony on Bingham's behalf weakened his claims; and Rodgers's failure to secure an inquiry muzzled his ability to convince the nation and the world that he did not waylay a weaker warship. While numerous theories about Rodgers's intentions circulated in the press and in diplomatic circles, the Madison administration did not appear eager to silence the gossip through a formal investigation. Royal Navy treatment of American mariners had improved since the incident and little incentive existed for the American government to dispel those theories. As officials in Washington prepared for the arrival of Britain's new envoy, the Madison administration hoped that the impasse over trade and impressments would finally end and thus avert any need for war. The British also hoped to evade conflict, but the near sinking of one of their sloops raised another barrier to resolving the differences with its former dependency. British officials in Washington collected whatever information about the attack that entered public circulation, as they hoped to cast Rodgers's deed in as embarrassing a light for the Americans as possible.

²⁴⁹Morier to Wellesley, 26 June 1811, British National Archives, FO 5/74, 330 (PRO).

CHAPTER 5

The *Chesapeake* Avenged

On 30 June, Augustus Foster, Britain's new minister to the United States, arrived in Washington to assume his new responsibilities. He departed Britain well before word of the *Little Belt* incident reached London and had no formal instructions for handling the matter. News of the affair temporarily negated many of the instructions issued to him prior to leaving London. Foster's original orders commanded him to temper American sentiment toward British impressments and cargo seizures, hopefully preventing an unwanted war. Ironically, one of the carrots Foster had to accomplish this task was authorization to settle the *Chesapeake* attack by compensating the victims or their heirs. Given London's previous repudiation of the assault, the reparation offer settled most of the United States's original demands, except for renouncing impressment. Britain's ongoing need for sailors to fight Napoleon prevented the island nation from compromising on that issue. When Foster discovered that Rodgers had apparently avenged Humphreys's offense, the newly arrived minister refused to extend his proposition until after a full inquiry meted out justice to those guilty of spilling British blood.

In Foster's introductory meeting with the secretary of state, Monroe expressed relief that Britain finally sent a replacement for Francis James Jackson, and also regret that William Pinkney had left London out of frustration over the lack of progress in improving Anglo-American relations. Foster broached the subject of the *Little Belt* by expressing concern about rumors that Rodgers acted under orders to board the *Guerriere* and search for

impressed Americans.²⁵⁰ Monroe assured Foster that Rodgers had not behaved in any offensive manner, nor had he attacked the *Little Belt* to remove American sailors.²⁵¹ Monroe's guarantee came as stories circulated in the American press that Rodgers had obeyed a directive to search British ships and remove kidnapped Americans-in this specific case, John Diggio, who most likely remained still on the *Guerriere*.²⁵²

Foster next informed Monroe that although authorized to present a settlement for the four-year-old *Chesapeake* attack, he would not do so until completion of an inquiry into the clash, and after the United States offered a satisfactory explanation for the bloodshed. Monroe replied that President Madison had yet to order an inquiry because it appeared that Bingham initiated the chase, which resulted in an unpleasant episode between two high-spirited commanders. Furthermore, Monroe believed that they should settle the *Chesapeake* issue before tackling the newer problem of the *Little Belt*.²⁵³ Foster determined that unless the United States agreed to an inquiry, he would simply withhold his offer of atonement for the *Chesapeake* tragedy and await further instructions from Wellesley.²⁵⁴ The following day, Foster acknowledged receipt of Monroe's denial that Rodgers acted on orders from the president, and Foster professed to lay that suspicion to rest.²⁵⁵

On 3 July Foster wrote Monroe to address the other vexing problems between the United States and Great Britain. First, he defended the standing Orders in Council by casting

²⁵⁰Foster to Wellesley, 2 July 1811, British National Archives, FO 5/76, 1-5 (PRO).

²⁵¹*Ibid.*, 5.

²⁵²Foster to Monroe, 3 July 1811, American State Papers, Vol. III, Foreign Relations, 471.

²⁵³Foster to Wellesley, 2 July 1811, British National Archives, FO 5/76, 5-6 (PRO).

²⁵⁴*Ibid.*, 7.

²⁵⁵Foster to Monroe, 3 July, 1811, American State Papers, Vol. III, Foreign Relations, 471.

them as a defensive weapon to deflect the ill effects of the Berlin and Milan Decrees. The British cabinet viewed the French decrees as illegal attempts to destroy British trade by imposing a paper blockade. Foster maintained that while similar to Bonaparte's decrees, the Orders in Council simply neutralized the illicit tactics of France with similar practices. Foster also promised Monroe that once Napoleon rescinded his two declarations, Great Britain would quickly follow suit. This statement attempted to put the onus on France for violations of neutral commerce. France might claim that its decrees merely responded to Britain's allegedly illegal 1806 blockade of the French coast from Brest to the mouth of the Elbe River (France and most neutral states considered the blockade illegal because Great Britain often stumbled to keep adequate force in place to enforce it), but Foster justified that blockade's legality by arguing that Great Britain did indeed maintain an adequate fleet to seal off the French ports. The British minister further criticized the United States for accepting the Cadore letter as legitimate. Clearly Napoleon maintained the Berlin and Milan Decrees against American commerce, and he had purportedly told leaders in several German cities that the fiats would remain in place as long as the Orders in Council continued.²⁵⁶

In a separate note, the British envoy observed that while numerous discrepancies existed between Bingham's and Rodgers's statements, it seemed both commanders agreed that Bingham acted in a non-aggressive manner throughout the chase. Although Bingham did initiate contact by closing on the *President*, he did so under the mistaken belief that he was approaching the *Guerriere*. Upon recognizing his mistake Bingham immediately turned away, at which point Rodgers began to act aggressively. Foster argued that Rodgers could have easily distinguished the *Little Belt*'s British ensign, even in the fading daylight of 8:00

²⁵⁶Ibid., 435-36.

p.m. The American commander had no reason to pursue the *Little Belt*, because clearly it was a neutral ship operating in international waters.²⁵⁷

Foster further argued that Rodgers precipitated the violence by repeatedly maneuvering around the *Little Belt*'s stern to position the *President* to rake the British sloop. These menacing movements only increased the British crew's anxiety. Foster maintained that Rodgers determined to engage the smaller and weaker craft for his own personal glory. Given the controversy concerning the American commodore's motives, the British minister requested that the United States conduct a formal inquiry into his behavior. Foster expected that if Rodgers was found culpable the British government would receive reparations for the loss of life and for the damage sustained by one of its warships.²⁵⁸

Foster's arguments carried some credibility. No one could deny that the *Little Belt* operated in neutral waters that day. As for seeing the sloop's flag, only the *President*'s crew could answer that question, and an inquiry would provide the opportunity. An inquiry could also reveal the reasons behind Rodgers's positioning his frigate in the minutes leading up to hostilities. What is menacing to one commander might be a mere attempt to improve friendly communications by another. Foster's assertions, however, hardly acquitted Bingham from responsibility for the bloodshed. Regardless of whether the Americans recognized the British standard, warships commonly used flags of other nations in an effort to conceal their nationality. Rodgers could not identify the vessel he was following by merely observing its ensign. Only by hailing and possibly boarding the ship could he discover its name and nationality, determine why the crew operated so close to American waters, and find out their intentions.

²⁵⁷Ibid.

²⁵⁸Ibid.

The British minister also requested from Monroe a written statement attesting that Rodgers never received orders to attack any British warship or to remove any impressed Americans from British naval craft. Foster desired this declaration because reports and rumors to the contrary circulated in American newspapers and in Washington's diplomatic circles.²⁵⁹

Foster's persistent requests for an inquiry moved the Americans toward ordering one. After his repeated protestations, the United States government now wanted to refute Foster's charges, vindicate the reputations of Rodgers and the navy, and force Britain to concede that Royal Navy commanders acted too belligerently for their own good. The opportunity for Rodgers to exonerate his name grew increasingly likely.

Initially, Foster represented Great Britain in the *Little Belt* negotiations without outside instruction from Foreign Secretary Wellesley. Slow communications and the absence of an American minister in London meant that most of the burden for advocating Britain's position fell to Foster. The young diplomat began to receive guidance as soon as Wellesley received intelligence of the event in early July. The foreign secretary anticipated a quick disavowal and an offer of reparation in either Washington or London because the attack could easily lead to war, and because Britain set a similar precedent in the wake of the *Chesapeake* encounter.

Wellesley's directives indicated that the foreign secretary wanted to establish both Bingham's innocence and the large amount of destruction inflicted on the *Little Belt*. Wellesley instructed Foster to give Monroe copies of Bingham's 21 May letter to Admiral Sawyer, copies of the statements made by the *Little Belt*'s officers, and Commissioner

²⁵⁹Foster to Monroe, 3 July 1811, British National Archives, FO 5/76, 11-12 (PRO).

Inglefield's damage report. The foreign secretary also wanted Foster to demand the United States's immediate disavowal of the attack. He ordered Foster to transmit the American response through a special messenger en route to the United States, as well as communicate the American reply to Admiral Sawyer in Halifax.²⁶⁰ Wellesley also enclosed Sawyer's initial instructions to Bingham ordering him to find the *Guerriere*, pass on dispatches to its commander, and then proceed with the frigate. He believed that Sawyer's pacifically worded directions would prove Britain's friendly intentions toward the United States and refute any American claims that Bingham acted in an aggressive manner.²⁶¹

Wellesley seemed confident that the United States would step forward and accept responsibility for damaging the *Little Belt*; but an extra incentive for that act of contrition appeared to be on its way in the form of a strong naval squadron. Great Britain sought a more balanced trade policy from the United States. French interference with American commerce continued months after publication of the Cadore letter, and the insincerity of Napoleon's reprieve against American cargos seemed obvious to officials in London. Great Britain wanted the United States to accept British goods, but if the Americans would not do so they should also prohibit French merchandise or else be guilty of siding with France in its commercial struggle against Great Britain. One of Foster's duties was to negotiate this point. To aid him, the British navy dispatched a flotilla under the command of Admiral Sir Joseph Sydney Yorke. The task force left England on 5 July and was expected off the American coast in August. Word of the departure quickly made its way across the Atlantic. None in the United States knew Yorke's intentions, and given Foster's duty to update the navy on his

²⁶⁰Wellesley to Foster, 4 July 1811, British National Archives, FO 5/75, 56-58 (PRO).

²⁶¹Ibid., 62.

progress in reaching an accord on the *Little Belt*, it appeared that Foster's success would dictate Yorke's actions.

While the British formulated their response to the *Little Belt* attack, Rodgers's confidence increased with the addition of the frigate *United States* and the brig *Argus* to his squadron. From 28 June until 4 July Rodgers cruised his station without detecting a single foreign warship. Five days after his return he wrote Hamilton to boast that he no longer believed the British would ambush him, as such a move would damage the British commanders' reputations with their probable defeat. Rodgers predicted that his squadron could easily defeat any British force of equal strength to his own.²⁶²

Shortly after the return of his newly enlarged squadron, Rodgers received encouragement for requesting an inquiry. During the first week of July, shortly after Monroe's initial round of sparring with Foster, Madison decided to order an inquiry. To give the appearance of not buckling to Foster's demands, the president hoped Rodgers would make another request for a hearing, which Madison would now grant. This face saving maneuver provided Rodgers with his much sought after "day in court," while also satisfying Foster's desire to know fully what transpired aboard the *President* before and during the engagement. Charles Goldsborough, chief clerk of the Navy Department, knew about Foster's recent calls for an investigation and about the administration's desire to conduct one. Goldsborough advised Rodgers to request a hearing and assured the commodore that his plea would be approved.²⁶³

²⁶²Rodgers to Hamilton, 9 July 1811, Letters Received by the Secretary of the Navy, 1807-61, Reel 22, letter 59.

²⁶³Goldsborough to Rodgers, 5 July 1811, John Rodgers Collection, William L. Clements Library, The University of Michigan.

Although Madison and Hamilton now wanted an inquiry and openly professed their faith in Rodgers's good conduct; it seemed that a noticeable degree of doubt in his innocence did exist. These misgivings led Goldsborough, who acted as a mediator between Hamilton and the commodore, to ask veiled but probing questions of Rodgers. Goldsborough wanted to know why Rodgers spent an entire afternoon pursuing the *Little Belt*. He also wondered whether Rodgers sought to facilitate the release of impressed Americans by determining the name of British warships sailing near the American coast.²⁶⁴

Goldsborough's questions indicate uncertainty within the Navy Department about the propriety of Rodgers's actions against the *Little Belt*. It seems that Goldsborough gave Rodgers a good alibi should he need one—the commodore simply sought the names of nearby British warships so he could help locate impressed Americans. Goldsborough's letter illustrates the indirect collusion between Rodgers and the executive branch. He fed Rodgers information about what Madison and Hamilton wanted him to do—make an additional request for an inquiry because the administration needed another appeal from him.

Goldsborough's open speculation about Rodgers's intentions during the afternoon's long chase could also serve as an acceptable excuse by Rodgers for pursuing the sloop should his real motives prove nefarious. Before convening the inquiry the Navy Department needed more details from Rodgers so that no embarrassing facts emerged.

In his second request for an inquiry Rodgers argued that a hearing would disprove many of the negative allegations leveled against him. Through a formal examination all the facts about the encounter would become public and thus silence the derogatory reports about him. Rodgers argued that a hearing would refute Bingham's allegations that the Americans

²⁶⁴Ibid.

fired first. In addition to his call, Rodgers disputed the claims that he hunted for glory because the victory was “too insignificant to afford me an opportunity of acquiring personal fame.” Rodgers maintained that he stood to gain nothing from assaulting the *Little Belt* without cause.²⁶⁵

Rodgers found particularly odious British press assertions that one of the *President*'s men swore to British magistrates that most of the frigate's crew refused to fight the *Little Belt*. In details very similar to that purportedly stated by William Burkett, Elijah Shepperdson claimed to have deserted the United States Navy on 11 June 1811. Shepperdson supposedly declared that three out of five crewmen were native Britons who did not want to fight fellow British sailors. Shepperdson also averred that the *President* did indeed fire first with a broadside never ordered by Rodgers.²⁶⁶

Rodgers considered the story too ludicrous for a response. According to Rodgers, no crewman named Elijah Shepperdson served aboard the ship, and Rodgers stressed that he only allowed American citizens to enlist. One sailor named Joseph Shelburne refused to fire on the *Little Belt*, and he later faced arrest for seditious and mutinous statements. At the time of Rodgers's letter, authorization for court-martialing Shelburne rested with Secretary Hamilton. Rodgers presumed that Shepperdson and Shelburne were one and the same, although Shelburne assured Rodgers that he made no statement. Rodgers curiously added that Shelburne was both a documented native of Providence, Rhode Island, and also an Englishman.²⁶⁷

²⁶⁵Rodgers to Hamilton, 16 July 1811, Letters Received by the Secretary of the Navy, 1807-61. Reel 22, letter 71.

²⁶⁶*Ibid.*

²⁶⁷*Ibid.*

The need to find answers to these unsettled questions strengthened Rodgers's request for an inquiry (not that more reasons were needed), and his letter illustrates many of the unresolved accusations that still swirled about. The assertion that he hunted for glory had its merits. For roughly seven hours the *President* pursued the warship of a nation at peace with the United States and that operated in international waters. While Rodgers claimed he thought he pursued a vessel of equal size and strength, he certainly could have known its true might long before sunset. Bingham's claim that Rodgers maneuvered the *President* into position to unleash a broadside seemed realistic, and that point of dispute needed resolution. Rodgers had many motives for attacking the *Little Belt* — not only personal glory, but an opportunity to avenge the *Chesapeake*, halt British impressments, or stop a weaker Royal Navy craft and remove impressed Americans. The inquiry could settle these questions.

While an inquiry would do little to determine the truth about the Shepperdson claims, his accusations already had several weaknesses. The majority of the *President's* crew certainly did not behave as if they did not want to fire on a British ship. Though likely that large numbers of native Britons served aboard the *President*, determining their origins was very difficult for anyone to prove.

As for Shepperdson/Shelburne himself, it is unknown whether he actually provided any affidavit to British officials, or if he attempted to undermine Rodgers's reputation by repeating the story attributed to William Burkett. Given the circumstances of his arrest and the similarities in name, it is possible he made the statement. Rodgers's knowledge of him, however, seems to contradict that assertion. How could a man awaiting court martial in the United States swear such a statement to British authorities? He could have made this claim to the British consulate in New York, but that presumes Shelburne was not incarcerated. As for Shelburne's nativity, Rodgers described him as a native of Providence, but also an

Englishman. Either Shelburne emigrated to England from Rhode Island and later entered the United States Navy, or he was a good example of the navy's practice of signing English sailors by issuing them false citizenship papers under a different name. Indeed, it is possible that Shelburne swore the affidavit and signed it William Burkett, which along with Shelburne and Shepperdson served as his aliases. Regardless of Shelburne's nationality or his testimony, the assertions of a single crewman could not seriously implicate Rodgers of any wrongdoing. But this small controversy increased the need for an inquiry to vindicate Rodgers, and it also raised questions about the navy's policy of recruiting foreigners, especially British seamen. Thanks to the Burkett/Shepperdson/Shelburne episode, British officials could now strengthen their claims for continuing impressments aboard American merchant ships to recover native Britons serving under aliases.

Shepperdson's/Shelburne's accusations encouraged the British to intensify their attempts at discrediting Rodgers. Hamilton informed Rodgers that Monroe received a list of British deserters suspected of serving aboard the *President*.²⁶⁸ Retrieving the men appeared to be the ostensible purpose of the British query; however, given the timing of the request the British probably sought potential witnesses who would testify that the Americans fired first.

While Rodgers again lobbied for an inquiry, Monroe continued his parrying with Foster over trade policy. Foster wrote Monroe asking if President Madison planned to continue the prohibition against British imports, despite France's continued seizures of American commerce. Foster cautioned Monroe that if the United States continued its ban while also accepting the Cadore letter as legitimate, Great Britain would have no alternative

²⁶⁸Hamilton to Rodgers, 11 July 1811, Letters Sent by the Secretary of the Navy, 1798-1868, Reel 9, Vol. 9, 393.

but to retaliate.²⁶⁹ Britain's minister remained ambiguous about the type of retaliation. The United States continued to export commodities to British markets; perhaps Britain would refuse American commerce. This alternative seemed unlikely because the British Empire needed American raw materials and food. British naval power seemed more menacing and more effective. Seizures increased after Madison announced that the United States would reject British imports. With Yorke's squadron in the Atlantic, increased attacks on American merchantmen or perhaps even coastal towns seemed increasingly likely. The outcome of the Monroe-Foster discussions in the coming days would determine what retaliation Britain used.

On the issue of the *Little Belt*, Monroe continued to deny that Rodgers acted under any orders when he engaged the British sloop. In a letter confirming receipt of Foster's 3 July correspondence, the secretary of state once again denied that Rodgers sailed with instructions to stop British naval vessels and remove impressed Americans. Monroe once more stressed that Rodgers acted only under directions to protect the coast and American commerce. The letter closed with an expression of regret that the violent exchange occurred, but with an admonishment to Foster that British practices along the American coast had created the tense atmosphere that triggered the incident.²⁷⁰

Foster continued to press Monroe about the issue of Rodgers's orders because questions about his instructions, as well as public support for his victory, dominated press coverage of the incident. The *Columbian Centinel* reprinted an article from a Canadian newspaper claiming that Rodgers obeyed a directive to board British warships and remove Diggio or any other impressed Americans. The Canadian editor credited an unnamed New Yorker with an undetermined level of access to such information as his source. The journalist

²⁶⁹Foster to Monroe, 14 July 1811, *American State Papers*, Vol. III, Foreign Relations, 438.

²⁷⁰Monroe to Foster, 16 July 1811, *ibid.*, 472.

also denounced Rodgers as a lawless and unprincipled coward who fired first rather than politely ask for Diggio.²⁷¹

Not surprisingly, many Americans approved of the *Little Belt*'s drubbing, and numerous press accounts documented the public's support for Rodgers. From Knoxville, Tennessee came news that when word of the affair reached the town numerous residents gathered at the Globe Inn to celebrate "the first check which has been given to British insult and aggression so often repeated on our coast."²⁷² Many of the revelers did not consider the action a victory by arms because of the *Little Belt*'s inferiority in size and firepower; instead, they celebrated the event as a "chastisement" and held Rodgers in very high regard. Locals set out the "choicest liquors" and enjoyed numerous toasts to Commodore Rodgers. After an hour of drinking, a "martial" parade led by state dignitaries including the governor, commander of the state militia, secretary of state, and Supreme Court justices marched to the town square and witnessed the discharge of thirty artillery rounds. The procession then went to two more taverns and enjoyed two more toasts to Rodgers before returning to the Globe for more libations. Only then did the celebrants return to their work.²⁷³

In both the nation's capital and several county seats Rodgers received laudatory toasts for his May success during Independence Day celebrations. In Prince Edward County, Virginia many interpreted the *President*'s victory as a redemption of the *Chesapeake*'s disgrace, and one toast hailed that, "The Genius of Independence was entombed in the bloodstained *Chesapeake*; but this angel of 76 has rolled away the tombstone, and the fair goddess is arisen." In Surry County, Virginia the American victory seemed as one in which

²⁷¹*Columbian Centinel*, 15 June 1811, 2.

²⁷²*The Enquirer*, 21 June 1811, 2.

²⁷³*Ibid.*

the United States stifled British transgressions. One toast proclaimed, “May he whenever occasion offers, teach the myrmidons of Britain to speak, when spoken to politely, otherwise chastise them.”²⁷⁴

Not all Americans viewed Commodore Rodgers favorably, especially the Federalists. Former senator and cabinet secretary Timothy Pickering of Massachusetts used his national stature to push the often repeated rumor that Madison ordered Rodgers to attack British warships. In an editorial, the Federalist patriarch alleged that Rodgers acted on a command from President Madison to stop the *Guerriere* and demand Diggio’s return to United States custody. Should the British commander fail to comply, according to Pickering, Rodgers would open fire and remove Diggio by force. Pickering reasoned that Madison wanted such an attack because the *President* possessed more firepower than the *Guerriere*, thus assuring a victory intended to remove the disgrace of the *Chesapeake*’s humiliation.²⁷⁵ Pickering also insinuated that the ultimate goal of Madison’s supposed directive was to set off war with Britain. The New Englander denounced as madness the president’s alleged plan to initiate war. He argued that the federal treasury teetered on insolvency, the necessary taxes for waging war would never clear the Republican controlled Congress, the weak United States military could never defeat Britain’s, and the outbreak of hostilities would immediately end America’s foreign commerce-- leading to the demise of the government’s major source of income.²⁷⁶

Pickering closed his long diatribe by accusing southern Republicans of trying to manipulate northern congressmen into supporting a war with Great Britain. He claimed that

²⁷⁴Ibid., 3.

²⁷⁵*Salem Gazette*, 1 July 1811, 2.

²⁷⁶Ibid.

the War Hawks' promise to conquer Canada served only as a method of rallying support for an unnecessary conflict. Pickering judged the United States too weak for the job, but if such a conquest did happen only more problems would follow. Rather than keeping Canada for future expansion, Pickering believed that the Madison administration would hand the territory over to France on the ground that it was an "ancient" French possession. Not only would a French-controlled Canada pose a greater threat to American security, but France could also demand the return of Louisiana, and the Mississippi and Ohio valleys because these were "ancient" French provinces.²⁷⁷

While the American public debated the merits of, and the motivations for Rodgers's victory, Foster grew increasingly frustrated with the Madison administration's handling of the *Little Belt* incident. In a dispatch to Foreign Secretary Wellesley, Foster lamented both the wording of Monroe's formal denial that Madison ordered Rodgers to board British warships, and also the absence of an inquiry into the bloodshed. Monroe had presented the statement to Foster in a private interview. Upon receiving the refutation he told Monroe (contrary to the tone of previous dispatches to Wellesley) that he never gave serious credence to any rumors regarding Rodgers's orders, because the forced boarding of a Royal Navy vessel constituted hostility toward Great Britain. Foster did express his disappointment that one sentence of the declaration claimed that the British navy's harsh treatment of American mariners justified issuing such an order. He pointed out that the United States previously denounced such acts and that Great Britain quickly disavowed the behavior in the wake of the *Chesapeake* incident. The controversial sentence led Foster to believe that the young republic now asserted a right to enter Royal Navy ships.²⁷⁸

²⁷⁷Ibid.

Despite his frustrations, Foster continued to insist on the need for an inquiry to clear up remaining discrepancies between Bingham's and Rodgers's versions of the battle. (Administration officials kept secret their decision to order an inquiry until the second request from Rodgers arrived.) The British representative expressed his discontent that instead of an inquiry, Commodore Rodgers immediately returned to his duties without any apparent punishment. Using the *Chesapeake* affair as his precedent, Foster reminded Monroe that after the bloodshed Great Britain immediately denounced Humphreys and offered the United States reparations for its losses. Now the Americans acted as the aggressor and appeared to be moving in a completely different direction.²⁷⁹

In a separate letter to Monroe, Foster announced the release of John Diggio.²⁸⁰ The Massachusetts native, whose removal from an American merchant ship and detention in the British navy served as the foundation for the numerous rumors about Rodgers's motives, now went free. While Great Britain expressed embarrassment that such an act (taken to satisfy the *Guerriere*'s need for a carpenter) ever happened, Foster hoped that tempers would cool enough to allow progress on settling the *Little Belt*.

The next day, Foster once more demanded that the United States Navy conduct an inquiry into the *President-Little Belt* affair. Despite Monroe's previous denials (and Foster's claims that he never believed any of the gossip about Rodgers's conduct), he repeatedly stated his suspicions that Rodgers merely obeyed presidential commands. The envoy asserted that only a fairly conducted investigation that disproved the innuendo would ever quell his suspicions. The British minister claimed he had to make this demand because of persistent

²⁷⁸Foster to Wellesley, 23 July 1811, British National Archives, FO 5/76, 162-163 (PRO).

²⁷⁹*Ibid.*, 164.

²⁸⁰Foster to Monroe, 23 July 1811, *Notes from the British Legation in the United States to the Department of State, 1791-1906*. M50, Roll 7.

rumors that Madison issued directives to American commanders to stop British warships and search for impressed Americans. Foster maintained that he anticipated the theories would be proven false, because if true, Britain could only interpret such a command as an act of war; and he was certain that the United States would never make such a move.²⁸¹

Foster also expressed disappointment that Monroe sought to link the *Little Belt* incident to the long history of British impressments along the American coast. The British minister insisted that this matter remain separate, and he promised to forward Monroe's complaints on the subject to Admiral Sawyer in Halifax and to the cabinet in London. Foster next addressed Monroe's assertion that the United States government would be justified in ordering its naval crews to board British public vessels. The envoy reminded Monroe that after the *Chesapeake's* near destruction both nations disavowed this practice; however, the language of Monroe's previous statement of denial now caused him to doubt that the United States had done so.²⁸²

Foster also chastised Monroe for not answering his previous request for an inquiry. The British representative expressed shock because if the Madison administration had nothing to hide the inquest would prove it and clear the Americans of any wrongdoing. London interpreted Rodgers's immediate return to sea as an approval of his behavior. America's disciplinary measures appeared contradictory to Britain's handling of the *Chesapeake* attack, when it complied with American demands and made available transcripts of its inquiry without waiting for a formal request from the United States.²⁸³

²⁸¹Foster to Monroe, 24 July 1811, American State Papers, Vol. III, Foreign Relations, 472.

²⁸²*Ibid.*

²⁸³*Ibid.*

Foster closed by regretfully informing Monroe that he could not fulfill his instructions to offer a fair settlement for the *Chesapeake* attack. Britain demanded satisfaction both in determining culpability in the *Little Belt* controversy, and with any punitive actions meted out to Rodgers. Foster claimed that he had originally sought to keep the two issues separate in the interest of ensuring justice for both parties in each case, but that was no longer possible.²⁸⁴

The United States finally agreed to the inquiry long advocated by Rodgers and Foster. On the same day Foster made his most recent plea for an investigation, Madison granted the British their request.²⁸⁵ The administration realized that only a formal investigation could settle the conflicting Anglo-American claims and dispel the rumors circulating about Rodgers's motives for pursuing the *Little Belt*. Rodgers maintained that he thought he faced an equally strong British frigate. Bingham asserted that he fell victim to an American bully. Each commander believed the other fired first in this lopsided battle. Now the two governments sought to exonerate their own commanders and to use the incident as a bargaining chip in their seemingly endless negotiations.

With the long demanded inquiry set and many public officials and diplomats preparing to leave Washington for the remainder of the summer, Secretary of State Monroe dispatched instructions on handling the *Little Belt* controversy to the newly appointed chargé d'affaires in London, Jonathan Russell. By late June, American diplomats in Europe knew of

²⁸⁴Ibid.

²⁸⁵Secretary Hamilton informed Rodgers on 24 July that the inquiry was called so that his version of the attack could be recorded under oath. Although Rodgers's first request for a review had been denied because President Madison did not "entertain a doubt as to the entire correctness of your communications," and because Madison's refusal was "considered as an evidence of the high confidence reposed on your candor & in your honor," the inquiry was now ordered on the grounds that Bingham made statements contrary to Rodgers's and both the honor of the United States and of the commodore must now be defended. Hamilton to Rodgers, 24 July 1811, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, Roll 9, Vol. 9, 404.

the *Little Belt* imbroglio, and Russell should expect the matter to surface in his communications with Wellesley. Monroe directed Russell to shift blame for the violence onto Bingham, and to stress Bingham's initiation of the chase in waters infested with British privateers. Britain's past malevolence necessitated that Rodgers determine the name of British warships operating off his nation's shores and verify the commanders' intentions. Monroe also wanted Russell to emphasize Rodgers's claim that Bingham fired the first shot of the battle.²⁸⁶ While Wellesley would probably insist Rodgers acted aggressively and deserved a harsh punishment, Monroe charged Russell to deflect this tactic as much as possible and to cast Rodgers as a naval officer doing his duty.

From mid-June through September press coverage of the *Little Belt* affair remained intense. The Canadian press continued the bellicose calls to defend British sovereignty. In Quebec, one editor wondered if the Madison administration intended on ordering all American naval commanders stop foreign warships and interrogate the captains. If so, war with Britain would surely follow. According to the journalist, many in his province did not dread hostilities, and he hoped Britain's response to the *Little Belt*'s near destruction resulted in war.²⁸⁷

When word of the clash reached Great Britain, journalists quickly condemned the bloodshed. The fiercely pro-ministry *Courier* noted that many in the United States believed Rodgers avenged the *Chesapeake*'s defeat. The *Courier* argued that numerous differences between the two events existed. Humphreys simply sought deserters whom he suspected of serving aboard the *Chesapeake*, and his assault came only after the refusal of a polite request

²⁸⁶Monroe to Russell, 27 July 1811, Notes from the British Legation in the United States to the Department of State, 1791-1906. M50, Roll 7, 165-167.

²⁸⁷*The Enquirer*, 19 July 1811, 2.

for the men's return. Rodgers, on the other hand, attacked the *Little Belt* without any warning or demands. The *Courier* also accused the United States government of ordering the attack, as evidenced by the fact that the navy of a nation at peace opened fire under the pretext of an unreturned hail. Bingham, according to the *Courier's* editor, did not need to respond to Rodgers's hails because he wanted to conceal his identity in case he faced a French commander.²⁸⁸

The *Courier* later called for an immediate declaration of war. The editor argued Bingham defended the British flag well and fell victim to an overly aggressive American commander who most likely acted under orders to attack British ships and provoke a war. The bellicose commentator demanded that the government either receive reparations for the assault or declare war in defense of British honor.²⁸⁹

One Liverpool paper, seemingly influenced by Federalist scribes in America, theorized that the attack was part of a conspiracy hatched by the Madison administration to initiate a war with Great Britain. The editor postulated that Madison ordered an attack on any British warship to lure Parliament into a war declaration. Surprisingly, the English journalist rejected the theory that Madison ordered Rodgers to board public vessels in search of impressed Americans. That act would have breached the cherished principle held by both nations that public ships are protected by their flag. Breaking that caveat would mean committing an act too vile, even for the Republicans.²⁹⁰

The Liverpool paper also accepted the theory that etiquette prompted the incident. Commodore Rodgers wanted a response to his hail, and when a lone cannon shot answered

²⁸⁸*Courier*, 21 June 1811, 2.

²⁸⁹*Courier*, 17 July 1811, 1.

²⁹⁰*New York Evening Post*, 13 August 1811, 2.

his second request he ordered a broadside. The British pundit argued Bingham was not obligated to return Rodgers's hail because Bingham commanded a belligerent's ship and replying to a naval commander of undetermined nationality could threaten his crew's security. Rodgers, however, commanded a neutral war vessel and had no reason to worry about the ship he pursued.²⁹¹

The solution to the entire *Little Belt* problem seemed simple to the Liverpool editor; the United States must first disavow the act, Rodgers had to receive sufficient punishment, and the United States must indemnify the wounded and the families of the dead. Anything less would necessitate a British declaration of war.²⁹² The similarities with the ongoing *Chesapeake* settlement seemed obvious. The United States should either replicate the actions of Great Britain in the wake of the *Chesapeake*, or Great Britain should declare war.

The demand for war apparently reverberated throughout the entire kingdom. Ships entering New York brought news of American vessels leaving Britain carrying Americans fleeing the country in expectation of war. This induced the *Post* to predict that unless the United States offered both reparations and a disavowal of Rodgers's actions, war in defense of British honor would ensue. The editor also believed the British Admiralty dispatched Yorke's squadron to coax the disavowal and reparations from the United States. Yet another rumor rooted this theory — pilots experienced in navigating American harbors supposedly sailed with Yorke.²⁹³

From Europe came reports that the *Little Belt* controversy “tickled Bonaparte hugely.” News of the scrape was published in the French newspaper *Moniteur*, which also

²⁹¹ Ibid.

²⁹² Ibid.

²⁹³ Ibid., 26 August 1811, 3.

claimed restoration of monetary bonds paid by several American ship owners. Payment of these bonds indicated continuation of the Berlin and Milan Decrees, but that news had no influence on Madison's interpretation of the Cadore letter. Word of Bonaparte's delight led the *Columbian Centinel* to theorize that the Anglo-American war Napoleon had long wanted would probably come.²⁹⁴

While Americans read accounts of Bonaparte's pleasure over the anticipated Anglo-American conflict, Federalist leaders again argued that Madison wanted to provoke a war with Britain to win a French alliance. The theory that Rodgers acted under orders to attack British ships remained popular, with some editorialists arguing that the recent violence belonged to a long chain of events designed to ignite a war. According to these Federalist scribes, the Republicans used the Non-Intercourse Act and Macon's Bill # 2 to entice the British into declaring war. When these attempts failed, only an outright act of aggression would work. Firing on the *Little Belt* was that hostile act. Now that the coastline lay exposed to British attack, the president, cabinet, and congressional leaders could not be found in the capital; choosing instead the comforts of their plush estates.²⁹⁵ Federalist writers seemingly believed the Republicans were either too incompetent to manage the nation's defense or too disinterested in the welfare of coastal residents to worry about their countrymen's safety.

By early September, the threat of imminent war gave way to hopes of peace. Americans leaving Great Britain stated that while support for declaring war initially was high, tempers quickly cooled to the point that the chance of conflict was minimal.²⁹⁶ This shift in public opinion is telling of the kingdom's desire to avoid conflict with its former

²⁹⁴*Columbian Centinel*, 28 August 1811, 2.

²⁹⁵*Ibid.*

²⁹⁶*New York Evening Post*, 3 September 1811, 3.

colony. Word of an American frigate mauling a British vessel half its size sparked indignation among the public. After weeks of deliberation, with many newspapers carrying both Bingham's and Rodgers's versions of the story, the imprudence of war with America became clearer. Since Rodgers's relation was just as credible as Bingham's, and because Great Britain did not need the United States as an enemy while France remained immovable in Europe, war in the defense of national honor seemed too impractical.

CHAPTER 6

The American Inquiry

Throughout July and August 1811, the United States Navy prepared for Rodgers's inquiry. The Madison administration hoped to clear him of any culpability quickly, thus enabling Foster to present his settlement for the *Chesapeake* damages. The British, however, hoped the inquiry led to Rodgers's censure, and to resolution of the rumors accusing him of acting under presidential orders to attack British warships in an attempt to remove impressed Americans or to ignite a war with Great Britain. Both Monroe and Foster hoped the inquiry spurred momentum in their attempt to settle the remaining impediments in Anglo-American relations.

When Navy Secretary Hamilton ordered the inquiry, he selected Commodore Stephen Decatur to preside over the panel. Decatur had served in the navy since 1798 and was a hero of the Barbary War, where he gained fame for leading a boarding party that burned the frigate *Philadelphia* after the American warship had fallen into enemy hands. Decatur's band did not suffer a single casualty during this daring raid. He emerged from the war as one of the navy's most trusted officers, and in 1808 he served as a member of Barron's court martial despite being one of Barron's most outspoken detractors. Decatur's service at that court martial provided him with experience in adjudicating matters similar to the *President-Little Belt* confrontation. At the time of Rodgers's inquiry, Decatur commanded the *United States* and had accompanied Rodgers in his cruises during the weeks following the *Little Belt* incident. Decatur went on to further victories in the War of 1812, commanded a punitive expedition against Algiers in 1815, and served on the Board of Navy Commissioners from

1815-1820 when he died from wounds inflicted during a duel with Barron.²⁹⁷ John Rodgers served as one of Decatur's pall bearers.

In addition to Decatur, the board consisted of Captains Charles Stewart and Isaac Chauncey. Stewart also began his service in 1798 and had served alongside Decatur during the Barbary War, assisting him in burning the *Philadelphia*. Stewart went on to hold several successful commands during the War of 1812, most notably as commander of the *Constitution*. After the war, he served as a squadron commander, commander of the Philadelphia Navy Yard, and Naval Commissioner from 1830-1832, before retiring as a rear admiral in 1862.²⁹⁸

Isaac Chauncey entered the navy in 1799 and supervised the *President's* construction. He also served in the Barbary War. In the intervening years Captain Chauncey commanded several ships as well as the Navy Yard in New York City. Chauncey's career led him to command all American naval forces on Lake Erie and Lake Ontario during the War of 1812, where he participated in coordinated campaigns with the army. After the war, Chauncey commanded the Mediterranean Squadron, supervised the Portsmouth Navy Yard, and served on the board of navy commissioners, eventually attaining the rank of board president in 1837.²⁹⁹

The panel seemed stacked in Rodgers's favor. Decatur served with Rodgers on several assignments, most notably the Barron court martial and Rodgers's June cruise after his battle with Bingham. He and Rodgers were friends and Decatur assisted Rodgers at a time

²⁹⁷“Stephen Decatur” in American National Biography [database online] available from <http://www.anb.org>.

²⁹⁸“Charles Stewart,” *ibid.*

²⁹⁹“Isaac Chauncey,” *ibid.*

when he felt vulnerable to British retribution. Stewart and Chauncey had no known dislike for Rodgers. Given their apparent career aspirations it is doubtful that either captain would act in a manner that discredited their colleague or the United States Navy, making it unlikely they would find Rodgers negligent.

Hamilton selected New York City, rendezvous port for Rodgers's squadron, as the location for the inquiry. Nathan Sanford, the resident federal district attorney, was designated judge advocate (presiding officer) of the board.³⁰⁰ The panel would hear testimony from witnesses aboard the *President* and Rodgers would have an opportunity to question these men.³⁰¹ Rodgers wrote Hamilton on 9 August that he was prepared for the inquiry—scheduled to begin in three days, provided Sanford returned from the Niagara area where he was prosecuting cases.³⁰² In fact, another eighteen days passed before the board met.

As preparations proceeded, President Madison continued to manage the calls for war and for peace among various factions of Americans. In a letter from fellow Virginian Henry Lee, Madison attempted to measure the sentiment of Federalists about the direction of relations with Britain. Lee had previously assured several Federalists that the administration was working toward a peaceful settlement of all problems with Britain and that slow communications with London were the source of the apparent logjam. As proof that a peaceful solution was only months away, Lee referenced the *Little Belt* attack as an instance when the two nations could have gone to war, but did not because neither one wanted to do so. Lee argued that if the Madison administration wanted conflict it could simply order more

³⁰⁰It was common practice to designate a civilian attorney as judge advocate of a military inquiry. The resident district attorney represented the federal judiciary in an area. In instances when the district attorney could not serve, a local attorney, usually one of significant prominence was appointed.

³⁰¹Hamilton to Decatur, 24 July 1811, Letters Sent by the Secretary of the Navy, Roll 9, Vol. 9, 405-406.

³⁰²Rodgers to Hamilton, 9 August 1811, Letters Received by the Secretary of the Navy From Captains, 1807-61, Roll 22, letter 97.

attacks to provoke Great Britain. Clearly the British did not want to fight the United States because they did not declare war in the wake of one of their ships suffering a devastating attack by an American warship. Lee concluded his letter by advising the president to make a decision on the best course of action. Either prepare for war and explain to the public why it was necessary so that a unified country could achieve a quick victory, or settle all grievances at once on the best terms Britain offered. The state of “half-war” in which Britain seized cargos and sailors while the United States made threats and attacked weaker British warships only injured American prosperity and debased America’s reputation.³⁰³

Just days before the board of inquiry met, British activity intensified off the American coast. Threats of British reprisals for not only the *Little Belt* incident, but also the United States’s decision to ban all British imports until the London government lifted its Orders in Council made many coastal dwellers nervous about a possible attack. To add to this anxiety, Rodgers’s inquiry removed a portion of the small American navy from service as the commanding officers of three ships were called into New York to sit on the board. On 27 August Secretary Hamilton wrote Rodgers to prepare his crew for possible action against British warships prowling off the coast. Two days later Hamilton ordered Rodgers to take all naval vessels in New York to the Capes of the Delaware as soon as the inquiry was over. A British frigate and a brig operating in the area disrupted American commerce and Hamilton wanted the two driven away. A revenue cutter caught the brig in American waters, but the British commander ignored orders to leave United States territory. The brazenness of the officer’s actions possibly resulted from the absence of normal American naval patrols.³⁰⁴

³⁰³Lee to Madison, 19 August 1811, Stagg, ed., The Papers of James Madison, 3:426.

³⁰⁴Hamilton to Rodgers, 27 and 29 August 1811, Letters Sent by the Secretary of the Navy to Captains, 1807-61, Roll 9, Vol. 9, 438 and 441.

The board of inquiry convened aboard the *President* on 30 August 1811. William Paulding, adjutant general for the State of New York, replaced the ailing Nathan Sanford as judge advocate. Procedural matters consumed the first day and testimony began with Charles Ludlow, acting captain of the *President* on 16 May 1811.³⁰⁵ Ludlow declared that around noon on the day of the incident, at a distance of forty-five miles northeast of Cape Henry, the *President's* lookout spotted the *Little Belt's* sails. Approximately ninety minutes later the American crew spotted the *Little Belt* heading directly toward them. The frigate's officers spotted the British making signals, but did not understand these and instead cleared the vessel's decks for action. At around 2:15 p.m. the *President's* crew beat to quarters in preparation for an encounter.

Ludlow held that throughout the afternoon the *President* pursued the *Little Belt*, but the wind decreased as the day wore on, forcing the *President* to take most of the afternoon to catch up with the British sloop. Ludlow did not see a flag flying from the *Little Belt* until 7:30 p.m., but the distance prevented him from determining its nationality. Ludlow swore that the *President* continued closing on the *Little Belt*, finally catching up with the sloop about an hour later. Several times the frigate maneuvered around the *Little Belt's* stern in an attempt to gain the best position to hail the British crew. The *Little Belt's* crew met each attempt with evasive actions to prevent Rodgers from completing the maneuver. The British mariners suspected Rodgers's movements were designed to place his frigate in position to deliver devastating broadsides at the *Little Belt*.

According to Ludlow, when Rodgers hailed Bingham he gave no answer in return. Rodgers then repeated his call, which was quickly followed by a single cannon shot. Captain

³⁰⁵At the time of the attack the *President's* crew was awaiting the appointment of a permanent captain. Given that the frigate served as Commodore Rodgers's flagship and he held command over all captains in his squadron, the appointment of a permanent captain was unnecessary as long as Rodgers served aboard.

Ludlow was unsure of the origin of the discharge, but he believed it must have come from the *Little Belt* because the *President* did not roll, as it would have done if one of its own guns had fired. Furthermore, one of the frigate's crewmen exclaimed that the *Little Belt* had detonated a cannon. One of the *President*'s guns responded. Ludlow claimed the volley of three cannons and musketry greeted the Americans' retaliatory shot. This outburst brought on a general exchange that lasted several minutes, but then suddenly ceased. Captain Ludlow used this pause to reload and reposition the *President*'s guns. The *Little Belt*'s crew then resumed firing, which the *President*'s men returned until the *Little Belt*'s bow moved toward the direction of the *President*'s broadside. Ludlow claimed that when Rodgers saw the British craft maneuver in this manner he assumed the ship must be either severely damaged, or much smaller and weaker than first supposed.³⁰⁶

Captain Ludlow recalled that the action lasted until around 9:00 p.m. Once the shooting ceased, the *President*'s crew set about making repairs to portions of the ship damaged in the exchange. The *President*'s main and cross-jack braces (ropes used on the arms of the ship)³⁰⁷ were broken, but in less than two hours the crew completed the work and the *President* proceeded away from the *Little Belt*, eventually losing sight of the British sloop. At 12:45 a.m. the Americans halted for the evening with the intention of approaching the *Little Belt* at first light to determine the vessel's name and its commander, and to offer assistance.³⁰⁸

Ludlow continued his testimony by stating that at sunrise the *Little Belt* was spotted eight miles southwest of the *President*, and Rodgers ordered an immediate approach. By

³⁰⁶Proceedings of a Court of Inquiry, American State Papers, Vol. III, Foreign Relations, 478.

³⁰⁷Smyth, The Sailor's Handbook, 127.

³⁰⁸Proceedings of a Court of Inquiry, American State Papers, Vol. III, Foreign Relations, 478.

8:00 a.m. the Americans closed to within hailing distance and Rodgers requested permission to send a boarding party. Bingham agreed and Lieutenant John Creighton led the men aboard. Within an hour Creighton returned with the information Rodgers desired. Creighton informed Rodgers of the vessel's name, identified Bingham as the commander, and reported that Bingham had refused his offers of assistance. After receiving this information, Rodgers ordered the *President* put underway.³⁰⁹

The board asked Ludlow if he had read Rodgers's report submitted to the navy secretary on 23 May, and if he agreed with its contents. Ludlow acknowledged that he read the report and that he agreed with Rodgers's version of events. This concluded the board's questioning of Ludlow.

Rodgers questioned Ludlow last. He asked Ludlow about the length of the battle, and Ludlow estimated that the scrape lasted fourteen to eighteen minutes. Ludlow also swore that the *President* was never afire, and that the frigate did not flee from the *Little Belt*. Rodgers asked Ludlow to describe the commodore's orders during the brief cease-fire midway through the battle. Ludlow testified that Rodgers acted very concerned about needlessly inflicting further damage or loss of life. Rodgers next asked Ludlow to state what type of ordnance his crew used. Ludlow responded that they had used only round shot and grape shot. (Round shot was designed to puncture the hull, masts, and rigging of ships, and grape shot to wound several people clustered in a small area.) Ludlow concluded by stating that another broadside by the *President* would have sunk the *Little Belt*, but fortunately Rodgers ordered the *President*'s guns silenced.³¹⁰

³⁰⁹Ibid.

³¹⁰Ibid.

Rodgers's line of questioning demonstrates that he sought to refute the negative statements made by Bingham in his official report. The commodore tried to prove that the *President* was never in danger of burning, as alleged by Bingham, but rather pulled away as an act of mercy to avoid inflicting further damage on a weaker vessel. Rodgers also wanted to establish that he had ordered the standard type of ordnance fired during naval engagements at the time, and that he did not fire "every scrap of iron that could be collected" in an attempt to inflict heavier casualties. Rodgers also hoped to demonstrate that he had prevented a final broadside, which would have resulted in the *Little Belt*'s sinking.

The first day of testimony ended with Captain Ludlow, and on 2 September the hearing resumed with Lieutenant John Creighton. The officer began by stating that he held the rank of first lieutenant aboard the *President*, serving on the upper deck, and that he personally spotted the *Little Belt* at approximately 1:30 on the afternoon of the encounter. Given the distance of the *Little Belt*, Creighton believed it was a large warship. He further asserted that by 2:00 p.m. the *President* was flying the United States flag, but the *Little Belt* never raised any banner during the afternoon's long chase. According to Creighton, the *President* came within hailing distance of the *Little Belt* around 8:30 p.m., at which point Commodore Rodgers first hailed Bingham for his vessel's identification. Rodgers's call was answered with the same request, "What ship is that?" Creighton claimed that Rodgers again requested identification from Bingham, but as soon as he made his demand Creighton heard a lone cannon shot. The lieutenant testified that he did not see which ship fired first, but because he did not feel the *President* recoil he assumed the *Little Belt* was responsible. He added that he did not see any gun around him discharge, nor did he hear Rodgers give any order to fire. These facts strengthened his belief that the *Little Belt* fired first.

Creighton next explained Rodgers's orders to fire during the chase. He stressed that Rodgers ordered him to take precautions against any gun firing accidentally. To this end, the firing locks of the cannons were half-cocked. Furthermore, Rodgers emphatically ordered that no crewman open fire without his express order, or unless the *President* received gunfire. Creighton swore that the guns under his command never fired until after the *Little Belt* started the battle and until after Rodgers gave the command to respond. Once Rodgers gave that order, Creighton estimated that the exchange lasted five minutes before the *Little Belt's* guns ceased. At that point Rodgers visited several gun divisions and personally ordered each officer to cease firing. These cannons did not resume firing until the commodore gave the order to commence. Creighton believed that Rodgers had used extreme care to avoid further damaging the *Little Belt*. After a three-minute pause the *Little Belt* resumed firing, which the *President* immediately returned, and this second round lasted around five minutes. According to Creighton, the second series of exchanges ended when the *Little Belt's* guns fell silent, and an officer aboard the *President* insinuated that the British flag had been lowered and that the sloop's crew was signaling for help. Once again, during this cease-fire Commodore Rodgers made numerous attempts to suppress the *President's* guns to prevent more damage and bloodshed.³¹¹

The line of questioning next switched to Creighton's boarding the *Little Belt*. The lieutenant testified that during his conversation with Bingham, the British commander confessed that he thought the *President* was a French ship. Bingham's conclusion would have been logical given the afternoon's long chase, Bingham's repeated raising of the British flag that seemed to go unnoticed, and Rodgers's aggressive maneuvering in the minutes leading up to the attack.

³¹¹Ibid., 479.

Creighton claimed that Rodgers ordered the boarding to determine the vessel's name and commander, and to communicate Rodgers's deep regret for the incident. Creighton also stressed Rodgers's desire to make clear to Bingham the Americans' contention that the British fired first. The lieutenant claimed that had Rodgers and his crew known the *Little Belt* was much smaller and weaker than their frigate, they would never have returned fire. Creighton concluded his testimony by stating that he read Rodgers's report to Hamilton and agreed with his account.³¹²

Rodgers then asked Creighton several questions. The commodore inquired if the *President* was ever afire during the encounter, or if it ever pulled away during the fight. Creighton denied both. Rodgers next queried Creighton about the type of ordnance fired at the *Little Belt*, and Creighton swore to using only round shot and grape shot. Rodgers then asked what another broadside into the *Little Belt* might have done to the distressed craft. Creighton replied that another broadside would have sunk the sloop. Finally, Creighton affirmed that Bingham never asked why the *President* fired at all.³¹³

Rodgers sought to prove that the absence of Bingham's question served as additional proof that the *Little Belt* fired first. Had Rodgers initiated the scrape, surely Bingham would have demanded from Creighton a reason for doing so.

Ludlow and Creighton's testimony carried a great deal of importance. As the second and third ranking officers aboard the *President* their reputations and expertise set them apart from the remainder of the frigate's crew. Their statements placed a great deal of blame for the confrontation on Bingham and refuted many of his assertions. The board now possessed corroborating evidence that indicated Bingham's negligence and supported Rodgers's claim

³¹²Ibid.

³¹³Ibid., 479-480.

that he acted compassionately and tried to avoid damaging the British sloop. Creighton's account also revealed a motive for Bingham's initiation of hostilities— he thought he faced a French warship.

The remainder of the inquiry lasted until 13 September. During that time twenty officers and twenty-eight crewmen answered similar questions from the board and from Rodgers. With only a few exceptions, each witness gave comparable answers that varied only slightly and confirmed Rodgers's account of the event. Their testimony left little doubt that Bingham was responsible for causing the encounter.³¹⁴

After the witnesses completed their testimony Rodgers made his closing argument to the panel. He apologized for the repetitiveness of his questions, but he felt compelled to refute the "odious features of the statement which has been exhibited in the newspapers, said to be Captain Bingham's official statement to Admiral Sawyer."³¹⁵ Rodgers also expressed his relief that the inquiry was convened, so that he could rebut the charges made by fellow Americans who alleged he had intentionally hunted down the *Little Belt*.

Rodgers recounted the events leading to the battle. On 10 May he left Annapolis pursuant to orders from Secretary Hamilton that he return to New York to protect American trade from British and French raiders. From reports in local papers, Rodgers learned that the British frigate *Guerriere* had operated in the Sandy Hook area where it stopped the American merchant ship *Spitfire*. Rodgers knew that the British had removed from this civilian crew an apprentice named Diggio and impressed him into the Royal Navy. Shortly after noon on 16 May the *President's* crew spotted sails to the east. From the size and shape of those sails

³¹⁴Ibid., 480-495.

³¹⁵Ibid., 495.

Rodgers determined that they belonged to a British warship. Assuming it was the *Guerriere*, the commodore decided to intercept the ship, as he believed it his duty to determine the name of every foreign warship that hovered near the American coast.

Rodgers also claimed that he wanted only to get the names of the vessel's crewmen and determine if Diggio was aboard. Rodgers declared that he judged the sailor's removal an insult to American sovereignty. He admitted knowing that the British captain would not allow him to board his vessel, but Rodgers's goal was simply to determine if Diggio was aboard so he could request his immediate release. If this call failed, then at least he could report Diggio's presence so the United States government could begin work on his release. Rodgers made clear to the board that regardless of Diggio's presence or that of any other American, he still had the duty to intercept foreign warships operating close to the United States coastline and determine the commanders' intentions.³¹⁶

Rodgers finished his closing statement by criticizing Bingham. The commodore argued that if Bingham had not acted in such a hostile manner and if he had raised the British flag while there was sufficient sunlight to identify it, the battle could have been avoided. Furthermore, Rodgers argued that Bingham should have known that the Americans merely wanted to speak to him. That the *President* flew its national flag and commodore's pendant, as well as the frigate's maneuvering around the *Little Belt*'s stern to gain a good hailing position, constituted proof that the Americans simply wanted to talk.³¹⁷ Rodgers concluded that Bingham did not realize he was outgunned and hoped to delay the Americans until dark

³¹⁶Ibid., 495-496.

³¹⁷Rodgers's assertion that the *President*'s maneuvering around the *Little Belt*'s stern was proof he merely wanted to hail Bingham is not concrete. It would be easy to interpret his movement as an attempt to position the frigate to rake the *Little Belt*, as Bingham pointed out in his testimony.

when the *Little Belt* could slip away into the night.³¹⁸ With that, Rodgers closed his testimony and the board began its deliberations.

Commodore Rodgers's closing statement is certainly open to scrutiny. Whether or not he intended to board the *Guerriere* by force and remove Diggio will never be known because Rodgers never engaged the *Guerriere*. Given Britain's and the United States's repudiation of forced boardings of public vessels, it is reasonable to believe that Rodgers would never attempt to power his way onto a foreign warship. On the other hand, American anger over impressments was reaching a boiling point and Rodgers might have sought to remove American sailors aboard any British warship he found. This was a major concern expressed by Foster during his negotiations over the *Little Belt*, and this belief was predicated on the rumors accusing Madison of ordering Rodgers to stop British naval vessels to remove impressed Americans. The crucial fact, however, is that Rodgers's crew never removed any sailors suspected of being impressed Americans, nor did any other American crews attempt this in the days before or after the incident. If Rodgers sought to remove impressed Americans from any British warship that he came across he certainly had the opportunity on the morning of 17 May, yet he took no British crewman into American custody. If Madison had issued orders to other American navy commanders to forcibly remove impressed Americans, why was the *Little Belt* the only ship engaged? Given this detail, one must presume that Rodgers never sought to liberate by force any American sailors.

While the board of inquiry met, many residents along the coast braced for possible British retribution. In July, Augustus Foster threatened retaliation if the United States continued to prohibit British goods. Foster had vaguely intimated that Britain would react to

³¹⁸Ibid., 496.

the United States's refusal of trade through some form of coercion; however, he never specified military force and this option most likely never entered his mind. Britain could ill afford a conflict in America while fighting Napoleon. Fear of a military response seemed to have its genesis in the American press. On 29 August, the *National Intelligencer* speculated that Foster's July threat would come in the form of trade restrictions, a maritime raid, or a blockade. The paper assumed that Yorke's fleet, which departed Britain in July, was the vehicle for British action and that his behavior would depend on the outcome of the Rodgers inquiry.³¹⁹

During late August and early September, Yorke's squadron threatened the American coast by maneuvering close to the shore line and interdicting American merchantmen. To compound this defense problem, Rodgers's ongoing inquiry tied up four captains and their commands. On 2 September, Secretary of War William Eustis wrote President Madison that a merchant ship had recently entered Baltimore and reported passing three large British warships just off the American coast. Eustis speculated that these vessels belonged to Rear Admiral Yorke.³²⁰ Madison responded to Eustis six days later stating his doubt that Yorke's squadron would strike America. The president believed that Britain wanted a public disavowal of Rodgers's actions against the *Little Belt* and that Yorke's mission was to intimidate the board of inquiry and the American government. As a precaution Madison directed Eustis to prepare for a British assault. Although Madison could do little to persuade Yorke to leave (he remained out of sight of the coastline and did not violate American waters), he did want Eustis to place soldiers stationed in Fredericktown, Maryland on alert and to be ready for transfer to coastal fortifications. Madison also directed Eustis and

³¹⁹*National Intelligencer*, 29 August 1811, 2.

³²⁰Eustis to Madison, 2 September 1811, Stagg, ed., The Papers of James Madison, 3:439.

Hamilton to begin planning defense strategies for coastal towns, with New York City (site of the inquiry) designated as the most likely place for an assault.³²¹

Rumors that crewmen claimed Rodgers ordered the *President* to fire first continued to hound him as the inquiry drew to a close. On 9 September, as the panel continued its interrogatories, Secretary Hamilton wrote Rodgers of a report circulating around Washington that a midshipman claimed that Rodgers had instigated the violence. Purportedly, an anonymous midshipman from Vermont had asserted that the Americans were the first to fire. Hamilton advised Rodgers to make sure all Vermonter midshipmen aboard the *President* testify at the inquiry to determine the validity of the story.³²²

Three days later, Rodgers responded to Hamilton's letter. The commodore claimed that the supposed midshipman was actually a discharged marine with a notorious reputation who had posed as a midshipman to add creditability to his story. Rodgers pointed out that all the *President's* officers, as well as the commander of each of the frigate's gun divisions, testified that the *Little Belt* fired first; thus the testimony of one man (with a shaky reputation) should not cast any doubt on Rodgers's performance.³²³

Rodgers informed the secretary that he anticipated the inquiry would last only another day. Upon its conclusion he would lead the *President*, the *United States*, and the *Wasp* as a squadron to drive off three British warships near New York. For two days the British

³²¹Madison to Eustis, 8 September 1811, *ibid.*, 452.

³²²Hamilton to Rodgers, 9 September 1811, Letters Sent by the Secretary of the Navy to Officers, 1798-68, Roll 9, Vol. 9, 449.

³²³Rodgers to Hamilton, 12 September 1811, Letters Received by the Secretary of the Navy From Captains, 1807- 61. Reel 22, letter 135.

squadron anchored just outside American waters near Sandy Hook, New Jersey. One of the frigates was the infamous *Guerriere* and Rodgers hoped for the honor of driving it away.³²⁴

On 12 September the board of inquiry rendered its judgment. The conclusions came after the panel weighed the evidence presented by the long list of witnesses, assessed the facts presented in Rodgers's 23 May letter to Secretary Hamilton, and analyzed the arguments contained in the commodore's closing statement. The council apparently did not need much time to formulate its opinion as it was written the same day as the final testimony and Rodgers's closing argument. The panel concluded that Rodgers had made every effort to maneuver within hailing distance of the *Little Belt* before dark. It also determined that Rodgers had ordered the American flag and the commodore's pendant raised as soon as he decided the *Little Belt* was a British warship seeking to intercept them. The board held that these identification markers flew until noon of the seventeenth, thus giving Bingham and his crew sufficient notice of the *President*'s nationality. The panel believed that Commander Bingham acknowledged the commodore's pendant shortly after beginning his intercept of the frigate.³²⁵ Given these facts, the board of inquiry determined that Bingham should have known his pursuer was American, not French; therefore, his stated reason for opening fire on the *President* was unjustified.

The board further concluded that the *Little Belt*'s crew did not raise their flag until the sloop stopped at twilight on the evening of the sixteenth, just minutes before the first exchange. The panel held that Rodgers hailed Bingham first, that Bingham replied to the call unsatisfactorily, and that Rodgers's second hail was answered by a cannon shot from the *Little Belt*---meaning that the British fired first. Bingham's men fired this initial shot without

³²⁴Ibid.

³²⁵Proceedings of a Court of Inquiry, American State Papers, Vol. III, Foreign Relations, 496.

provocation or justification, and the *President*'s crew was warranted in returning a single shot. It was the *Little Belt*'s response to the retaliatory shot (three cannons and a full volley of musketry) that initiated the full-scale battle. The board determined that once both ships began the general exchange, it lasted four to five minutes when the *Little Belt* stopped firing and the *President* quickly did the same.³²⁶

The panel believed the intermission in combat lasted three minutes. Once the fighting resumed, the board estimated that the second round of violence lasted approximately five minutes, and ended when the *Little Belt*'s guns fell silent. The court believed that Rodgers tried to ensure against further damage on the *Little Belt* or its crew, and that once the battle ended he ordered several lit lanterns displayed while he positioned the *President* within eyesight of Bingham's men. This maneuver notified the British crew that help was nearby should they need it. The judging officers believed Rodgers offered assistance to Bingham on the morning of the seventeenth, but he refused any aid.³²⁷

The council accepted Rodgers's damage report for the *President*— one shot in the mainmast, one shot in the foremast, and damage to some of the rigging. The panel did not contest Rodgers's casualty report of one boy wounded. The court also accepted Rodgers's 23 May letter to Secretary Hamilton as a correct statement of the facts concerning the battle. The board of inquiry's official findings were read and approved on 13 September and the panel adjourned.³²⁸

The board of inquiry's findings rested on the overwhelming testimony of the *President*'s crew. The panel's job was made easy because of the large number of officers and

³²⁶Ibid.

³²⁷Ibid., 497.

³²⁸Ibid.

enlisted personnel swearing to a version of events that differed only slightly. The weight of the evidence seemed to dwarf that presented by the British.

The Americans' conclusions were not airtight. The speed of the verdict and the navy's haste to return the commanders and crews to duty casts doubt on the complete impartiality of the hearing. This hurried pace was partly the result of America's need to protect its coast and commerce from British attack. Regardless of the reason for rapidity, the alacrity of the deliberation and the confidence exhibited by navy and government leaders in Rodgers's innocence prior to the proceeding give the impression that the verdict was determined before the board ever assembled.

A second weakness is the court's reasoning that Bingham had no rationale to fear the *President*. The panel judged that because the frigate flew the American flag and a commodore's pendant, Bingham should have known he dealt with an American naval vessel. The board seemingly overlooked the fact that a French crew could possess these articles to disguise their true nationality. Combined with Rodgers's aggressive pursuit, his maneuvering the *President* around the *Little Belt*'s stern (a move that could have been used to rake the sloop), and the lack of daylight, it is easy to understand why Bingham concluded that he faced an enemy.

Fear of hostile British activity continued to worry American leaders during the first half of September. Navy Secretary Hamilton wrote President Madison of British violations of American waters. The secretary forwarded a 31 August letter from Captain David Porter detailing his investigation of the *H.M.S. Tartarus*'s brief entrance into Hampton Roads, Virginia. Porter responded to reports of the frigate's presence by sailing to Hampton Roads aboard the *Essex* and accompanied by supporting gunboats. The *Tartarus* left before Porter arrived, as the British consul in Norfolk ordered its commander to leave immediately.

Hamilton informed Madison that he believed the British commanders had entered American waters because they knew the Rodgers inquiry had preoccupied most of the American navy. Two forty-four-gun frigates could not leave port because their commanders (Decatur and Rodgers) were at the inquiry. Hamilton conveyed his hope that a speedy end to the hearing would free the necessary personnel and ships needed to end British depredations of United States territorial waters. Hamilton added that he anticipated Yorke's fleet would menace trade and enter American ports on false distress claims.³²⁹

Hamilton's stated hope for a speedy end to the inquiry again raises the possibility that the hearing was a *fait accompli* to the administration's desire to exonerate Rodgers. The large amount of testimony in Rodgers's favor gives credence to his claim of innocence, but the anxious desire of many in administration circles to conclude the hearing leaves the impression that Rodgers would never have been judged culpable and that the proceeding merely served as a show trial to satisfy Foster's demand for an inquiry.

The day after the board of inquiry adjourned, Rodgers wrote two letters to Hamilton. The first letter dealt with the inquiry, the second with Rodgers's plans for naval operations, now that he was free to sail from New York. In his remarks about the inquiry, Rodgers expressed regret to the secretary that the ship's purser and surgeon did not testify. Judge Advocate Paulding ruled that because they were not stationed near the guns facing the *Little Belt*, they could not present credible information.³³⁰ Paulding's ruling actually strengthened Rodgers's case by weakening Bingham's. Two of the *Little Belt's* officers who testified at the British inquest were the ship's purser and the surgeon. Both men gave brief testimony

³²⁹Hamilton to Madison, 9 September 1811, Stagg, ed., The Papers of James Madison, 3:453.

³³⁰Rodgers to Hamilton, 14 September 1811, Letters Received by the Secretary of the Navy From Captains, 1807-61, Reel 22, letter 140.

that did little to aid Bingham. Paulding's decision gave the appearance that crew members whose duties kept them away from the action could not furnish accurate information about what transpired above deck, thus providing no credence to their recollections.

Rodgers's second letter ominously reported the presence of the British squadron off New York. Indeed, he had planned to lead his squadron to meet them the following day. The commodore noted that several captains entering New York reported boarding parties from the *Guerriere*. According to these men, the commander of the *Guerriere*, James Dacres, promised vengeance on Rodgers and his crew for the *Little Belt* attack.³³¹ Perhaps the British captain was familiar with the course of the proceedings, or maybe he arrived in New York espousing retribution in hope of influencing the inquiry's outcome. Whatever the truth, Dacres ordered his ship's name painted in large, black letters on the foretopsail. It seemed as if he wanted to taunt the Americans into sailing out and engaging his squadron. In response, Rodgers ordered "**PRESIDENT**" painted on his frigate's topsails in letters large enough to be seen ten miles away.³³² From the tone of Rodgers's letter, he hoped to meet the British on equal terms and determine their sincerity.

The anticipated showdown never materialized. Adverse winds delayed Rodgers's promise of swift action. His squadron advanced no farther than Staten Island, and for three additional days unfavorable breezes kept him close to the New Jersey shore. By the time the squadron finally moved to open water, the British were no longer in the area. In accordance with Hamilton's instructions of 29 August, Rodgers led his squadron to the Capes of the Delaware.

³³¹Rodgers to Hamilton, 14 September 1811, *ibid.*, letter 142.

³³²*Ibid.*

The conclusion of the hearings regarding the *Little Belt* incident did not end with the inquiry. Joseph Shelburne stood trial for sedition in the wake of the battle. Shelburne's court martial took place aboard the U.S.S. *Wasp* on 12 September 1811. The charges stemmed from statements he made on the day after the encounter. Shelburne was accused of saying that he hoped the *President* fell in with a superior force so he could gain the opportunity of hanging a number of the *President's* crew. Apparently, the disgruntled seaman believed the attack on the *Little Belt* was tantamount to a high crime, and if the British captured the *President* reprisals would begin. Shelburne purportedly informed some of the *President's* crew that he carried rusty nails in his pocket to facilitate a British victory by jamming the nails into the vents of the Americans' cannons to prevent their discharge.³³³

Shelburne defended himself by arguing that during the battle with the *Little Belt* he performed his duty without hesitation and to the best of his ability. Based on his performance there was no reason to suspect his loyalty to the crew or to the United States. This plea did not sway the panel trying him, as he was convicted and ordered to receive two hundred lashes. The court martial recommended that Rodgers reduce this sentence by half. Rodgers not only agreed, but he reduced the sentence further to an expulsion from the navy without any other punishment. Rodgers predicated this lenient sentence on Shelburne's past service to the navy, particularly during the battle with the *Little Belt*, and he also hoped that Shelburne's poor regard for the United States would be enough to entice him to leave the country.³³⁴

On 17 September Secretary Hamilton sent President Madison transcripts of the inquiry and he noted the strengths of Rodgers's case. Rodgers produced many more

³³³Proceedings of the Court-Martial of Joseph R. Shelburne, Seaman, III:21, Rodgers Family Papers, Manuscript Division, Library of Congress, Washington, D.C.

³³⁴Ibid.

witnesses than Bingham, all swearing the British fired first. Hamilton also included that day's edition of the *National Intelligencer*, which reported that none of Bingham's five witnesses testified under oath. The paper also pointed out that of the *Little Belt's* surviving crewmen only five agreed to testify, and of those five, two went below deck during the engagement. Hamilton encouraged the president to review the findings and note any points of dissension as soon as possible. Hamilton wanted to turn the transcripts over to the *National Intelligencer* for publication in hope of finally refuting contradictory newspaper articles claiming Rodgers had ordered the first shot.³³⁵

As for Yorke's squadron, Hamilton informed Madison that he ordered twenty gunboats to New York, ten to Norfolk, and three to Wilmington, North Carolina to defend those ports from attack. The navy secretary also ordered all frigates to remain in coastal waters, and to call on ports frequently to detect and punish any British incursions.³³⁶ This level of preparedness reflected the Madison administration's concern about British reaction to the Rodgers inquiry. Foster's vague threat of retaliation misled administration officials into believing Britain would attempt to bully its former colonies into condemning Rodgers, or if that effort failed, to try to punish the United States for not buckling.

The navy's affirmation of Rodgers reflected the high level of confidence that both the military and the Madison administration possessed in America's ability to repulse a British raid. The victory over the *Little Belt* proved that if Americans brought superior force to bear in individual engagements they would win. Despite the vaunted reputation of the Royal Navy (in 1811 the most powerful in the world), if the "ruler of the waves" could only spare a portion of its fleet from European operations, Americans could overpower that allotment.

³³⁵Hamilton to Madison, 17 September 1811, Stagg, ed., *The Papers of James Madison*, 3:467-468.

³³⁶*Ibid.*, 467.

This sentiment did not seem present in 1807 when the *Chesapeake* was humiliated outside Hampton Roads and Decatur despaired that the British would gain control of Norfolk. In four years the self-confidence of the United States military reached a level where anticipation of a British attack now seemed manageable. Whether or not Rodgers sought to vindicate the *Chesapeake*, his victory over the *Little Belt* apparently rehabilitated the image and surety of the navy, and cleansed the stain of humiliation inflicted by the *Leopard*.

With Rodgers's inquiry over, Augustus Foster wrote Foreign Secretary Wellesley with the results of the investigation and to present his view on the political situation in the United States. Foster believed that because the highest ranking and most senior captains of the United States Navy composed the inquiry board, the administration would accept their findings. The envoy calculated that now was the time to offer settlement for the *Chesapeake* attack. With his precondition for a settlement offer satisfied, the proposal would probably win favor with the American public and hopefully lead to an offer of compensation for damages to the *Little Belt*.³³⁷

The dispatch closed with an analysis of the effect Yorke had on the American public. Most Americans feared his squadron, and rumor held that the arrival of Wellesley's personal messenger (referenced in his 4 July instructions to Foster) was a signal for Foster to close his embassy and leave the country so that Yorke could ravage coastal towns.³³⁸ Ironically, Foster had already informed the courier that President Madison did not order Rodgers to attack the *Little Belt*, thus negating one of the motives for Yorke to attack.

In a separate letter, Foster admitted that he did not know the true intent of Madison's call for a special session of Congress in November. Foster noticed that many Americans

³³⁷Foster to Wellesley, 17 September 1811, British National Archives, FO 5/76, 194 (PRO).

³³⁸Ibid.

believed that war with Great Britain was imminent because of its displeasure over the *Little Belt* incident and because the United States refused to import British goods. Foster did not anticipate an American war declaration because the public feared a conflict with Britain.³³⁹ Throughout the eighteen years of Anglo-American tension over seizures, trade, and impressments, the United States had always stopped short of violence and sought a negotiated settlement. Given this long pattern of behavior, there seemed no reason to expect anything different from Congress.

On 11 October Monroe forwarded a copy of the inquiry's transcript to Foster. The secretary of state argued that given the weight of testimony in Rodgers's favor, Bingham had obviously caused the bloodshed. Bingham initiated the chase and Rodgers had the responsibility to investigate all foreign warships operating near the United States coast. Rodgers's duty seemed even more necessary given the increased number of seizures and impressments in the days leading to the encounter. According to Monroe, interceding in the impressments of Americans was an obligation of all American naval commanders. The Royal Navy often concealed or changed the names of these detained citizens in an effort to delay or prevent their release from British service. If a naval officer could determine the identity of Americans serving aboard British warships and the names and locations of these vessels, he could facilitate their freedom. Given these facts, Monroe concluded that Rodgers behaved correctly when he approached the *Little Belt* to make inquiries-- and "exchange a friendly salute."³⁴⁰

³³⁹Ibid., 205.

³⁴⁰Monroe to Foster, 11 October 1811, American State Papers, Vol. III, Foreign Relations, 476.

Foster reviewed the transcript and informed Monroe that he was pleased with Madison for finally ordering an inquiry. Foster reiterated the necessity of the investigation because the near obliteration of Bingham's sloop had "interrupted the harmony subsisting between our two countries."³⁴¹ The inquiry's results did not satisfy Foster. In his view the probe showed that "Rodgers has endeavored to exculpate himself." Foster claimed the investigation did not establish who fired first, and that the testimony of the *President's* officers concerning Rodgers's orders not to fire during the afternoon-long chase proved that the commodore anticipated his actions would ignite an exchange. The minister held that Rodgers's pursuit and aggressive maneuvering shortly before combat proved that he wanted to precipitate a fight-- a battle he knew his crew would win. The British representative promised to forward the inquiry's contents to London.³⁴²

Six days later, Foster reminded the secretary of state that he had arrived the previous summer authorized to settle the British attack on the *Chesapeake*. The *Little Belt* controversy had delayed the proffer, but Foster acknowledged that convening a formal examination of the encounter was his only proviso. Although he still professed doubts about the board's judgment, the United States had met his sole requirement for resuming negotiations and he stood ready to close the *Chesapeake* matter.³⁴³ The following day Monroe conveyed both his eagerness to proceed and his hope that their discussions would not only settle the *Chesapeake* controversy, but also all remaining issues between Great Britain and the United States.³⁴⁴

³⁴¹Foster to Monroe, 24 October 1811, *ibid.*, 498.

³⁴²*Ibid.*, 498-499.

³⁴³Foster to Monroe, 30 October 1811, *ibid.*, 499.

³⁴⁴Monroe to Foster, 31 October 1811, *ibid.*

November began with Foster's final settlement proposal. Great Britain disavowed "the unauthorized act of the officer in command of his majesty's naval forces on the coast of America, whose recall from a highly important and honorable command immediately ensued, as a mark of His Majesty's disapprobation."³⁴⁵ The Royal Navy promised to return, "as far as circumstances will permit," the sailors taken from the *Chesapeake*, either to the frigate itself or whatever port the United States named. The wounded survivors of the *Leopard* attack would receive monetary compensation, as would the deceased victims' next of kin. Foster closed his offer by stating that he hoped the settlement would herald an end to all the problems between the United States and Great Britain.³⁴⁶ Foster considered compensation for the *Little Belt*'s damage one of those grievances.

On the twelfth, Monroe informed Foster that the administration had accepted his offer. Even with this accomplishment haggling still remained. Monroe insisted that Hamilton ordered the inquiry at Rodgers's behest, rather than to placate Foster. The British representative accepted this stipulation because he viewed settlement of the *Chesapeake* incident as a stepping-stone in improving his relationship with Monroe, and as part of the process to promote good Anglo-American relations and avoid war.³⁴⁷ The secretary forwarded the settlement to Madison who also accepted it. Monroe expressed regret that the matter took over four years to settle, and that Britain's initial remedy of merely transferring Captain Humphreys to another ship did not constitute satisfactory punishment.³⁴⁸

³⁴⁵Foster to Monroe, 1 November 1811, *ibid.*, 499-500.

³⁴⁶*Ibid.*

³⁴⁷Foster to Wellesley, 12 November 1811, British National Archives, FO 5/77, 55-58 (PRO).

³⁴⁸Monroe to Foster, 12 November 1811, *American State Papers*, Vol. III, Foreign Relations, 500.

Monroe walked a diplomatic tight rope because the United States now switched roles with Great Britain. With the *Chesapeake* settled, Foster hoped the United States would reciprocate by offering compensation for the *Little Belt*. In 1807, the British government acted swiftly to renounce Humphreys, offer a quick settlement, and close the ugly incident. Though the final settlement took over four years, the United States had created the impediment by insisting on the termination of impressments. Foster's persistence that a board of inquiry look into Rodgers's actions provided his only hindrance to a resolution. Now the United States faced a demand for compensating an attack on a ship. Foster used the *Chesapeake* incident as precedent in his early negotiations, and he anticipated that Monroe would reward British cooperation with swift action to indemnify the *Little Belt's* damage. While Monroe criticized Humphreys's light punishment, Rodgers's acquittal and swift return to duty came as an insult to the British minister. It became apparent at the outset of discussions that the United States did not regard *President-Little Belt* as a repeat of *Chesapeake-Leopard*, although many in the navy and in the general public believed Rodgers had vindicated Barron.

The American inquiry served as the last barrier to settling the *Chesapeake* affair. In the United States and Great Britain the public hoped Monroe and Foster could move on to the other problems burdening their countries. The inquiry appeared comprehensive in its scope of witnesses, and the American navy had three months to prepare with the benefit of the *Little Belt's* officers' statements. Given Madison's professed confidence in Rodgers's innocence, and Madison's desire to return him and the board of inquiry's members to sea as quickly as possible, one senses a pre-determined verdict. The British certainly did not concede the justness of the inquiry's conclusions, but they did agree that the United States met their demands for proceeding with a settlement of the *Chesapeake* incident. Controversy

over Rodgers's motivations persisted, with some still believing he hunted for glory or perhaps acted on secret orders from Hamilton; but these accusations did not go far because the official verdict vindicated Rodgers, and the United States now prepared to settle its other differences with Britain either peacefully or by force.

CHAPTER 7

On to War

November proved a critical month in Anglo-American relations. The United States embarked upon a decidedly bellicose course, while Great Britain slowly moved toward altering its trade and blockade policies in an attempt to avoid conflict. Although the Madison administration believed a struggle would develop, the prospect for peace still remained. The poor condition of America's army meant no immediate fighting would take place. Republican policies aimed at reducing taxes and debt had left the Treasury Department in a position too weak to finance a large-scale conflict. Republican congressional leaders did not help matters when they refused to re-charter the Bank of the United States nine months earlier. Revenue flow into American coffers steadily declined as fewer imports reached American ports. The bank could have served as a source for loans and additional revenue, but that institution could no longer provide help. Before any action against Britain took place, the Americans first had to prepare for a possible clash with a world power.

Great Britain did not want a conflict with the United States. The war-weary nation remained in a fight for survival with Napoleon. Battling the United States would only divert money, men, and material from the European theater. Even worse for the British, American grain farmers fed the British army fighting France on the Iberian Peninsula. Should war with America erupt, these food shipments would stop and American privateers would descend on the eastern Atlantic to seize supplies heading for Wellington's army in Spain. Failure to maintain peace also threatened the viability of British forces who were beginning to string together martial successes in Portugal and Spain.

The Twelfth Congress assembled a month earlier than usual, in November 1811. President Madison called the body into session to deal with the seemingly irresolvable problems with Great Britain. Elected in 1810, the Twelfth Congress had many new faces. Many young congressmen had campaigned in 1810 on a somewhat bellicose platform and vowed to use force should Great Britain refuse to ameliorate its trade policies and its treatment of American sailors. These representatives, the so-called War Hawks, dominated the House of Representatives. Henry Clay, a young first-term congressman from Kentucky, was elected Speaker of the House on his first day as a member. Unlike his predecessors, Clay used his office's appointment powers to influence legislation by engineering House committees to advance bills that the speaker preferred and to block those he opposed. Under Clay's leadership, the House of Representatives could advance proposals designed to compel the British to offer concessions lest they face another enemy.

Although the War Hawks held key positions, the faction did not control the House or the Congress as a whole. The Republican party maintained comfortable majorities in the House and the Senate, but internal division marred the party's dominance. Congressional Republicans divided into four separate groups: the War Hawks; the Scarecrows, who believed the solution to the problems with Britain rested not in combat but with pugnacious talk and increased military expenditures that would intimidate Britain into compromise; anti-war Republicans, who feared that a confrontation would prove worse than British humiliation and cost more in blood and money than continued peace; and the Quids, who followed the leadership of John Randolph and agreed with the Federalists that fighting Great Britain was

uncalled for. Of these four factions the War Hawks, Scarecrows, and anti-war Republicans roughly equaled in number, while the Quids counted only a handful of members.³⁴⁹

The Federalists realized their numbers were too small to affect congressional policy. They desired a stronger military to deter foreign insults and they believed war would not come. For eight years the Republicans had repeatedly threatened military action only to back off and rely on economic coercion to bring Britain to terms. The Federalists thought this congressional session would prove no different. Republican philosophy did not conform well to waging a large scale conflict against a power as great as Britain. War meant higher taxes, increased debt, and an enlarged military. These feats ran counter to the Republican orthodoxy of low taxes, government economy, and reliance on the militia for protection. Federalist leaders in both halls hoped the Republican bluster and bluff would expose their numerous factions, heighten voter disgust with the Republicans' ineffective measures, and lead to a Federalist resurgence in the 1812 elections.³⁵⁰

Madison's annual message to Congress dominated the session's second day. The president updated Congress on the state of relations between the United States and Europe's belligerents. He informed the legislature of his ongoing negotiations with Foster, noting that Britain would repeal the Orders in Council as soon as France allowed British goods into its markets. Madison also confirmed that Foster had threatened retaliation if America's non-importation of British products did not cease. Madison communicated his ire over the continuing seizures of American merchantmen by British warships hovering near the American coast. He cast this problem as another British insult to American sovereignty.³⁵¹

³⁴⁹Perkins, Prologue to War, 346-350.

³⁵⁰*Ibid.*, 351-352.

³⁵¹President's Annual Message to Congress, 5 November 1811, Stagg, ed., The Papers of James

On the matter of British warships operating near the East Coast, Madison cited the *Little Belt* incident and criticized Bingham for unnecessarily opening fire on Rodgers. The president denounced him for helping to cause the bloodshed. Madison forwarded to Congress transcripts of the Rodgers inquiry and correspondence relating to the negotiations.³⁵²

The president closed his message by calling on Congress to prepare for war. Madison held little hope for a change in British policies and he regarded the Orders in Council as acts of war against American commerce. He enjoined Congress to approve incentives to boost enlistments in the army, to organize volunteer corps to augment the regular army's strength, and to create an "auxiliary force" to be used for short periods of service.³⁵³

Clay referred the president's message to the House Foreign Relations Committee. On the 29th the War Hawk led committee reported back on Madison's proposals. The president's call for expanding the army received enthusiastic support. The panel advocated offering incentives to fill out the army's authorized strength of 10,000 men and for recruiting volunteers to serve shorter enlistments (the standard enlistment time in the regular army was three years), calling up state militia units, removing from dry dock and outfitting all ships in the navy, and finally, arming merchant vessels.³⁵⁴

The House of Representatives waited a week before debating Madison's call for military expansion. When the plan came up for a vote, the chamber approved it overwhelmingly. Both War Hawks and Scarecrows found satisfaction in the measure that hopefully would either entice British concessions or place the United States in a position to

Madison, 4:1-2.

³⁵²Ibid., 2.

³⁵³Ibid., 3-4.

³⁵⁴Perkins, Prologue to War, 356.

fight for its commercial rights. Federalists also supported the measure as a tool for improving the nation's military to deter foreign insults. The Senate soon followed suit and by the end of December the United States appeared moving toward a conflict with Britain.³⁵⁵

Congress had several reasons for enlarging the military. The failure of Madison's talks with Foster shortly after the envoy's arrival convinced both the president and congressional leaders that no concessions were forthcoming. Many Republicans believed only force or the open threat of force would lead to improved treatment by the British. Madison agreed with these Republicans and this conviction prompted him to call Congress into session a month earlier than customary. Britain's insistence that the United States persuade France to admit British goods in American ships before it lifted the Orders in Council seemed too large a barrier for the young republic to overcome. Many Republicans, including Madison, interpreted this stipulation as a British stall tactic to justify continued seizures of American merchant ships.³⁵⁶

Congress also realized that the United States could not undertake a war with Britain at that time and that more preparations were needed. The War Hawk faction felt bound to pursue an aggressive policy. Western farmers faced depressed crop prices and blamed the Orders in Council for closing markets to their produce. Most War Hawk candidates campaigned on the promise of winning respect for American honor and maritime rights. By November, fighting Britain seemed the only method for achieving that goal and preparation would lead to victory. War Hawks looked upon November as the start of a rapid military

³⁵⁵Hickey, War of 1812, 32-33.

³⁵⁶Roger H. Brown, The Republic in Peril: 1812 (New York: Columbia University Press, 1964), 52.

buildup leading to a war declaration in the coming months should Britain not meet their demands.³⁵⁷

As Congress proceeded with military expansion, news from the North West increased Americans' desire to fight the British. On 7 November Indiana Governor William Henry Harrison led an American force of 1,000 regulars and militia into territory occupied by Shawnee tribesmen. The Shawnees attacked Harrison's force camped near the Tippecanoe River and the resulting battle led to Harrison's victory. Many American newspapers blamed the violence on Great Britain, alleging that the British had armed and incited the Shawnees to attack. No proof linked the British to the accusation, but many Americans assumed that Britain's close trade connections with the North West Indians must have resulted in their warlike behavior.³⁵⁸ The Battle of Tippecanoe increased American distrust of British authorities in Canada and whetted westerners' desire for conflict as many pioneers believed war would produce the opportunity to break the power of western tribes, remove their source of British supply, and finally open the remainder of western farm land to white settlement.

December proved a quiet month in the build-up to war. Aside from the Senate's approval of the House's plan to expand the military, Congress did little to prepare for hostilities. The new year, however, brought renewed activity. On 9 January Congress authorized expansion of the regular army to 35,000 men.³⁵⁹ This action exceeded Madison's November call and the desires of many congressmen. By January support for war preparation had become a vehicle for enhancing one's reputation for dealing effectively with foreign

³⁵⁷Reginald Horsman, The Causes of the War of 1812 (New York: A.S. Barnes & Company, 1962), 229, 232-233.

³⁵⁸Hickey, War of 1812, 25.

³⁵⁹Horsman, Causes of the War of 1812, 239.

insults. Few dared to oppose attempts to increase the size of the army. The only factor that stopped this style of political grandstanding was growing concern about financing these expensive measures.

While America continued its slow preparations, the United States Navy began to anticipate hostile action. On 6 January Secretary Hamilton cancelled all furloughs in excess of six weeks because of deteriorating relations with Great Britain. Hamilton wanted all personnel aboard ship drilling for combat in the expectation of war.³⁶⁰ The enthusiastic reception of Madison's annual message, broad support for preparing for conflict, and the absence of hope that Britain would concede any points on the Orders in Council apparently obliged the president to order his cabinet to expect bloodshed in the coming weeks.

Although Madison's annual message and congressional policy focused on British transgressions, France did not escape the administration's indignation. Throughout January Madison and Monroe repeatedly protested continued French seizures to France's minister, Louis Serurier. Both men realized the duplicity of the Cadore letter and each warned Serurier that failure to repeal the Berlin and Milan Decrees would result in war. Neither Madison nor Monroe publicized these threats because doing so would have admitted to the fraudulence of the Cadore letter and the emptiness of Madison's strategy to use it as leverage to entice a British repeal of the Orders in Council.³⁶¹

Word of Madison's annual message and Congress's reaction to it reached London in January and sparked momentum to repeal the Orders in Council. British newspapers predicted that America would declare war on Britain at a time when it was struggling to

³⁶⁰Hamilton to Rodgers, 6 January 1812, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, Reel 9, Vol. 9, 530.

³⁶¹Perkins, Prologue to War, 368-369.

contain Bonaparte's aggression. Whigs in Parliament agitated for repeal of the restrictions as a method to avoid this undesired conflict. Most notable among these parliamentarians was George Canning, the author of the increasingly unpopular measures.³⁶² Although the cabinet did not move to rid Britain of the controversial edicts, it became increasingly difficult for the government to defend its trade policy. Repeal seemed a prudent way to avoid additional combat and to silence growing parliamentary opposition. Prime Minister Spencer Perceval refused to relent. Quick action by Perceval might have prevented American hostility, but instead the two nations moved steadily toward war. Amidst this marked change in foreign relations, Foreign Secretary Wellesley resigned from office.

February brought Madison mixed news from Europe's diplomatic circles. John Quincy Adams, American minister to Russia, informed the president of rumors that both Great Britain and France sought a settlement with the United States, but most European envoys thought French sentiments insincere.³⁶³ By 1812 Bonaparte's reputation for honesty had long been destroyed. Great Britain, on the other hand, still enjoyed a decent standing. Adams also stated that while Britain might desire an accommodation he did not believe that included a repeal of the Orders in Council.³⁶⁴ Adams simply did not think Great Britain would ever abandon its attempt to control European trade.

Madison had to interpret Adams's letter in relation to the environment in which the American representative gained his information. At the time, France did not enjoy a positive repute. Russia had recently left the Continental System and openly embraced British trade. Many in Russia's capital and throughout Europe realized a French invasion was only months

³⁶² Horsman, Causes of the War of 1812, 247.

³⁶³ Adams to Madison, 7 February 1812, Stagg, ed., The Papers of James Madison, 4:171.

³⁶⁴ Ibid., 172.

away-- as soon as Russia's snows melted and its water logged roads dried. Russian court officials frequently stressed French duplicity, and although the tsar warmed slowly to British friendship, the Royal Navy treated Russian shipping as oppressively as it did American, making London's reputation only slightly better than Paris's. Weeks elapsed before Adams's message reached Washington, but it did provide Madison with critical information as his administration wrestled with its policy toward Great Britain.

With Congress's war preparation measures weeks old, the legislative branch finally got around to devising ways to pay for the government's increased expenditures. On 17 February Ezekial Bacon introduced a financing plan in the House of Representatives that doubled customs duties, levied a direct tax of \$3 million on the states, assessed a tax on salt, and authorized soliciting a loan of \$11 million.³⁶⁵ Bacon's plan stirred quite a bit of controversy and dissension. Not since the Republican ascendancy in 1800 had the federal government raised and created taxes on such large a scale. Many Republicans feared their constituents would turn them out of office in the coming elections. But congressional leaders insisted that the strong measures demanded by most Americans needed proper funding and these increased taxes and loans were the solution. As a compromise, Congress approved Bacon's plan but only on the condition that the new taxes go into effect with a war declaration.³⁶⁶

In March parliamentary support for repealing the Orders in Council gained momentum. The trade prohibitions adversely affected the British economy. The Latin American trade that kept British industry going during the years of the Embargo Act had dissipated by 1811. Because Napoleon stifled commerce with the European continent,

³⁶⁵Horsman, Causes of the War of 1812, 242.

³⁶⁶Ibid.

reducing it to a black market pursuit maintained by smugglers, the United States remained one of Britain's few viable foreign markets. Americans still exported their produce to British ports, but the non-importation measures of Macon's Bill No. 2 prevented British goods from entering the United States in return. Inventories piled up while British specie moved steadily into American pockets. As the export trade remained depressed, unemployment rose and British manufacturers increasingly worried about their survival. On 3 March Henry Brougham, Parliament's leading advocate for repealing the orders, moved for the formation of a committee to study repeal. His motion failed, but by a margin of only seventy-two votes. This narrow defeat inspired numerous factory owners and merchants to flood Parliament with petitions calling for a revocation.³⁶⁷

Navy Secretary Hamilton continued to anticipate the onset of hostilities and stressed the need for vigilance in the navy. He placed naval commanders on alert and ordered several warships to sea immediately, and he instructed Commodore Rodgers to remain away from port for no more than two weeks and to inquire about any messages from the home office whenever he touched land.³⁶⁸

Hamilton's letter illustrates Madison's expectation that conflict could erupt quickly. The secretary's orders greatly reduced the chance that the Royal Navy might catch the Americans in port at the start of war and bottle up the fleet. By keeping American squadrons at sea the British would have trouble knowing where their smaller opponent prowled. By frequently calling ashore, American naval commanders could stay abreast of any announcement that fighting had commenced.

³⁶⁷Ibid., 247, 250.

³⁶⁸Hamilton to Rodgers, 19 March 1811, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, Reel 9, Vol. 9, 582.

The end of March brought the United States to an important crossroads. Since November it had moved cautiously toward fighting Great Britain. Although Congress authorized expansion of the armed forces, filling out the ranks and appointing officers had progressed little. While Congress approved a plan to finance the conflict, this sanction came slowly and was consented to only on condition that a war declaration passed. Great Britain had time to repeal the hated Orders in Council and avoid war, but the cabinet instead regarded congressional foot dragging as proof that the Americans did not want to fight and that their resolutions served only as bluster to satisfy the voters. Parliament could not maintain the regulations much longer, but pressure to repeal came not from across the Atlantic but from within the British Isles. The cabinet believed it could stall rescinding the Orders in Council until domestic demands became too great to resist. What London did not realize was that by April 1812 the Republicans had invested too much of their reputation into preparing the country for war and could not back down from continued British intransigency.

April opened with Madison's request that Congress enact a sixty-day embargo. Ostensibly, the embargo would clear American ships from the world's waters and prevent their capture should war begin. Congress responded three days later with a ninety-day embargo. Such a dramatic move should have communicated to the world that the United States stood on the verge of fighting. Great Britain did not see this threat because of confusing signals from the president and Congress. Madison and Monroe assured Foster that the embargo did not necessitate combat and would be lifted if Britain repealed its trade restrictions. Congressional Republicans also assured Foster that the embargo did not mean a confrontation would ensue. As a result, Foster did not bother to inform London that it should

rescind the Orders in Council to appease the United States.³⁶⁹ As for the embargo's effect on trade, American ships fled port once news of the coming measure reached coastal cities. American merchants quickly loaded their ships and cleared port before customs collectors received official notification. Wellington's army received vital grain shipments and weeks elapsed before British merchants and suppliers felt any pinch in their inventories.³⁷⁰

April also marked Great Britain's quickening movement toward granting the concessions that would ameliorate the United States enough to preserve peace. Royal Navy commanders ordered their cruisers away from the American coast, and they instructed captains to avoid confrontations with the American navy and to treat American merchant crews with respect.³⁷¹ These moves helped decrease tension by removing the spectacle of American merchantmen raided within eyesight of the United States coast and helped to ensure against a repeat of incidents such as the *Little Belt*.

The British ministry also began positioning itself to repeal the Orders in Council. On the 21st the cabinet announced it would revoke the fiat if France published a repeal of the Berlin and Milan decrees.³⁷² The cabinet had several motives for this offer. By late April domestic opposition reached a point where Perceval could not maintain the restrictions much longer. Riots by unemployed workers grew so numerous that many British leaders feared an imminent revolution.³⁷³ Perceval's government realized that if the French removed their sanctions, the prime minister could finally abandon his own unpopular policy without admitting defeat. This move also allowed Perceval to improve relations with the United

³⁶⁹Perkins, Prologue to War, 379-382, 386-387.

³⁷⁰Ibid., 386.

³⁷¹Hickey, War of 1812, 42.

³⁷²Horsman, Causes of the War of 1812, 256.

³⁷³ Ibid., 250-253.

States without appearing to buckle under American pressure. If the French simply published a revocation, even an insincere one, London could free itself of its own burdensome policy without humiliation.

Unfortunately, Madison had no idea of Britain's change in policy because diplomatic dispatches still contained assurances that the Orders in Council would remain in place for the foreseeable future. The absence of a permanent American minister-- an experienced diplomat who could interpret the nuances of legislative maneuvering-- severely handicapped Madison's ability to judge the improving state of relations with Britain.

The effects of Britain's more amicable policies became clear by May. In Washington, Foster offered the United States half of the licensed trade with Europe. Such a move would allow American merchant ships to proceed to European ports and through the British blockade unmolested. While not an official repeal of the Orders in Council, the offer negated the ill effects of Britain's noxious law. The Madison administration turned down the proposal because acceptance signified adherence to Britain's protectionist trade system.³⁷⁴ Madison had another good reason for rejecting the proposition. Because he knew the Berlin and Milan decrees remained in effect, British licenses did American merchants little good. Once their ships arrived in French ports the French would immediately confiscate ship and cargo for sailing under British license. Foster's bid proved of little practical value for the United States.

On the 10th Rodgers informed Hamilton of the absence of any British warships along the American coast. Indeed, the commodore remarked that he had never encountered so few foreign vessels. This observation complemented his late April cruise in which he detected no

³⁷⁴Hickey, War of 1812, 42.

foreign ships nor had any pilot boat captains he questioned.³⁷⁵ The Royal Navy's attempt to steer clear of antagonizing the United States seemed a success.

Britain's reconciliation with the United States encountered a major setback on 11 May. A deranged assassin fatally wounded Perceval as he entered the House of Commons. Although the prime minister had not favored repealing the Orders in Council, his death and the funeral proceedings could only delay the revocation.

Furthermore, Perceval's untimely death created a power vacuum that prevented the cabinet from accomplishing anything substantive. For eleven days the Earl of Liverpool ran the British government while vainly attempting to form a cabinet. Liverpool unsuccessfully wooed former foreign secretaries Canning and Wellington, but neither accepted his offer. On the 22nd Liverpool resigned, and for the remainder of May the prince regent searched for a prime minister.³⁷⁶ On 1 June he offered the position to Wellesley, but he was so unpopular he could not form a cabinet.³⁷⁷ After a week of negotiations with leaders in the House of Lords, the prince regent recalled Liverpool and a new administration began.³⁷⁸ This obstruction in government proved critical. If a new cabinet had formed shortly after Perceval's death, repeal of the Orders in Council could have taken place and news of the breakthrough communicated to Washington. Because no ministry formed quickly, the largest problem in Anglo-American relations continued to fester.

In mid-May Madison began receiving unofficial word that the orders would not last. Jacob Barker, a friend living in New York, wrote the president announcing ships arriving

³⁷⁵Rodgers to Hamilton, 10 May 1812, Letters Received by the Secretary of the Navy From Captains, 1807-61. Reel 23, letter 174.

³⁷⁶Michael Roberts, "The Ministerial Crisis: May-June 1812," *English Historical Review* 51 (1936): 467-468.

³⁷⁷*Ibid.*, 471.

³⁷⁸*Ibid.*, 482.

from London that carried news of a growing demand for a revocation resulting from increased domestic opposition to the unpopular trade rules along with concern over America's ninety-day embargo. Barker anticipated news of repeal at any day.³⁷⁹

While Barker's letter may have raised Madison's hope that good news would arrive and avert war, the president put little stock in his prediction. American diplomats in Britain still sent no official word of a looming repeal. On the contrary, official dispatches mentioned only the orders' longevity. The president realized that time was running out for a peaceful settlement with Britain. Six months had passed since his first call for bellicose measures that Congress had enacted-- although preparations still lagged as the army remained small and poorly equipped. Madison realized that unless he moved to initiate hostilities with Britain, American honor would be tarnished as the United States again talked of hostilities without intending to fight. If the United States did not follow through on its warning no nation would treat it with respect.

Madison pinned his last hopes for peace on the impending arrival of the U.S.S. *Hornet* and its delivery of official dispatches and newspapers from Great Britain and France. If there was any official confirmation that the Orders in Council had been or would soon be revoked, the *Hornet* would carry it. Madison resolved that unless positive news accompanied the *Hornet* he would request a declaration of war from Congress. Weather suitable for invading Canada had arrived and the president believed that neither the public nor congressional leaders would wait any longer.

The *Hornet* docked on 19 May. Its correspondence quickly went to Madison, but unfortunately there was little positive news. Although private correspondence predicted a

³⁷⁹Barker to Madison, 12 May 1812, Stagg, ed., The Papers of James Madison, 4:378.

withdrawal of the orders, no British newspaper or American diplomat agreed. Madison resigned himself to the belief that he could not avert combat and prepared his war message.

On the 27th and the 28th Madison and Monroe held long discussions with Foster on the state of affairs between their countries. The two Americans insisted that France had abandoned the Berlin and Milan Decrees as they applied to American commerce. Any seizures taking place resulted from French municipal laws and not from the fiats; Britain should uphold its promises and end its trade restrictions. Foster countered that France still banned American commerce from continental markets and his government could not repeal the Orders in Council. At this point the British envoy began to appreciate the grave condition in American relations and accepted the likelihood of war with the United States.³⁸⁰

May ended with the United States on the verge of declaring war. The spring of 1812 offered numerous opportunities to evade bloodshed, and the conduct of many Republican leaders, especially the president, created an atmosphere in which American policy remained a mystery. Foster did not realize his nation had been heading to a breach in relations until the last days of peace. Madison assured him of a peaceful solution and that the American embargo did not foreshadow war. Congressional Republicans gave Foster the same assurance. Madison and Monroe continued to meet with Foster on a regular basis and the War Hawks did not stray from Foster's frequent dinner parties.

Public sentiment played a crucial role in this evolution toward conflict. Despite bellicose talk, most Americans did not want to fight. Many spoke bravely of defending national honor and maritime rights, and some advocated taking on France along with Britain; but most Americans and their congressional representatives hoped for a peaceful solution. Only a British provocation similar to the *Chesapeake* or *Little Belt* incidents could sway

³⁸⁰Perkins, Prologue to War, 401.

American sentiments, and given the Royal Navy's recent pacific gestures, this seemed unlikely. Had Congress taken a much advocated recess or dispatched a diplomatic mission to London and Paris, peace might have been preserved.³⁸¹

On the first day of June, Madison delivered his war message to Congress. To prevent public knowledge of the request, Congress heard the statement in secret session. Madison detailed the reasons he favored war, and he stated these problems in chronological order since 1803 when Britain and France resumed their conflict. Impressments, the repeated presence of British warships on the American coast, Britain's paper blockades, and the Orders in Council composed the maritime portion of complaints. Madison also mentioned Britain's supposed incitement of Indian tribes on the North West frontier as a reason for fighting, but this was the sole non-maritime cause listed. The president claimed that Great Britain had waged an undeclared war on the United States while America sought peace. Madison believed the London government remained inflexible and stubborn, leaving war as the only way to bring British concessions. The president closed by asking Congress to consider what actions it thought necessary. He wanted to leave the task of declaring war with Congress-- for constitutional reasons and because he requested hostilities hesitantly.³⁸²

Clay referred the president's message to the House Foreign Relations Committee and two days later committee member and fellow War Hawk John C. Calhoun presented a report. Calhoun criticized Britain's practice of paper blockades. The Royal Navy failed to keep an adequate presence near French ports and instead resorted to seizing American vessels in international waters, sometimes taking those ships in eyesight of the United States coast. Calhoun cast the Orders in Council as a noxious violation of international law. He denounced

³⁸¹Ibid., 392-393, 399-400.

³⁸²Madison to the Senate and the House of Representatives, 1 June 1812, American State Papers, Vol. III, Foreign Relations, 405-407.

impressments aboard American merchant vessels as violations of American sovereignty and tantamount to kidnapping. Calhoun believed that because past instances of impressments and seizures took place in American waters, the Royal Navy had in effect blockaded the United States.³⁸³ Calhoun's report blasted Great Britain for its treatment of the United States and in doing so, heightened hatred in the House for the British. The bellicose members received more motivation for declaring war on Great Britain.

After Calhoun made his report, the House began debate on a declaration of war. Congressional Republicans insisted the chamber remain in secret session. Because of this Federalists did not speak. Their leaders believed that without a public record of the debates there was no reason to argue against a measure that carried the broad support of the majority of the chamber's members. Federalist representatives assumed their votes would communicate their sentiments.³⁸⁴ Without any Federalist opposition, Clay quickly brought the resolution to a vote. While the Quids still opposed war with Britain their numbers remained too small to resist the move. Many Scarecrows chose not to openly dissent. Their image rested on pugnacious opposition to Great Britain; perhaps voting for war would persuade Britain to relent. Regardless of London's next move, the Scarecrows had talked tough and pushed for a military buildup; now they could not back away and still maintain credibility. The day after Calhoun presented his report the House approved the declaration by a margin of seventy-nine to forty-nine. The matter now went to the Senate where a shrewder Federalist minority and the Senate's time honored practice of methodical debate slowed down the pace to combat.

³⁸³Calhoun's Report to the House of Representatives, 3 June 1812, *ibid.*, 567-569.

³⁸⁴Hickey, War of 1812, 44-45.

With a war declaration moving through Congress, the nation's military began to prepare for the conflict. On 21 May Secretary Hamilton requested Commodores Rodgers and Decatur to submit their opinions on the best way to confront the Royal Navy. Rodgers contended that the navy should put to sea in small, fast moving squadrons to attack British commerce, preferably away from the American coast. Such a move would harass the British by forcing their navy to focus on protecting their own merchant ships rather than attacking American trade. If these raids occurred far from America-- near the British Isles or in the South Pacific-- the United States coast would receive additional protection by not having enemy cruisers prowling nearby.³⁸⁵ Rodgers believed this tactic would help balance Britain's numerical superiority. By spacing small, constantly moving squadrons around British trade routes, the Royal Navy would have to divide its forces to hunt down the raiders, thus diluting its ranks.³⁸⁶

Rodgers hoped Hamilton would order him to patrol the waters off Great Britain. Such an assignment afforded him the opportunity to raid British commerce at the doorstep of the island, and to repay the Royal Navy for a supposed insult. Rodgers remarked that the British "honored me with a place in their lying naval chronicle with the title of Buccaneer," and seizing their commerce close to British shores would return the slight.³⁸⁷ Rodgers believed the Royal Navy's description of him came in response to the *Little Belt* incident.

Five days later Decatur submitted his advice. He reasoned that the best way to deal with the British was to have the American navy heavily provision each American warship and send the vessels to distant stations either singularly or in pairs. Much like Rodgers,

³⁸⁵Rodgers to Hamilton, 3 June 1812, Dudley, ed., Naval War of 1812, 1:119.

³⁸⁶Ibid., 120.

³⁸⁷Ibid., 121.

Decatur believed the Americans should attack British commerce far from the United States. Doing so would prevent the Royal Navy from blockading or attacking the American coast and force the British to concentrate on defending their own shores. American naval commanders should not sail under specific orders to move on any certain area, but should use their discretion about where to attack. By sailing in small groups Decatur thought the British would have difficulty in detecting the Americans and would probably not have sufficient force to capture their patrols. If the British gained an upper hand in individual battles, the United States's losses would be small compared to losing an entire fleet in a single engagement.³⁸⁸

Rodgers's and Decatur's counsel demonstrated their excellent grasp of their navy's advantages and disadvantages in fighting the world's strongest maritime power. The United States had little hope of winning a fleet-to-fleet engagement. Destruction of the bulk of the navy in a single battle or campaign would expose the entire coastline to attack. The United States had yet to build a strong system of coastal fortifications and small gunboats and revenue cutters could do little to turn back a large British attack. The small navy's greatest potential lay with commerce raiding. Assisted by privateers, the United States Navy could inflict heavy financial losses on British shippers and insurance companies. Once these setbacks piled up, ship owners and financial leaders would demand action. British commercial interests had a strong parliamentary lobby and London would not allow these losses to accrue. The Royal Navy would have little alternative but to focus on protecting merchantmen rather than attacking American shipping and blockading American ports. With this distraction added to the rigors of isolating the European coast and protecting British

³⁸⁸Ibid., 122-123.

supply routes to Iberia, the Royal Navy's large numerical superiority would quickly dissipate.

Rodgers's victory over the *Little Belt* also played an important role in his thinking. That success had demonstrated the Royal Navy's vulnerability in ship-to-ship duels. If an American commander found a lone British war vessel of equal or lesser strength he could feel confident about winning the engagement. By moving swiftly through the Atlantic, these small groups of American warships could comb the vast ocean and hopefully fall in with lone frigates or sloops performing patrol duty, or could forward messages as the *Little Belt* had done when it encountered the *President*. While these single ship victories could never affect the balance of naval power, the successes could serve as morale boosters as well as add to the ranks of warships in the American arsenal.

The House's rapidly passed war declaration bogged down in the Senate. The make up and control of the upper chamber was much different than in the House. The War Hawks did not exercise tight control over committees or debate. Furthermore, the Senate enjoyed a tradition of slow deliberation over bills. The question of war would languish there for several days.

Several senators believed that if war came, it should be a limited engagement. Because most of the complaints laid out in Madison's war message were maritime problems some argued that combat should be confined to the ocean. The United States did this successfully in the 1798 quasi-war with France. A restricted naval war also brought the prospect of an easier peace to negotiate. Hostilities could end with a presidential order and early naval success would probably move Britain to negotiate sooner rather than later. Another advantage of a naval war came in expense. Commissioning privateers and deploying the small American navy would not entail a large sum of money. Raising, equipping, and

supplying an army strong enough to defend the United States and invade Canada would increase the price of the conflict. The glaring weakness of this approach was vulnerability. Canada seemed so easy to take and a quick strike might win the region as a permanent conquest or a bargaining chip for peace negotiations. Supposedly, simply marching across the border would win the prize. If the fight were naval only, American sailors would need to look for weak spots in the mighty Royal Navy, and to many in the Senate those points did not seem easily accessible.³⁸⁹

After two weeks of maneuvering, the Senate voted for war on 17 June. The margin was thin-- nineteen in favor and thirteen against. The slim margin of approval illustrated how divided the senators were over the legitimacy of the struggle. President Madison signed the declaration the following day and hostilities commenced.

The nature of congressional support or opposition to the declaration was complex. Neither sectional nor partisan reasons explain why representatives and senators voted as they did. Although all Federalists in Congress voted against the war declaration, some Republicans joined them. Many Republicans believed the United States had tried all avenues for peace, and when these attempts failed war remained the only solution. Hatred for the Orders in Council seems to have been the strongest motive for desiring a fight. Calhoun included the other maritime problems in his report to the House, but free trade seemed to concern bellicose statesmen the most. Had news of the repeal of the Orders in Council reached Washington before the vote, many Republicans probably would not have voted in favor of battle.³⁹⁰

³⁸⁹ Hickey, War of 1812, 45.

³⁹⁰ Brown, Republic in Peril, 46, 55.

Concern over the future of the Republican party provided another motive for fighting, though not as great as that over free trade. Republicans had led the nation since 1801 and for most of that period they struggled to find an acceptable compromise with the European belligerents. Republican leaders feared that unless they took decisive action the public would turn to the Federalists. Many Republicans assumed a return to Federalist rule meant the death of the republic.³⁹¹

It is doubtful that a majority of congressmen supported war. Several anti-war Republicans left Washington to visit their home districts before Madison's 1 June message reached Capitol Hill. These men did not return in time to debate or vote on the measure. Of those who remained in town, the War Hawks pressured many into voting for the declaration on the certainty of battling intra-party opposition at the next election. For those Republicans who felt safe in their districts, the War Hawks could point out that after so much bluster over the previous seven months Congress could not turn back now. The British had plenty of time to offer reasonable concessions in the face of an approaching struggle, but they refused. The time for posturing had passed and the time for action had arrived. Given the anti-war coalition's lack of cohesiveness only a few congressmen needed to cave in to pass the declaration.

The United States's declaration of war came at the same time Great Britain took the actions necessary to avoid a clash. On 11 May France responded to Britain's offer to repeal the Orders in Council on condition that Bonaparte's government published a revocation of the Berlin and Milan decrees. The Decree of St. Cloud, dated 28 April 1811, formally repealed the measures, but few leaders in London or Washington believed the authenticity of

³⁹¹Ibid., 71.

the document. France zealously enforced its trade rules after April 1811. Given Bonaparte's duplicitous reputation the French government simply published a new order and backdated it. The British government did not care. It needed an excuse to remove the unpopular Orders in Council and the Decree of St. Cloud provided one.

On 16 June Brougham moved for repeal. The motion proved unnecessary as the cabinet immediately announced the end of the orders and the blockades, effective 23 June.³⁹² Great Britain finally relented on the issue that had inflamed the United States the most. Had a method for immediately communicating this news existed, Congress could have ceased its debates on the declaration of war and welcomed the preservation of peace and the return of full trade with Great Britain. Unfortunately, a wind-driven passage across the Atlantic remained the only way to acquaint the United States with the news and Congress did not learn of these developments in time. In an interesting twist of events, fully loaded British merchant ships departed for American ports in droves with news of the repeal. These vessels became some of the first prizes seized by the United States during the War of 1812.

Although the United States had declared war on Great Britain the Madison administration hoped hostilities would end quickly. This aspiration, in reality, had little chance for success. On 18 June Monroe met with Foster to inform him of the declaration of war and to express the United States's conditions for a negotiated peace. He repeated these stipulations two days later in another meeting, as did Madison on the 23rd. If Great Britain repealed the Orders in Council (a move already in the works) and ceased impressing aboard American ships, the United States would end the conflict.³⁹³ These two issues were the chief reasons the United States fought.

³⁹²Hickey, War of 1812, 42.

³⁹³Perkins, Prologue to War, 416.

Foster could not accept the Americans' terms for peace. Although the Orders in Council did not work in Britain's best interest, impressments did. British naval strength was too important for the kingdom's survival. Adequately staffing its vessels for the fight with Napoleon outweighed the ill effects of combating the United States.

Monroe wrote America's chargé d'affaires in London, John Russell, to inform him of the war declaration. Monroe instructed him to offer terms for peace in hopes of arranging an armistice based on repeal of the Orders in Council, removal of paper blockades, and the renunciation of impressments aboard American ships. Britain had already satisfied two of these conditions, but its time honored right to impressments proved the stumbling block. As a compromise on impressments, Russell could promise the British ministry that the United States would pass a law barring the employment of British seamen aboard American ships, if the British agreed to reciprocate.³⁹⁴ London rejected this offer. Aside from the crucial importance of impressments in Britain's national defense, the offer contained another fundamental defect-- citizenship. Great Britain could not abandon its claim to lifelong allegiance and given the problems in determining whether a mariner was actually a native-born American, the United States's offer did little to assure that Britons stayed out of American service.

In June 1812, the United States and Great Britain finally embarked upon war. The conflict proved unnecessary. Great Britain repealed its hated trade regulations days after hostilities began—satisfying the United States's main grievance. The United States for its part did not go to war enthusiastically. Many Americans opposed the move. Congress hesitantly prepared to fight, and the actual declaration languished in the Senate for several

³⁹⁴Monroe to Russell, 26 June 1812, American State Papers, Vol. III, Foreign Relations, 585.

days before final approval in a close vote. Because of its reliance on impressments to man the Royal Navy, Britain could not accept America's early offers to terminate hostilities; and after the humiliations suffered by the United States Army in the opening weeks of battle the young and untested republic could not end the war until it had redeemed its martial honor.

CONCLUSION

Few, if any wars are attributable to one offense. The War of 1812 is no exception. For years the nations drifted toward conflict and the *President-Little Belt* incident was an important step in the direction of hostilities. The encounter moved the United States and Great Britain closer to fighting.

Rodgers's lopsided victory boosted the confidence of the American people and enhanced their belief that the United States could defeat Great Britain. Although some Americans denounced Rodgers as a bully and accused President Madison of orchestrating an attack to entice a British declaration of war, the general public seemed to approve of his actions and adopted a more bellicose attitude—a mindset that proved temporary.

The British public also increased their sentiment for fighting the United States. Many in the British Isles and Canada interpreted the scrape as an insult to British honor and an open provocation to war. While the British press clamored for revenge, cooler heads prevailed and with time, and the publication of Rodgers's account of the battle, many subjects accepted the possibility that Rodgers did not cause the bloodshed nor was the clash worth the drain on resources and men. The fracas did increase hatred for the Madison administration, as rumors of his scheming to trigger a war frequently circulated in Britain. The affair also mentally prepared the British for fighting their distant cousins even while the struggle with Napoleon dragged on. This attitude served the British well a year later when a war began.

The *President-Little Belt* confrontation had other important effects. Rodgers's victory removed the taint of the *Chesapeake*'s defeat. In the immediate public discussion of

the triumph this reaction became obvious. The public, press, and some in Washington interpreted Rodgers's success as redemption for Barron's disgrace. It seemed as if the tables had completely turned. A powerful American frigate came upon a British war vessel incapable of stout resistance and inflicted heavy damage. To add to the similarity, the battle took place in waters not far from Humphreys's assault. It seemed a mirror image of the earlier showdown.

In direct connection with the *Chesapeake* incident, the *Little Belt*'s misfortune placed a temporary hold on settling the damages for that glaring act of aggression. Augustus Foster had no choice but to withhold his settlement offer until he determined culpability in the matter. If the United States committed an act of war, settlement of the *Chesapeake* attack would become a secondary problem. If Rodgers had acted aggressively but without authorization, Foster could adjust the terms of his offer. If Bingham was responsible then he might need to increase the proposition. If liability could not be determined (Foster relied on Bingham's account and the testimony of his officers to try and establish that doubt) Foster could proceed with his settlement offer and hope warmer relations with the Americans led to a compensation proposal for the *Little Belt*. Foster played the latter possibility but his hopes for compensation from Monroe never materialized.

A more influential effect of the *President-Little Belt* affair came in naval tactics. The American success helped persuade naval commanders that individual warships or small squadrons could achieve victories over the Royal Navy if their targets were of equal or weaker strength. On the eve of war, American naval strategy remained unclear. Should the United States send its entire navy out as one fleet and risk winning a seminal victory or a catastrophic defeat? Or should the navy remain in port to assist the army and the navy's gunboats in defending American harbors? The navy chose to send out its vessels singly or in

small groups to harass the Royal Navy and British commerce. This strategy proved wise as the United States recorded a string of victories the first six months of the war. These feats lifted depressed morale when shocked Americans learned of devastating reverses to the north as the anticipated easy occupation of Canada proved illusory.

The *President-Little Belt* clash did not end ship-to-ship encounters between the British and Americans prior to the declaration of war. On 13 May 1812 Gunboat No. 168 clashed with the Royal Navy Brig *Sappho*. The gunboat patrolled the waters between Georgia and Spanish Florida, and the brig escorted Spanish merchant ships as part of Britain's ongoing assistance to Spain's exiled government. When the Spanish merchant ship *Fernandeno* attempted to enter American waters in violation of the ninety-day embargo, the American gunboat moved to prevent its entrance. The *Sappho* offered protection to the *Fernandeno* and exchanged shots with the American gunboat. The scrape resulted in no casualties and little damage inflicted by either side, but the *Sappho* engagement illustrated the strong emotions and sense of duty personnel in both navies exhibited on the eve of conflict.³⁹⁵ These traits applied equally to Rodgers and Bingham.

The commencement of hostilities between the United States and Britain was avoidable. Quicker communications would have prevented the United States Congress from voting for war in light of the imminent repeal of the Orders in Council. But slow communications alone does not excuse the outbreak of warfare. Republican foreign policy never grasped the conditions necessary for reaching an accommodation with Great Britain. In this regard, the Federalists outshone the Republicans. Failure to construct a pragmatic foreign policy hampered the Jefferson and Madison administrations. After the battle of Trafalgar the Royal Navy dominated the world's oceans. At that point Great Britain became the United

³⁹⁵Hulbard to Campbell, 16 May 1812, Dudley, ed., Naval War of 1812, 1:112-115.

States's only viable trade partner. Jefferson and Madison should have realized this fact and sought an accommodation with Great Britain over commercial rights. The result may have seemed distasteful (much like the Jay Treaty) but a second rapprochement would have ensued and the United States could have avoided the tough economic days that followed the Embargo Act.

Republican foreign policy also needed the aid of a strong American military. Had the United States Navy been on a better footing, the *Chesapeake* battle would not have ended in a lopsided manner—indeed, it may never have happened at all if the Royal Navy had respected the strength of the United States. A stronger navy might have convinced Napoleon to treat American commerce with less disdain. In 1800 he judged war with America an unwise prospect. This same conclusion may have come to him in subsequent years if he had dealt with an outraged United States.

Congressional Republicans provided little leadership or assistance in setting a prudent course with Great Britain or France. The hollow tactics of economic coercion failed early, yet Republicans clung to this approach not out of anticipation that the strategy would succeed, but because they could think of no better options to advance. When the Twelfth Congress first met, Republicans were divided about what to do. The War Hawks sought action, the Scarecrows sought bluff, and the remainder wanted no action at all. This lack of cohesion confused Foster about what the United States planned to do, and this divisiveness led America into a war for which it was ill prepared.

Great Britain also had its share of diplomatic miscalculations. The arrogance of unrestrained Royal Navy officers increased American disgust for their former rulers. Seizures and impressments damaged national pride and harmed American businesses. When these

affronts seemingly went unpunished, Americans concluded that war might be the only method for preventing further abuses.

London never fully appreciated the United States's vigor for fighting. Part of this attitude resulted from American foreign policy. The United States repeatedly threatened retaliation but instead delivered one porous embargo after another. Not until 1811 did the United States place in power leaders willing to fight. But this does not negate the fact that the Orders in Council created a casus belli for the United States while it harmed British manufacturers and workers. This became evident in 1812 as riots coincided with American preparations for war. Had the cabinet moved swiftly to repeal the orders once their ill effects became obvious, Congress would not have moved to fight. Word of the repeal reached the United States after combat began. A delay of a few weeks meant the United States had embarked upon a course it did not think it could reverse. Speedier action in London may have averted the War of 1812.

The coming of the War of 1812 provides several excellent lessons in diplomacy and leadership. Sound reasoning, clear and honest communication, and efficient action can prevent needless strife and acrimony. Perhaps the greatest lesson is the choice to use force to resolve problems. When national leaders make the decision for combat, they should make sure no other option remains. In 1812 British leaders failed to formulate a timely solution to their largest problem in Anglo-American relations. Conversely, American leaders chose to destroy property and end lives on the claim of having no other viable option-- even though a resolution was but days away.

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