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CONGRESS DURING THE WAR OF 1812

DISSERTATION

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By

William Ray Barlow, B. A., A. M.

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Approved by

Harry L. Coles
Adviser
Department of History
Most investigations into the War of 1812 have emphasized causes to the exclusion of other phases. With the exception of various chapters in Henry Adams' history of the Madison administration and brief passages in some biographies, the role which Congress played has been largely ignored. This study attempts to tell the story of the United States first wartime Congress.

Throughout the war, many events from a crucial financial situation to the burning of a Canadian village captured the attention of Congress. Response to these events varied from heated debate to the passage of laws. Since there existed no precedents or accepted patterns which might have provided methods of conduct during the crisis, Congress was forced constantly to develop new means of resolving the complicated problems arising from the war. In some cases, no alternatives were possible, as probably was true of the over-all strategy of the war which was executive in origin. In others, however, choices existed, as in the type of government bank thought necessary to meet the financial crisis. Practically every controversy caused by the war reached the halls of Congress; all, with few exceptions, became politically involved; and all, in large measure, were decided along partisan lines. This study emphasizes that Congress' actions were conditioned by legislative-executive relationships, legislative procedures and organization, and partisanship.
During the war debates of late 1811 and early 1812, Congress gave considerable attention to the role expected of it once hostilities began. In varying degrees, some members claimed that Congress must bear the brunt of the responsibility, while others declared that its position would be far inferior to that of the executive. Shortly after peace returned, Representative John Forsyth (Rep., Ga.) pointed out: "Time had been . . . when the recommendations of the Executive of the United States, and persons to whom the Executive offices were committed, had some weight in this House; when the opinions of persons who had examined, in all their details, subjects on which they must be best informed, were considered of some force and authority." In retaliation, Representative Daniel Sheffey (Fed., Va.) "wished to God" that era had passed and that "the time had arrived when such recommendations had no more influence that they merited."¹

The two statements are significant in light of the preceding three years. The executive branch of the government recommended the most important legislation of the war period, but Congress was not as passive as many members thought that it might be. Basic laws as well as funds still had to be provided, authorizations granted, and many issues could be resolved only in Congress through political means. The job of Congress was criticizing, objecting, amending, and at times initiating. Although the President enjoyed more power than in peace time, he was careful that his actions had a legislative base. These discretionary powers were given the President over the
objections of some members who feared an increase in executive authority.

In some policy spheres, the influence of the President prevailed. The diplomacy of the war, for example, was almost entirely executive in origin and direction. Congress often criticized but did not seriously attempt to alter executive plans. The military strategy of the war, upon which depended the executive's diplomatic aims, however, was subjected to legislation. In many other areas, the desires of the President and Congress clashed, and each attempted to imprint on the other its ideas. Again the problem of a national bank is relevant. Over the objections of the President, who insisted on a particular type of a bank, Congress debated various alternatives and eventually passed a bill. The measure was vetoed on the grounds that it would not aid the war effort, and Congress was on the verge of enacting the executive plan when peace arrived. When it came to appropriations, however, congressional influence was strong. While administrative departments prepared the estimates of money required, Congress scrutinized all expenditures and rarely gave what was asked. On many issues the President failed to enlist sufficient support, as for example, in regard to an embargo and conscription; at other times his leadership was decisive. Congress often tended to procrastinate and perhaps to hold an exaggerated opinion of itself, but on occasion it acted quickly and vigorously. Neither was consistent.

Politics as usual marked the war years. While the Republican presidential candidate in 1812 received fewer votes than in 1808, the
party won all national elections during the war, even increasing consider­ably its strength in the Fourteenth Congress. Both parties hoped to gain politically from the war, and probably the greater opportunity to do so rested with the Federalists, for mismanagement or defeat would have tended to discredit the Republicans. But, as is well known, the minority's obstructionistic approach as well as its segment of disunion sentiment, destroyed the party's future. For the Republicans, peace--even without victory--proved a boon.

The War of 1812, then, was fought with a nation bitterly divided politically, and nowhere was this disunity more apparent than in Congress. Although some Federalists voted in favor of preparation for war, all opposed its declaration, and only on one occasion did a member of the minority advocate that the party lend its support and then on terms unacceptable to the administration. The decision on war, in fact, intensified the partisan feeling already existing and aggravated the charges of British and French influence. The debate on the latter issue proved one of the most interesting of the war.

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NOTES TO PREFACE

1Annals, 13 Cong., 3 Sess. (House), February 27, 1815, pp. 1215-1216.
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The President and Congress Declare War

A "black Cloud of War, with England hangs over us," observed ex-President Adams in early spring of 1812. At the same time, another ex-president at Monticello awaited a declaration of war with "perfect calmness." Whether men viewed the national scene with apprehension or composure, all would agree with Representative Abijah Bigelow (Fed., Mass.), who told his wife Hannah that it was a "critical period for the nation"; in fact, Joseph Story thought that "at no period since the independence of our country will there have been a more interesting crisis." "Some hesitate, some are decidedly for peace," Story observed, and he predicted a "great and resolute struggle when the time approaches." From "all quarters" he heard that the "President is unhesitatingly for war."¹

President James Madison was not as eager for war as Story implied, but his actions over the previous months had been directed less toward the olive branch than toward the sword. He had called the nationalistic Twelfth Congress into session a month earlier than usual because of "great and weighty matters" in regard to the "further developments of the policy of the belligerent powers toward this country which might the more unite the national councils in the measures to be pursued." In his third annual message he had spoken bellicose words against
England as well as France and recommended to Congress a program of war preparation. On May 13, undoubtedly with Madison's knowledge, the House passed with no "more than five dissenting votes" a resolution introduced by Representative David R. Williams (Rep., Ky.) directing absentee members to return "forthwith."

On the same day that Congress was summoned, the President and House leaders met to outline administration strategy. Madison desired the conference and the war-minded congressmen were even more willing to meet with the President, for it seemed that Madison was unnecessarily hesitant in asking for war. This reluctance arose not from "backwardness" on Madison's part but from the fear that the House might refuse to sustain his recommendation for war. As described by editor Joseph Gales of the *National Intelligencer*, official newspaper organ of the administration, Speaker Henry Clay (Rep., Ky.), spokesman for the congressional delegation, assured Madison of the "readiness of a majority of Congress to vote for war if recommended."

This meeting, moreover, served another purpose. There seems to have been some confusion in the administration and especially in Madison's mind as to the correct roles of the executive and Congress in effecting a declaration of war. Years earlier, Madison had made it clear that the power to declare war was "not, in any respect, an act merely executive," but "expressly vested, where all other legislative powers are vested, that is, in the congress of the United States."

The difficulty, therefore, involved the question of legislative action as well as executive initiative. Madison was not certain of either.
This indecision he expressed to Jefferson in various letters during the spring and summer months. "At present great differences of opinion exist," fretted Madison, as to the "form of entering into hostilities . . . whether by a general declaration, or by a commencement with letters of M. & Reprisal." Jefferson had advised the President as early as February that he doubted whether Congress "would find it practicable to do their part of the business," and he was "sure it has not the resolution to reduce the right of talking to practicable limits." Two years earlier, he had written to Caesar A. Rodney, administration friend: "In times of peace the people must look to their representative; but in war, to the executive only." As late as March 1812, Speaker Clay had suggested to Secretary of State James Monroe that although the "power of declaring war belongs to Congress, it falls within the scope of the President's constitutional duty to recommend such measures as he shall judge necessary and expedient."4

Spurred on by such counseling, Madison and the administration leaders arrived at definite conclusions concerning the inevitability of war and the respective roles of the executive and legislature in bringing it about. By the evening of the thirteenth, the well-grounded rumor was afloat that the "great question will undoubtedly be taken early in June." Executive initiative had been determined: "The President will probably send an important and very argumentative message to Congress." Congressional response had likewise been agreed upon: "A manifesto will be brought forward by the committee of Foreign Relations and a declaration that 'war exists' between the United States
and the crown of Great Britain . . ." Although specific plans had been devised and other touchy problems solved, Madison and the congressmen agreed that the recommendation for war would not be placed before Congress until the return of the Hornet from Europe. All assumed that if the vessel brought no news of a reversal in British policy, action would be immediately taken.  

For ten days Congress waited. When the Hornet sailed into New York harbor on May 19, it carried no assurances of any relaxation of tension between the United States and Great Britain. In fact, the vessel carried disquieting news from France which disrupted the administration plan for prompt action against Great Britain. A cry for immediate war with both belligerents arose from certain members of Congress. A worried President wrote Jefferson that a war with "England and not France arms the Federalists with new matter"; yet, a "triangular war" would not bring the Federalists to support of the administration and would present "a thousand difficulties" besides. Jefferson agreed; such a war, he answered, "would exhibit a solecism worthy of Don Quixote." The administration response to the clamor for a triangular war appeared in the National Intelligencer. The editorial, probably written by the Secretary of State, criticized both the "misconduct of France" and the inflexibility of Great Britain but urged first war against the latter and afterward action against France.  

A presidential message of June 1, which offered the alternatives of peace and submission or a decision "worth the enlightened and patriotic councils of a virtuous, a free, and a powerful nation," at last
resolved the issue which Congress had debated since the preceding November: the United States, for the first time in its Constitutional history, would go to war. On June 3, as arranged at the meeting of May 13, the acting chairman of the House Foreign Relations Committee, John C. Calhoun (Rep., S. C.) offered the war manifesto. One speech only was delivered against the executive recommendation and this on May 29, the day before the war message was sent. Representative John Randolph (Rep., Va.) took the floor because of "rumors to which he could not shut his ears" and for hours praised the British nation and declared that if the Congress led the nation to war, it would be "as the panders of French despotism--as the tools, the minions, sycophants, parasites of France." When the Speaker ruled that he would have to cease his harrangue since there was no motion before the House, Randolph moved that it was inexpedient to go to war at that time. The motion was defeated by a vote of seventy-two to thirty-seven. Speaker Clay's prediction had been correct: a majority of the House would sanction war.

With the bill recommending an immediate appeal to arms before the House in secret session, Representative Josiah Quincy of Massachusetts, leading spokesman for the Federalists, arose and demanded that the proceedings be opened to the public. After failing to open the doors, the anti-war members were "silent and refused to say a single word in debate," reported Representative Samuel Taggart (Fed., Mass.). Those opposed to war, however, did not hesitate to vote their convictions, for when the roll was called on June 4 the entire Federalist minority
and sixteen Republicans voted no. The vote stood at seventy-nine to forty-nine in favor of war.

In the Senate, where opposition to the administration was stronger and where Republican leadership was less effective, unexpected opposition developed. Representative Bigelow considered Senate approval "doubtful" while Representative Taggart predicted that something "will depend upon the two Senators, Smith [(Rep., Md.)] and Giles [(Rep., Va.)]." For over a week consideration continued. On all votes—from defeating various substitutes for war to defeating a proposal to adjourn to the following November—the administration forces were victorious. In the midst of the roll calls, only two members spoke out against war. To enforce Senator Obediah German's (Rep., N.Y.) prediction that the United States faced certain defeat at the hands of powerful Britain, Senator James Bayard (Fed., Del.) argued that first "we must see that we are prepared and in a condition to make war." Not one war-senator answered.

Finally, on June 17 the Senate voted for war. Senators Giles and Smith disappointed the hopes of the Federalists by voting for immediate hostilities, leaving Senators German, Nicholas Gilman (N.H.), Philip Reed (Md.), John Lambert (N.J.), Jeremiah B. Howell (R.I.), Thomas Worthington (Ohio), and John Pope (Ky.) along with six Federalists in opposition. There were nineteen affirmative votes. The following day, after the House accepted minor Senate amendments, President Madison signed the declaration of war and on the nineteenth urged the "good
people of the United States" to unite in support of all measures for obtaining a "speedy, a just and an honorable peace."10

The Struggle for Unity

President Madison's proclamation, however, did not bring unity. A Chesapeake-Leopard crisis or a Little Belt affair, around which public sentiment could have been rallied, perhaps would have provided a temporary unity, but the declaration of war, following years of foreign tangle and days of bitter partisan debate in Congress, precipitated only months of war politics and near-disunion. The administration was aware that national solidarity was necessary if the war was to be successfully undertaken and conducted, and toward this goal both the President and his congressional supporters worked. The task proved impossible.

The struggle for unity began with the opening of the Twelfth Congress. On November 29, the House Committee on Foreign Relations recommended that the United States be put into an "armor and attitude demanded by the crisis, and corresponding with the national spirit and expectations." A few days later, Chairman Peter B. Porter (Rep., N.Y.) declared that this was a time when "we must yield something to the opinions, and to the feelings of each other." "Instead of indulging in party reflections and recriminations," he hoped "that the Whole of the House and of the Union would form but one party and consider a foreign nation as the other." He admitted, however, that there was "some diversity of sentiment" as to the "extent of the War and the time it should be commended."11 The division in the Republican ranks ran deeper than
the Chairman's remarks indicate, for not even the War Hawks themselves agreed on what war preparations would bring unity to the nation.

The most militant War Hawks insisted that only an immediate appeal to arms would cement national unity. To Representative George M. Troup's (Rep., Ga.) plea to end "idle debate" and give the people "men and arms to defend them—not words," Representative Felix Grundy (Rep., Tenn.) added that the "whole Western country is ready to march." Representative Richard M. Johnson (Rep., Ky.) predicted that once blood was shed the "distinction of Federalists and Republicans will cease; the united energies of the people will be brought into action; the inquiry will be, are you for your country or against it." Other Republican congressmen were willing to risk a triangular war against both France and Great Britain in the effort to add Federalist support to the war. Speaker Clay, however, called the proposal "vain," for in the House "ten only voted for it, and of those there were but two feds."¹²

A more practical measure was the proposal in the House to suspend partially for a limited time the several acts prohibiting importations from Great Britain and her colonies. Speaking in favor of Representative William M. Richardson's (Rep., Mass.) amendment which would have repealed all of the prohibitory acts so obnoxious to the Federalists, Calhoun told his colleagues that it "would go far to reconcile the mercantile class" and "produce harmony at home." The amendment, however, was defeated and the bill postponed to a later Congress when its final passage did nothing to rally the Federalists to support of the war.¹³

An administration bill increasing the naval establishment was con-
considered by many members as another means of pacifying the Federalists. Representative Robert Wright (Rep., Md.) pointed out that since the House had recently passed a law "to guard the children of the woods... from the scalping knife," the "maritime frontiers of the South and the East" should also be protected "although against a civilized yet not less savage foe." "Such a navy," said Speaker Clay, "will form a new bond of connexion between the States, concentrating their hopes, their interests, and their affections." Not only would the proposed augmentation provide more effective defense of the East, he continued, but it would also aid in the protection of the West, thus furthering all the national interests. The naval bill met with fierce opposition from most Western members who succeeded in cutting it drastically, and the bill as passed contained few provisions which would serve as bonds of unity between the two parties.14

Beyond the attempts to promote unity on the basis of the war preparation measures, the most spectacular move on the part of the administration came with the publication of the Henry letters. John Henry, a British agent, a few years before had visited New England and reported the fondness of certain Federalists for England. When Henry offered to sell his correspondence regarding these matters to the administration, Madison agreed to pay him $50,000 and in March of 1812 laid the letters before Congress. The brief accompanying message accused Great Britain of employing secret agents "in fomenting disaffection to the constituted authorities of the nation... for the purpose of bringing about resistance to the laws..." The New England Federalists were charged
with acting "in concert with a British force" in "destroying the Union and forming the Eastern part thereof into a political connexion with Great Britain."  

The reading of the Henry papers momentarily caught the Federalists of the House off-guard. "Pitkin began to kick and squirm... Quincy looked pale, walked the floor in haste. Great drops of sweat rolled down the face of Deacon Davenport." "You may know the wounded pigeons by their flutterings," declared Representative William Widgery (Rep., Mass.), while Representative Troup interpreted the letters to show a "deep-rooted hostility which could stop at nothing short of a dismemberment of the country." The letters were the worst "libels" ever uttered against his party, retorted Representative Timothy Pitkin (Fed., Conn.).

Although most of the Federalists took the position that the damaging letters had been forged, Representative Quincy assumed a different attitude. He "thanked God" that the administration had published the letters, but he saw clearly that they had been "spread over the country for the purpose of serving party views." It was a "political move" by the administration to arouse the hostility of New England against Great Britain. In private, he berated his colleagues as "fools" for attacking the Henry disclosures as forgeries because "it is just the ground Administration wishes them to take." "There is but one high, generous, noble ground," he advised Federalists: "Take the documents for granted... and turn the indignation of the country
against Madison for the base insinuation contained in his message . . . and for the notorious intrigue and waste of public moneys."17

The evaluation of the administration's motives was of course correct. Certainly, Madison did not expect to recruit any Federalist leaders to the cause of the war, for his message implied that the New England Federalists were something less than patriots. The president did, however, hope to create an artificial symbol around which both Republicans and rank and file Federalists could rally in the face of the coming war. This he implied in his message when he said that the Henry letters can not "fail to render more dear to the hearts of all good citizens that happy Union of these States, which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquility, and their prosperity."18

Quincy's other advice to his party was also sound policy. Rather than denounce the letters as forgeries, which would have placed the party in a defensive position, it was far better political strategy to accept the documents but assume the offensive by attacking Madison's "intrigue" and waste of $50,000. Federalists followed the suggestion of Quincy in the Senate where Senator James Lloyd (Fed., Mass.) moved that the President supply the names of those who had been involved in the Henry affair. When it was disclosed that the administration had not withheld the names but that Henry himself had carefully deleted all reference to the Federalist leaders, the expose fell flat. While perhaps some were swayed by the letters, the affair only intensified the anti-war feeling of the Federalist leaders. The administration
attempt to promote unity had failed and Representative Nathaniel Macon's (Rep., N.C.) admonitions that it should be "no party war, but a national war" had fallen on deaf ears.19

With the partisan debate growing more bitter after the publication of the Henry letters, there was little hope that the Federalist party would support the war. A small group of Federalist congressmen, however, voted for the administration's preparation measures just prior to the opening of hostilities. But it is entirely open to question why this course of action was taken; patriotic sentiments of preparedness were ascribed the group by its leader and floor spokesman, Representative Quincy. In regard to the six Federalist votes for the increase in the regular army in January 1812, he said that "others would have been glad to give the same vote, had they not feared for their popularity in their districts." "All agree," he continued, "in the importance of permitting the party characters to disappear." While Quincy's words might be interpreted as an invitation to adjourn politics, they certainly were not meant as such. The Massachusetts representative did urge that Federalists vote for the preparedness measures, and in fact, said that a "war with any nation under heaven, Great Britain not excepted, was a less evil than the perpetuation of the Anti-Commercial System," but it was not with the view of strengthening the national defenses—for ultimate victory. By sanctioning the war measures, his party would free itself from the criticism that it had hindered the war effort and helped bring defeat to the nation. The war, Quincy hoped, would be so mismanaged that the Republican administration
would crumble, thus reinstating the Federalists to national power.

Representative Randolph exposed these schemes by observing that the "greater part" of the Federalists "had gone over to the Court Party, for a very obvious reason—because they foresee at the end of the journey, Mr. Speaker, that your defeat will secure their triumph."

He wished the Republicans "joy of their new traveling companions." But it would be no grand joy ride because Quincy was opposed by important party leaders, among them ex-Senator Timothy Pickering, soon to become a Massachusetts representative, who urged Quincy followers in Congress to present a united front in opposition to the war measures. Supporting hostile measures directed against England, Pickering argued, meant aiding a war which would destroy Federalist commerce and assisting Napoleon in his struggle with Great Britain. These were the real reasons for the war, Pickering thought, and even the talk of taking Canada was a guise. Even if Canada were conquered, it would be given to France or divided into additional Republican states. The first alternative was enough to change Quincy's course, but it was the prospect of additional states that was particularly frightening, for in January of 1811 he had declared on the floor of the House that if Louisiana were admitted to the Union, "it will be the right of all, so it will be the duty of some, to prepare definitely for separation—amicably if they can, violently if they must." Pickering's arguments were decisive, for when the roll was called on the declaration of war, the Quincy group voted no. The pressure exerted on the war-minded Federalist faction was tremendous because Quincy, decries the "want of unison among
Federalists themselves as to the political course to be pursued," was "disgusted . . . from the service." He did not seek re-election.21

The political strategy of Representative Quincy was probably too inconsistent for the Federalist party to follow conscientiously. For years it had been taught the virtues of England, it looked upon her as the bulwark against despotic France, and it feared territorial expansion. To choose a path in the opposite direction would not have been easy. Yet Quincy's plan might have worked. If the party had supported the war, there would have been no unpatriotic opposition and no Hartford Convention; perhaps it would have profited from the blunders of the Republican administration and obtained a sounder political footing because of its support of the war. As it was, rather than following Quincy's advice and addressing a patriotic rallying cry to their party, thirty-four Federalist congressmen signed an "address to their constituents" opposing the war along the lines advanced by Senator Pickering as not "necessary, or required by any moral duty or political expediency."22

And so began the United States first war. All attempts to bring unity in the face of the national crisis had failed; even the dubious scheme of the Federalist faction to unite in support of the war for political purposes was abortive. With a divided Congress, there could be no agreement that the war should even be won. It was never seriously believed in Congress that party battles could be suspended for the duration or that parties would not take advantage of the war to further their own positions. In no other American war did partisanship become so
extensive as in the War of 1812, and it is the debates of Congress which best evidence this party spirit, for it was through legislation that supporters of the war attempted to conduct it more efficiently and opponents worked to hamper it.
NOTES TO CHAPTER I


2James Daniel Richardson, ed., A Compilation of the Messages and Papers of the Presidents, 1789-1897 (Washington, 1896), I, 491-496, 499; That Madison was keenly aware of the indecisive character of the Eleventh Congress and that he eagerly anticipated a more energetic Twelfth is indicated in a letter of William Pinkney. "The elections which have since taken place in the Eastern States, and which have been materially influenced by the affair of Jackson, and the spirit of party connected with it," Madison wrote, "are the strongest of proofs that the measures of the Executive coincided with the feelings of the Nation." The "passive spirit which marked the late session of Congress should at the next meeting be roused to the opposite point." Madison to Pinkney, May 23, 1810, Gaillard Hunt, ed., The Writings of James Madison (New York, 1900-1910), VIII, 97, 100; Clay to James Monroe, March 15, 1812, James F. Hopkins and Mary W. M. Hargreaves, eds., The Rising Statesman, 1797-1814 (Lexington, 1959), I, 637; Irving Brant, James Madison, The President, 1809-1812 (Indianapolis, 1956), 421; Annals, 12 Cong., 1 Sess. (House), April 1, 1812, pp. 1587-1598, April 3, 1812, pp. 1601-1614, May 13, 1812, pp. 1424-1427; Glenn Tucker, Poltroons and Patriots, A Popular Account of the War of 1812 (Indianapolis, 1954), I, 357-358.


4Madison to Jefferson, April 24, 1812, Hunt; ed., Writings of Madison, VI, 139, 154, VIII, 188; Madison's war message, in fact, reiterated this. War, as he phrased it, was a "solemn question which the Constitution wisely confides in the legislative department of the Government." Richardson, ed., Messages and Papers, I, 515; Jefferson to Madison, February 19, 1812, Jefferson to Caesar A. Rodney, February 10, 1810, Ford, ed., Writings of Jefferson, IX, 272, 337; Clay to Monroe, March 15, 1812, Hopkins and Hargreaves, eds., Rising Statesman, I, 637.


Bigelow to wife, June 4, 1812, "Letters of Bigelow," 399; Taggart to Taylor, June 5, June 12, 1812, "Letters of Taggart," 403, 404; Annals, 12 Cong., 1 Sess. (Senate), June 1, June 5, June 8, June 9, June 10, June 11, June 12, June 13, June 15, June 16, June 17, 1812, pp. 265-297.

Annals, 12 Cong., 1 Sess. (Senate), June 17, 1812, pp. 297-298; The Annals state that there were thirteen votes but there are listed only twelve names. There is sufficient evidence to assume that Pope
was present and voted no. Orval Walker Baylor, John Pope, Kentuckian; His Life and Times, 1770-1845; A Saga of Kentucky Politics from 1792 to 1850 (Cynthiana, 1943), 84-86; Presidential proclamation of June 19, 1812 quoted in Brant, Madison, President, 477-478.

11Annals, 12 Cong., 1 Sess. (House), November 29, 1811, p. 377, December 6, 1811, p. 417.

12Ibid., 12 Cong., 1 Sess. (House), December 7, 1811, p. 426, December 12, 1811, p. 492, April 6, 1812, p. 1410; Taggart to Taylor, December 30, 1811, "Letters of Taggart," 375; Clay to Beatty, June 12, 1812, Hopkins and Hargreaves, eds., Rising Statesman, I, 677-678.

13Wiltse, Calhoun, Nationalist, 71; Annals, 12 Cong., 1 Sess. (House), June 23, 1812, p. 1533, June 24, 1812, pp. 1535-1543, June 25, 1812, p. 1544.


15Ibid., 12 Cong., 1 Sess. (Senate), March 9, 1812, p. 165.

16Brant, Madison, President, 415; Annals, 12 Cong., 1 Sess. (House), March 9, 1812, p. 1181.

17Ibid., 12 Cong., 1 Sess. (House), March 9, 1812, pp. 1183-1184; Edmund Quincy, Life of Josiah Quincy of Massachusetts (Boston, 1869), 253.

18Annals, 12 Cong., 1 Sess. (Senate), March 9, 1812, p. 165.

19Ibid., 12 Cong., 1 Sess. (Senate), March 10, 1812, pp. 166-167, March 13, 1812, p. 169, (House), December 12, 1811, p. 494.

20Quincy, Life of Quincy, 240-241.

21Ibid., 240; Samuel Eliot Morison, The Life and Letters of Harrison Gray Otis, Federalist, 1765-1848 (Boston, 1913), II, 33, 35; Hervey Putnam Prentiss, Timothy Pickering as the Leader of New England Federalism, 1800-1815 (Reprinted from the Essex Institute Collections of January and April, 1933, and April 1934), 77-78; Annals, 12 Cong., 1 Sess. (House), December 16, 1811, p. 527; William O. Lynch, Fifty Years of Party Warfare, 1789-1837 (Indianapolis, 1931), 222; Quincy, Life of Quincy, 261.
CHAPTER II

CONGRESS DURING THE WAR

Congressional Organization

In the struggle for partisan position, both parties were faced with advantages and disadvantages. The Republicans had the advantage of having control of the national government in all but the judicial branch. They were handicapped, however, in having the responsibility for running the war. They could not conduct the war entirely on a partisan basis nor could they at all times claim battle victories as party victories, but they would be criticized for the domestic and foreign misfortunes arising from the war. The Federalists had the handicap of having been the minority party for over ten years and of having lost strength except in New England and certain areas in the South. They also were somewhat hampered because of their traditional close relationship with the enemy. Affirmatively, the Federalists could make political issues of all military disasters and blame the Republicans for poor administration. They could also attack the Republicans as allies of France and criticize Jeffersonian principles which they considered as French in origin. The Federalists, lastly, would receive the support of all those who were opposed to the war from the start or those who wanted it terminated. The Federalists, therefore, were not without considerable flexibility throughout the war.

An element of non-partisanship was introduced into the conduct of
the war when the administration appointed Thomas Pinckney, a leading southern Federalist, to a generalship, but a corresponding revamping of Congress was not suggested or seriously attempted; both houses of Congress and their committees continued to be organized according to political parties. At the time of the declaration of war, the Republicans had a sizeable majority with 28 seats in the Senate and approximately 106 in the House.¹ These numbers, however, did not represent the actual voting on any measure before Congress because of the defection of both Republicans and Federalists from the majority of their own party, particularly the former.

Although the administration, including certain key members of Congress, took the lead in constructing America's first wartime organization, the legislature as a whole was active in attacking such proposals, revising them as it saw fit, and in suggesting alternatives. There was, however, great confusion and disagreement concerning the extent to which Congress should participate in the war activity. To some, its role was of particular importance, because it was thought that congressional prestige might greatly diminish if it failed to interject itself actively in the conduct of the war and if it declined to survey wartime policy after laws were enacted.

As to the actual organization for war, Congress had several alternatives: it could utilize the existing standing committee system for control, it could create special committees to investigate and report, or it could establish a single committee to work in conjunction with the administration. The idea of a single committee, while
in the minds of certain members, was not seriously discussed, and its formation would have been impossible to effect. Federalists would not have served, and it would have been difficult to select members and to determine their authority to speak for Congress and to command government officials.

An attempt was made, however, by House administration forces, some months before war was declared, to form a Public Defense Committee which would have full authority over war preparation legislation. Representative John Smilie (Rep., Pa.) said that such a committee could "take a view of the whole general ground and act accordingly." Other members did not agree. Quincy thought that too many "subjects" would be given the committee, Randolph found no precedent for its organization, and Macon urged that "what relates to the Army ought to go to one committee, and what relates to the Navy to another, and so on." By a series of amendments, the Public Defense Committee was given authority to bring in bills pertaining to only specific military matters; it was stripped of its power over naval augmentation and manufacturing of cannon, small arms, and munitions. Thus the Public Defense Committee became the Military Committee of the House.²

The powerful House Committee on Foreign Relations, which functioned during the first session of the Twelfth Congress, while not organized as a liaison committee, worked closely with the administration in outlining wartime strategy and was apparently privy to executive secrets. Created as a select committee to consider that part of the President's annual message dealing with foreign affairs, it was in
no sense representative of the House for the War Hawks numbered seven and the Federalists one. Neither was it concerned exclusively with Foreign relations. Rather, it served to rally war spirit and to direct administration war preparation measures. Late in November of 1811, Chairman Peter B. Porter, after telling the House that we "must now tamely and quietly submit, or we must resist by those means which God has placed within our reach," introduced a series of six resolutions based on the President's message completing and prolonging the enlistments of the existing military establishment, adding a force of 10,000 regulars for three years, authorizing the President to accept 50,000 volunteers, empowering the President to detach militia as he deemed necessary, commissioning all vessels not in service, and permitting private merchant ships to arm in self defense. Porter, Grundy, and Calhoun directed these resolutions through the House and worked for their enactment into law.3

The role of the committee was not accepted by all members. Declaring that the "committee had out-stripped the Executive," Randolph asked: "Shall we form a committee of this House, in quality a Committee of Public Safety, or shall we depute the power to the Speaker . . . to carry on the war?" "A junto composed of some 5,6,7,8, or 10 in both Houses but particularly of the House of Representatives," wrote Representative Taggart, "manage the affairs of the nation at pleasure . . ." A corresponding orientation of the Foreign Relations Committee as a legislative arm of the administration was not attempted in other sessions of the war Congresses. But the objectives of this "Committee
of Public Safety"—to enact a war-preparation program and to declare war against Great Britain—had been realized. And besides, a sufficient number of congressional committees existed which claimed jurisdiction over the activities of war.  

As in all other American wars, an increase not a decrease in the number of congressional committees occurred. Rather than concentrate wartime controls in one powerful committee, Congress utilized the existing committee system by dispensing control over standing or permanent committees, by creating select committees, and by organizing new investigating committees.  

Organization of committees in the House and Senate differed slightly. By the war years, there had evolved in the House permanent or standing committees which included Ways and Means, Commerce and Manufacture, Public Lands, District of Columbia, Post Offices and Post Roads, Revisal and Unfinished Business, Accounts, Claims, Elections, and Library. By the end of the war three additional committees had been given permanence as standing committees: Judiciary, Pensions and Revolutionary Claims, and Public Expenditures.  

In addition, the House utilized select committees for the review and preparation of wartime laws. Such committees were organized on the basis of specific recommendations for legislation found in the President's messages and included foreign relations, military, militia, naval, war munitions, Indians, Spanish-American colonies, retaliation, and granting French cruisers the use of American ports. Although select committees were not provided for by the rules of the House,
some were consistently given matters relating to a general subject and since the members remained the same during the session for which they had been organized, they, in effect, functioned as standing committees. Some—foreign relations, military, militia, naval—were even more powerful than the traditional standing committees and were concerned with some of the most important defense legislation.

Unlike the committee system of the House, in the Senate only select committees were used, and during the war there was no attempt to institute permanent ones. Legislation was discussed on the floor or in committees which were created to deal with a specific topic and which were dismissed after a report was rendered. According to a rule of the Senate, however, after a committee had been created with jurisdiction over a particular subject, related matters might be referred to the same committee; consequently, since membership often remained the same, such committees closely approximated the standing committees of the House. But for the most part, the Senate relied upon short-lived and noncontinuous committees during the war. Lacking the permanence of the standing committee structure of the House, which afforded the administration greater control over majority members and war legislation, the Senate at times failed to face the necessities of a wartime legislative body.

Although there were no serious attempts to alter drastically the traditional organization of Congress to meet the demands of war, there were experiments in creating and relying on committees of investigation. Through the genius of the investigation Congress not only
sought to supervise policy once enacted by law but also to calculate the adequacy of defense, to probe military failures, and to imprint its ideas on all matters relating to the war effort. Congress, however, was reluctant to sanction such committees, especially if the findings might prove embarrassing to the administration. Disposed of in the House was a resolution of Representative Samuel M. Hopkins (Fed., N.Y.) appointing a committee to inquire into the proferring of indemnity and relief to the suffering inhabitants of "Lewistown, Schlosser, and Buffalo," upon whom the enemy had retaliated because the American armies had attacked Canada. Motions introduced by Representatives Morris S. Miller (Fed., N.Y.) and William C. Bradley (Rep., Vt.) to organize committees of inquiry into the "conduct of the war" and failure of arms on the northern and northwestern frontiers met a similar fate.9

Defeated also was the suggestion to institute an investigation of the "treasonable correspondence" effected by means of blue lights or signals from near New London to the British blockading squadron in the harbor. The author of the resolution and representative from the New London district, Lyman Law (Fed.), told the House that he was not "willing to believe my native town contains among her citizens men so abandoned as to light torches, as signals to the enemy, which would in all probability lead to a destruction of their own dwellings." And anyway, the "wicked torches" had appeared only after United States troops had occupied forts on either side of the harbor. To buttress Law's hint that the regular army was implicated in the affair, another
Congenial Federalist, Jonathan O. Mosely, said that either "these troops must have been criminally inattentive to their duty, or themselves privy to the deed." Representative Grundy felt that there was "foundation for the report" and wanted the Naval Committee to investigate, but most members agreed with Representative Jonathan Fisk (Rep., N.Y.) who called the resolution "nothing more than a proposition to exercise, through a committee of this House, the inquisitional power to inquire whether treason has been committed." The Blue Light Committee suffered a quick death; the resolution was tabled by an eighty-nine to forty-two vote.  

The major investigating committees during the war were: Macon's committee on the spirit and manner of war waged by the enemy, which considered subjects ranging from impressment and alleged Indian brutalities to violation of truce flags and the "pillage and destruction of private property on Chesapeake Bay"; the Fisk (N.Y.) committee on army contracts and "to what extent general officers have interfered in contracts prejudical to public interest and rights of individuals," the findings of which indicted General Harrison for disregard of congressional policy during the campaign on the Ohio frontier; the committee formed on the motion of Representative William Reed (Fed., Mass.) on economy in the naval establishment; the Johnson (Ky.) committee on the causes of the capture of Washington, which generalized its inquiry into all "causes of the success of the enemy in his late enterprises against the Metropolis"; and the Fisk (N.Y.) committee on temporarily
removing the government to a "place of greater security and less inconvenience than the City of Washington."\textsuperscript{11}

These, however, were not the only committees concerned with investigation. It was possible for congressmen to create by resolution select committees, which while not called investigating committees, functioned as such. Committees of this type included the James Milnor (Fed., Pa.) committee on laws relating to the protection of American seamen, the Langdon Cheves (Rep., S.C.) committee on the economy, management, and efficiency of the naval department, the Adam Seybert (Rep., Pa.) committee on the expediency of prolonging the mint at Philadelphia, the Quincy committee on the administration of revenue laws by the Treasury Department, the Charles J. Ingersoll (Rep., Pa.) committee on "irresponsible patronage" in the Post Office Department, and the James Fisk (Rep., Vt.) committee on giving federal courts exclusive jurisdiction over revenue collection.\textsuperscript{12}

Moreover, both select and standing committees functioned in an investigating capacity. Besides their surveillance powers over a general area, it was possible by a resolution to direct these committees to inquire into related matters and report their findings to Congress. Thus the select Committee on Military Affairs was instructed to scan alleged abuses of enlisted men used as waiters by officers, to probe the defenses of seacoast cities, and to consider providing for the "more effectual and economical protection of the Northwestern frontier against the incursions of savages and other enemies." An unsuccessful attempt was made to instruct the committee to scrutinize army
regulations on furloughs and leaves of absences for officers. Similarly, the standing Committee on Ways and Means was directed to explore the possibility of increased compensation for the Secretaries of War and Navy and the one on Commerce and Manufacturing was asked to estimate to what extent American goods bound for friendly ports reached Great Britain.\(^{13}\)

So one consequence of the United States first war was an increased activity for all congressional committees—no matter under what name they functioned—and correspondingly, an augmentation of their importance. Precaution was used in "securing a majority of each committee in favour of the Cabinet," according to Representative William Lowndes (ReP., S.C.), because "in practice they are the organs through which the schemes of the Administration are most frequently introduced to the House." Keeping informed was another congressional reaction to the troubles of war, and this Congress did, not only by emphasizing investigation but also by calling for information from every department of the executive branch, by personally meeting with the President, and by co-operating closely—both through correspondence and committee hearings—with the Departments of the Treasury, War, Navy, and State.

Lastly, it is certain that key congressmen and important committees were privy to administration secrets which were not known to the entire Congress or to the public.\(^{14}\)

The First War Congress

"At no time perhaps, had party feeling a stronger hold on men's minds, than at the opening of the 12th Congress in 1811," commented
Representative Jonathan Roberts (Rep., Pa.) years afterward. Indeed, political battles anticipated military battles in the War of 1812, but during the months preceding the outbreak of hostilities, Congress, while enacting legislation in preparation for war, debated its desirability. Reasons advanced for declaring war were diverse: it would eliminate the Indian threat, declared Representatives William Findley (Rep., Pa.) and John Rhee (Rep., Tenn.); it would mean territorial expansion, decided Representative John A. Harper (Rep., N.H.), to whom it appeared "that the Author of Nature has marked our limits in the south, by the Gulf of Mexico, and on the North, by the regions of eternal frost"; it would establish the "right of exporting the productions of our own soil and industry to foreign markets," proclaimed Representative Grundy; it would alleviate the "unhappy case of our impressed seamen" and remove the "rigor and severity" of the Orders in Council, declared Representative Porter; it would catapult the country down the "road that all great nations have trod"—to greatness, predicted Representative Calhoun.15

Arguments against war were equally as varied: it would bind the nation to "France, as Sinbad the sailor was bound to the putrefying corpse of his deceased wife," cried Representative Randolph; it would bring defeat and disgrace because we are "defenceless," insisted Representative Silas Stow (Rep., N.Y.); it would "strengthen the Executive arm at the expense of the Legislative," destroy "republican simplicity" and "republican independence," and a "love of idleness, extravagance, and neglect of the dull pursuits of common life would take place," mourned Representative Hugh Nelson (Rep., Va.).16
Despite these bitter partisan words, Congress enacted various laws pertaining to the execution of the war. The regular army was enlarged, and the President was authorized to accept volunteers from state militias and empowered to call out state militia for six months' service. Inducements of increased bounties, discharge pay, and land were made to prospective recruits. Money was appropriated for immediate procurement of arms, ammunition, camp equipage, and other war materials. The naval establishment was augmented slightly. An embargo as a prelude to war was passed which alienated merchants. Taxes were sanctioned by House resolution, and then postponed in favor of a loan and the issuing of treasury notes. Laws were enacted establishing a Quartermaster General Department, an Ordnance Department, and the office of Commissary General of Purchases. Congress was troubled over the acquisition of the Floridas, repeal of nonimportation with England, and many subjects relative to foreign affairs. The Twelfth Congress had also declared war.17

By the time Congress met again, in early November of 1812, the administration had suffered defeats both in the attempt to invade Canada and in various congressional elections. War compelled the second session of the Twelfth Congress "to act or perish; and although Congress had seldom if ever been so unanimously dissatisfied, it was never so docile." Perhaps it was not entirely submissive to executive demands, but Speaker Clay wrote that "never was there a body assembled more disposed to adopt any and every measure calculated to give effect and vigor to the operations of the War than are the Members of the 12th.
Congress. New regiments of infantry were allowed, increased pay and bounties were permitted, the recruiting service was reorganized, additional generals were provided, the navy was increased, the Commissary and the Quartermaster Generals Departments were revamped, loans and treasury notes were continued, a classification of the militia and a lowering to eighteen the age that a person might enlist without consent of guardians, parents, or masters were debated, a bill prohibiting the employment of British subjects on American ships was enacted, and a scheme authorizing a mounted volunteer expedition against the Indians to be commanded by Representative Johnson was passed. For weeks the Congress discussed the fate of the merchant bonds. Congress concerned itself with the exportation of flour and breadstuffs, American goods bound for Portugal and Spain which were reaching England, and the question of giving the President the right to retaliate against the enemy.

Bitter partisanship continued throughout the session. To the original reasons against war, Federalists now added potent fuel: Representative Benjamin Tallmadge (Fed., Conn.), dwelling upon the mismanagement of the war, which Representative Thomas R. Gold (Fed., N.Y.) claimed had resulted in "disaster upon disaster," confided to the House: "I have no confidence in the Executive department of our Government." Representative Quincy insisted that, since the British Orders in Council had been repealed, no cause for war existed, and Representative Elijah Brigham (Fed., Mass.) called for an end of the fighting: "Sir, to my mind we shall submit to nothing by abandoning this war, and making
open and direct overtures for an honorable peace." Speaker Clay considered the Federalist remarks as the "howlings of the whole British pack, set loose from the Essex kennel," while Representative Rhea contended that it was only an "assumption" that the orders in council were alone the cause of war, and Representative Grundy attributed the "true cause" of military disasters not to the "ill-management of the Executive" but to the House.  

Elections of 1812

"The views of the minority are too obvious to be mistaken," declared Representative Thomas Bolling Robertson (Rep., La.), "they wish for that power which they once possessed and, possessing, abused."

The election of 1812 was difficult for the Federalist to accept for Madison had been re-elected and a Republican majority—although diminished—returned to Congress. Unable to accept the years of political defeat, Representative Quincy looked toward 1816, and in the most bitter speech of the session, attacked the "influence of a Cabinet little less than despotic, composed of two Virginians and a foreigner." The "main object of the policy of these men" was to "secure the power they at present possess, to perpetuate it in their own hands, and to transfer it to their selected favorites." Representative Widgery felt that Quincy's harangue was a "strange objection to a bill for an enlistment of twelve months"—upon which Quincy was supposedly speaking—"that it is to aid an election which is to take place four
years hence." But he also might have added that Quincy was sorely
disturbed over the poor Federalist showing in 1812.

Indeed, the elections dictated political thinking during the
Twelfth Congress. They excite "much interest here," observed one mem-
ber, and prevent "much business being done, too many being more inter-
ested, or rather, feeling more interested in the result . . . than in
the happiness and prosperity of the Country." The seriousness of the
elections was recognized by Madison who said that they "bring the popu-
larlarity of the war, or of the Administration, or both to the Experi-
mentum Crisis." The overriding issue was of course Madison's re-
election. He "begins to tremble for his next election," said Repre-
sentative Bigelow, and although he may be chosen, "I am confident if
Congress were appointed as Electors he would not have a majority of
votes," even among the "Democrats."21

Some Federalists implied that war legislation was enacted only to
perpetuate the ascendancy of Madison and the "Monticello Dynasty," and
Representative Quincy charged that Madison was coerced into war: the
recommendation was "urged in conversation by members of this and the
other branch of the Legislature" as a condition "on which the support
for the presidency was made dependent." A "self-created committee of
Congressmen," claimed Representative Alexander Hanson (Fed., Md.)
called upon the President, who "was given to understand that his re-
election depended upon his recommending war at once."22

Hanson no doubt had reference to the significant meeting of May
13, which preceeded by only a few days Madison's renomination by a
Republican congressional caucus on May 18. Absent from the caucus were important western congressmen and most of the New York representatives who had voted against war. Why? Perhaps there had been some basis to the National Intelligencer's contention that an anti-Madison "coalition of Northern and Western interest" was under way in New York. At least one westerner, Representative Roberts, reported his support of an anti-administration candidate was solicited by a northerner. And the Albany Register had already offered to the nation a favorite son: DeWitt Clinton, disgruntled and ambitious nephew of the recently deceased Vice President. To his personal following, the New Yorker hoped to attract anti-administration strength from any quarter, either Republican or Federalist, East, West, or South and the Register announced that only Clinton could return the country to "permanent and honorable peace, or triumph with her in decisive and glorious war." To succeed in both was impossible, and western congressmen, interested in only the latter objective, shunned the offer; Federalists, on the other hand, desiring only the former, were impressed. Federalist support of Clinton, argued Senator Chauncey Goodrich (Fed., Conn.), might divide the Republicans and defeat Madison, but his portrayal as a peace candidate, thought Representative Taggart, might end the "iniquitous war."23

The New Yorker had offered the Federalists an enticing bait. Some began to bite, but others swallowed hard. John Marshall was urged as the "man for the crisis," and a Virginia group nominated the "liberal, fair, and conciliatory" Rufus King—soon to become a New York senator—who, for reasons concerning the "public liberties," was opposed to the
scheme of endorsing Clinton. But Taggart felt that it did not mean a "sacrifice of one single principle of the good old Federalist doctrine" because the "Clintonians now in Congress" were "good practical Federalists." 24

Most Federalist congressmen agreed with Taggart, and after correspondence and conversations, a September meeting at New York sanctioned the support of Clinton but without a formal nomination. "He has given the necessary assurances," boasted an unknown Federalist. Ex-Congressman Robert Goodloe Harper, however, felt that the party did not "stand committed to Mr. Clinton," and he hinted that a Federalist candidate would be selected if Clinton did not "do everything to convince us that we may expect from him a different course of measures." According to Harper, Clinton agreed that the war should end but insisted that until then, it should be met "by a vigorous and manly exertion of force." On the former sentiments, Harper cautioned secrecy so that Clinton's war supporters would not be alienated. 25

And so Clinton's chameleonic views, with which he had won Federalist support, characterized his candidacy. Wherever it meant votes, he was a "Friend of Peace," and in other areas he urged "Peace through Preparedness." In the words of the National Intelligencer, he was "one thing to one man, a different thing to another, and another thing to a third . . . " He was a "Jew in a synagogue, and a Mussulman in a mosque." Having caught the Federalists with his seductive bait, Clinton, "by throwing out different lures . . . to get the whole into one net," hoped for a bigger catch. 26
A plan of strategy for the congressional campaign had been devised at the September meeting. It was decided that in hopeless Republican districts the regular Republican candidates would be challenged by only "Clintonian Democrats," whom the Federalists would support. Elsewhere the party would make a supreme effort to elect Federalists. With "considerable vibration" being reported in Pennsylvania, New Jersey, New Hampshire, and North Carolina, Republicans were genuinely alarmed. And House members Taggart and Bigelow predicted a majority in the next Congress, "not of federalists, but of Peace men, and among whom and the federalists there will be no disagreement."27

The elections were considered military battles, and candidates hoped to emulate Captain Hull, not General Hull. In the West, Speaker Clay, Representative Johnson, and others combined politics with recruiting for the army and the militia. In Massachusetts, Representatives Ebenezer Seaver, Charles Turner, and William Widgery, Republicans who had voted for war, were "kicked, cufféd, and hissed" through the streets in a "shameful manner," while Representative Richardson at "meeting" listened to the minister compare the President and Congress with "BEELZEBUB, the Prince of the Devils." In Kentucky, Senator Pope, who opposed the war, was burned in effigy, and in Baltimore, just prior to the elections, there were actual battles between Republicans and the publishers of the pro-British Federal Republican. One of its editors, Alexander C. Hanson, martyred by being severely injured, without doubt used the fray as an issue in his successful race for the House. Federalists died in Mississippi Territory. There, Delegate George
Poindexter (Rep.), considering the "means employed by the federalists" to be "indecorous and insulting," challenged and killed a supporter of his opponent.28

The issue of possible war, so prominent in the preceding congressional elections, had been eclipsed by an actual state of war as the issue, and all matters surrounding its declaration, management, and continuation were legitimate grounds for political dispute. In search of votes, Federalists and "Friends of Peace" emphasized military reverses, the invasion of Canada, the threat of large standing armies and at the same time the fact that recruiting lagged, the request by the national government for state militia, the embargo, the "civil war" in Baltimore, the certainty of internal and direct taxation, and the refusal to increase the navy. Republicans could do little except reiterate the necessity of war, damn the "submission men," and promise military victories. The presence of Clinton candidates confused the elections in some districts, and loyal Republicans were on guard against "Clintonianism" in any of their candidates.29

The charge of foreign influence was hurled by both parties. Federalists denounced the opposition as the "French War Party," and one representative, suspected not only of being the "first cousin of the Emperor Napoleon" but also of having married a relative of the President's wife, "who was the intimate friend of Thomas Jefferson . . . who some years ago was in the habit of wearing red French breeches," met with defeat. Successful House candidate, John W. Eppes, was accused by John Randolph of telling voters that the British
fleet had come into Chesapeake Bay to aid his election. Republicans charged New England Federalists with "Henryism" and of wanting to "form a Northern Confederacy under the imposing title of the 'peace party.'"  

The Thirteenth Congress

In the elections of 1812 the administration was victorious. President Madison was re-elected, and although a number of congressional seats were lost, the Republicans still possessed a majority with the Thirteenth Congress assembled. The elections, declared Representative Rhea, "and the actual majorities now existing in each House of Congress, prove that the people of this nation have decided that the war is just on their part." But Representative Bigelow observed that there had been a "great acquisition of talents, particularly on the federal side." With almost a doubling of House members and the addition of three Senators, Federalists claimed at least a partial repudiation of the war and intensified their attacks on its continuation. Even a committee to direct the Federalist onslaught was created, which Representative Daniel Webster (Fed., N.H.) hoped would "superintend our concerns" and "bring our forces to act in concert." This "steering committee" presumably functioned throughout the Congress, for its members--Thomas P. Grosvenor (N.Y.), William Gaston (N.C.), Pickering, Hanson, and others--delivered the most vehement denunciations of the war for the Federalists.  

The elections of 1812 carried into office thirty-odd Federalists and various Republicans who were loud in their demands for "Peace,"
a word which became the symbol of all those who questioned the desirability or the conduct of the war. Many Federalists, like Representative Artemas Ward, Jr. (Mass.), voiced opposition to any legislation aiding the war effort. Not believing in the "justice, necessity, or expediency of war," he declared, "I am against its further prosecution; and it is my wish to admonish the Administration to effect an armistice, and make a peace by the only means which are left us, by shutting our hand and withholding supplies." Others implied a secession of the New England states and a separate peace with Great Britain if the war were not terminated, to which Representative Wright retorted "that the sons of the South and Centre would not turn upon their heel to avoid a conflict . . . either physically or metaphysically."

With congressional debates growing more intense, it became increasingly difficult to establish and recognize the limits of legitimate opposition to the war. Members of both parties called for patriotic unity: Federalist Representative Daniel Sheffey (Va.) invited Republicans to "unite with us, and restore peace to our country." Republican John H. Bowen (Tenn.), however, declared that "it behooves every patriot to rally around the standard of his country." This "delicate question" of how far the "minority in a state of war may justly oppose the measures of Government," as put by Representative Calhoun, was left unanswered.

The increased Federalist strength obviously alarmed some Republicans, none more than Henry Clay, who was re-elected Speaker of the House. Clay, fearful of the consequences of the disunity everywhere
evident, attempted to minimize the publication of Federalist criticism by excluding from the House a reporter of the pro-British newspaper, the Federalist Republican. Representative Hanson called the Speaker's action "arbitrary and oppressive, partial and unjust" and an attempt to "keep information from the people," but Representative Wright said that the decision was justified because the paper's editors were "under British pay." That the "paper was corruptly published" the Maryland Republican was "prepared to seal with his blood." Claiming that the crowded conditions of the House prevented a seat being provided the reporter, the Speaker suggested that if the newspaperman and others were admitted, members themselves could "designate the stations they should occupy." 35

That the Speaker's fears were real became obvious in subsequent events. With the addition of the "Peace" congressmen, it became more difficult to defeat anti-administration measures, the initiation of war legislation was at times taken out of the hands of committees, various investigating committees on the conduct of the war were attempted, and amendments were debated which if passed would have affected the movements of the armies and relegated the war to a purely defensive action. The years 1813 and 1814, however, saw the beginning of peace negotiations, there were also both military and naval victories, and Congress enacted more energetic war legislation. Besides additional loans and treasury notes, a tax bill was at last enacted. A presidential request for an embargo to prohibit New England products from reaching the British armies in Canada was debated, set aside, passed,
and finally, upon Madison's request, repealed. Bills were passed increasing the bounties for recruits, requiring twelve month enlistees to serve for the period of the war, raising new rifle regiments, and allowing the President to accept volunteers. Increased appropriations were granted the navy. Trading under British licenses was forbidden. Various measures for better defense of the seaboard were passed. New administrative offices—both civil and military—were organized.

The Thirteenth Congress had its share of intra-administration partisanship, and some involved the preceding presidential election. Postmaster-general Gideon Granger, while not enjoying Cabinet status, controlled the important post-office patronage since appointments were not subject to Senate confirmation. Granger, who had criticized Madison as a war leader and who had actively supported the presidential aspirations of Clinton, did not hesitate in awarding his Republican anti-administration friends with positions. He had already appointed a senator to the New York City office, but when it was rumored that Senator Michael Leib (Rep., Pa.), whose term was soon to expire, would receive the Philadelphia office, Pennsylvanians arose in disapproval. In defiance, Granger filled the vacancy with the eager Leib who promptly resigned his seat. Republican members of the Pennsylvania legislature petitioned Madison to dismiss Granger as well as Leib, who, it was pointed out, had opposed his re-election. Representative Ingersoll of Pennsylvania immediately introduced legislation specifying that no person should act as postmaster of any "principal office" who had not been nominated by the President and confirmed by the Senate. For some
reason Madison tarried until February 25, when he placed before the Senate for consideration as Postmaster-general the name of Governor Return Jonathan Meigs of Ohio. But now the Senate balked, and while the constitutional question of Madison's removing an official without Senate consultation was debated, Jefferson attempted reconciliation, but on March 17 Meigs was confirmed. The administration profited from the affair, for not only was Granger removed but Leib's Senate seat was filled by Representative Roberts, a staunch war supporter. 36

The Last Months

The last months of the Thirteenth Congress were characterized by a domestic and military crisis seldom equalled in American history. Not only had the capital city been captured and ravished, but the enemy occupied areas on the New England coast and threatened New Orleans and Sackets Harbor. The Treasury was practically bankrupt; the army was dwindling. "Discord and rebellion" said Representative William P. Duvall (Rep., Ky.), were discussed both in and out of Congress, and it was rumored that a New England governor had made overtures to Great Britain for a separate peace. "Things look very bad here, & I confess I have no expectation of things growing better while this War lasts," wrote Representative Webster in December of 1814: "The People cannot pay the Taxes proposed. . . . The Govt. cannot execute a Conscription Law, if it should try. It cannot enlist soldiers. It cannot borrow money--What can it do?" The Federalists had the answer. "If every State in the Union, with such aid as she can obtain from her neighbors,
defends herself," urged Representative Ward, "our whole country will be defended." The "States must and will take care of themselves," continued Representative Miller, and military success would come, cried Representative Thomas I. Oakley (Fed., N.Y.), when the "power and resources" of the nation were "placed in abler hands." The "abler hands" were of course the states, and the Federalists were, in effect, suggesting that the states assume from the "spasms of a dying government," full direction of the war. While Representative Richard Stockton (Fed., N.J.) warned Republicans of a "black, alarming, portentous . . . cloud arising in the East," Representative Eppes asked Representative Gaston "with a bitter levity between jest and earnest," 'Well Sir! will your party take the government if we will give it up to them?' 'No Sir!' said Gaston; . . . 'No Sir! Not unless you will give it to us as we gave it to you!' "The damned rascal," said Madison, "I wonder how he would conduct the Government. It is easy for them to make speeches."37

It was easy for both Republicans and Federalists to make speeches; in fact, the issues on which the congressional elections were conducted were debated as bitterly in the "tumbledown shanty" where the Congress met as in the local districts. At stake were incompetent administration of the war, increased taxes, conscription, the burning of Washington, and the acceptance or rejection of the harsh conditions of peace imposed by the enemy. Federalists gained five House seats in Pennsylvania, nine in New England, and one in South Carolina, where said Representative Taggart, "there has not been one before for ten years." Republicans, however, more than balanced these losses by capturing
Federalist seats in Virginia, New Jersey, and New York, thus increasing their numbers slightly in both houses. The administration was again victorious. 

While the political debates continued, Congress turned to legislation. Desperate times required desperate measures, and a draft came close to enactment, but was set aside in favor of a doubling of the land bounty, the enlistment of minors, deferment from militia duty of persons recruiting a regular army enlistee, and another volunteer bill. Taxes were increased, and new loans and treasury notes were allowed. Various proposals incorporating a government bank were debated but defeated. By February, 1815, peace was restored, and Senator Roberts many years later wrote that from "this time we heard no more reproaches, that you are a partizan of England, & you of France. The Congress became as it ought to be national."
NOTES TO CHAPTER II

1Federalists in the Twelfth Congress numbered between thirty-six and thirty-seven in the House and six in the Senate. All figures are approximate since it is difficult to determine party affiliation of some members. Used in the fixing of party membership were secondary works, biographies, the Annals, contemporary newspapers and periodicals, and the Biographical Directory of the American Congress, 1774-1927 (Washington, 1928).

2Annals, 12 Cong., 1 Sess. (House), November 12, 1811, pp. 334, 335, 337, 338, 340-343.

3Ibid., 12 Cong., 1 Sess. (House), December 6, 1811, December 7, 1811, December 11, 1811, December 12, 1811, December 13, 1811, December 16, 1811, pp. 413-548.


6Annals, 12 Cong., 1 Sess. (House), November 12, 1811, pp. 334-343, 12 Cong., 2 Sess. (House), November 6, 1812, pp. 142, 149, 13 Cong., 1 Sess. (House), May 26, 1813, pp. 108, 109, 110, 13 Cong., 2 Sess. (House), December 7, 1813, pp. 784-786, 13 Cong., 3 Sess. (House), September 21, 1814, p. 304.

7This is particularly true of the Military, Naval, Militia, and Foreign Affairs Committees. For the origin of the latter see Eleanor E. Dennison, The Senate Foreign Relations Committee (Stanford, 1943), 1-3, and Joseph Ralston Hayden, The Senate and Treaties, 1789-1817 (New York, 1920), 185,186.

8Annals, 12 Cong., 1 Sess. (Senate), November 7, 1811, pp. 15-16, 12 Cong., 2 Sess. (Senate), November 6, 1812, p. 17, November 9, 1812, p. 18, 13 Cong., 1 Sess. (Senate), May 26, 1813, pp. 18-19, May 27, 1813, p. 19, 13 Cong., 2 Sess. (Senate), December 8, 1813, p. 545, December 9, 1813, p. 545, 13 Cong., 3 Sess. (Senate), September 21, 1814, p. 16, September 22, 1814, pp. 16-17, September 23, 1814, p. 18.


14 Lowndes to William Pinckney, December 13, 1812, Mrs. St. Julien Ravenel, Life and Times of William Lowndes of South Carolina, 1782-1822 (Boston, 1901), 118-119; for formal meetings between the President and congressmen see Annals, 12 Cong., 1 Sess. (House), November 26, 1811, p. 370, November 29, 1811, p. 373, 12 Cong., 2 Sess. (House), January 27, 1813, pp. 920-922, 13 Cong., 1 Sess. (Senate), June 14, 1813, p. 86; for examples of contacts between Congress and departments, including congressional requests for information, appearance of secretaries before committees, and informal meetings, see, Annals, 12 Cong., 1 Sess. (House), January 8, 1812, p. 715, January 20, 1812, pp. 845-856, February 25, 1812, pp. 1093-1105, 13 Cong., 1 Sess. (Senate), September 26, 1814, p. 19, 13 Cong., 3 Sess. (House), October 18, 1814, pp. 401-409; there are numerous other examples.


16 Ibid., 12 Cong., 1 Sess. (House), December 16, 1811, p. 529, April 1, 1812, p. 1588, December 13, 1811, p. 499.
17 Martha Peter to Mrs. Quincy, February 15, 1812, Eliza Quincy, Memoir of the Life of Eliza S. M. Quincy (Boston, 1861), 145.


20 Ibid., 12 Cong., 2 Sess. (House), January 5, 1813, pp. 561, 564, 565, 566, 569, January 6, 1813, pp. 585, 586, January 11, 1813, p. 704; The reference was obviously to Secretary of the Treasury Albert Gallatin, who Representative Widgery defended: "We never heard the complaint of foreigner against Mr. Hamilton, when he was Secretary of the Treasury."


22 Annals, 12 Cong., 2 Sess. (House), January 5, 1813, pp. 564, 565, January 8, 1813, p. 664, 13 Cong., 1 Sess. (House), June 18, 1813, p. 154.


24 Benjamin Stoddert to McHenry, July 15, 1812, Bernard C. Steiner, The Life and Correspondence of James McHenry, Secretary of War under Washington and Adams (Cleveland, 1907), 581-582; Boston Independent Chronicle, October 12, 1812; Charles R. King, ed., The Life and Correspondence of Rufus King (New York, 1894-1900), V, 282; Charles J. Ingersoll, Historical Sketch of the Second War between the United
States of America and Great Britain (Philadelphia, 1845-1849), I, 67; Taggart to Taylor, December 21, 1812, "Letters of Taggart," 413, 414.


27 Harper to Lynn, September 25, 1812, Steiner, Life of McHenry, 586; Anne Carey Morris, ed., The Diary and Letters of Gouverneur Morris, Minister of the United States to France (New York, 1888), I, 537; Madison to Jefferson, October 14, 1812, Letters and Other Writings of James Madison (Philadelphia, 1865), II, 550; Monroe to Jefferson, November 11, 1812, Stanislaus Murray Hamilton, ed., The Writings of James Monroe (New York, 1898-1903), V, 227; Taggart to Taylor, November 12, 1812, "Letters of Taggart," 410; Bigelow to wife, November 17, 1812, December 12, 1812, "Letters of Bigelow, 343, 346.

28 Charles Warren, Jacobin and Junto; or, Early American Politics as Viewed in the Diary of Dr. Nathaniel Ames, 1758-1822 (Cambridge, 1931), 250; Boston Independent Chronicle, October 15, 1812; Philadelphia Weekly Aurora, July 28, 1812, William Stickney, ed., Amos Kendall, Autobiography of Amos Kendall (Boston, 1872), 73; Orval Walker Baylor, John Pope, Kentuckian; His Life and Times, 1770-1845; A Saga of Kentucky Politics from 1792 to 1850 (Cynthiana, 1943), 91; Edmund Quincy, Life of Josiah Quincy of Massachusetts (Boston, 1869), 253; Eliza Quincy, Memoir of the Life of Eliza S. M. Quincy (Boston, 1861), 145; Adams, History, VI, 406-408; Thomas A. Claiborne to Andrew Jackson, November 26, 1811 [1812?], John Spencer Bassett, ed., Correspondence of Andrew Jackson (Washington, 1926), I, 207-208.
For election returns of congressional races see National Intelligencer, May 5, August 11, 15, September 17, October 8, 10, 17, 20, 22, 24, 27, 31, November 3, 1812; Boston Independent Chronicle, October 19, 26, 29, November 2, 5, 9, December 11, 1812; Philadelphia Weekly Aurora, December 29, 1812; For brief accounts of some campaigns see Ingersoll, War of 1812, II, 19-20; Charles Swain Hall, Benjamin Tallmadge (New York, 1943), 219; William Cabell Bruce, John Randolph of Roanoke, 1773-1833 (New York, 1922), I, 386; Adams, History, VIII, 69; Dice Robins Anderson, William Branch Giles: A Study in the Politics of Virginia and the Nation from 1790 to 1830 (Menasha, 1914), 189; Bobbe, Clinton, 189-190; Jabez D. Hammond, The History of Political Parties in the State of New-York (Buffalo, 1850), I, 343; William M. Meigs, The Life of Charles Jared Ingersoll (Philadelphia, 1900), 67; Russell J. Ferguson, Early Western Pennsylvania Politics (Pittsburg, 1938), 226; Joseph Howard Parks, Felix Grundy, Champion of Democracy (University, Louisiana, 1940), 75; J. Herman Schauinger, William Gaston; Carolinian (Milwaukee, 1949), 64; Delbert Harold Gilpatrick, Jeffersonian Democracy in North Carolina, 1789-1816 (New York, 1931), 199-204; Warren, Jacobin and Junto, 258; Emma Jones, ed., Correspondence of James Kilbourn, Founder of the Church in Ohio, the Scioto Purchase, and the Homestead Bill (Columbus, 1913), 14.

Boston Weekly Messenger, July 21, 1812; Annals, 12 Cong., 2 Sess. (House), January 8, 1813, p. 662; Randolph to Quincy, April 19, 1813, Quincy, Life of Quincy, 330; National Intelligencer, September 19, 1812.

Annals, 13 Cong., 1 Sess. (House), January 26, 1914, p. 1147; Bigelow to wife, May 28, 1813, "Letters of Bigelow," 360; Webster to E. Webster, July 4, 1813, Fletcher Webster, ed., The Private Correspondence of Daniel Webster (Boston, 1857), I, 237; Samuel Hopkins Adams, The Godlike Daniel (New York, 1930), 80.

Some western congressmen had promised a more energetic war; for example, Kilbourne of Ohio called for a greater "vigor and promptitude" in the conduct of the war. Jones, ed., Kilbourne, 14.


Ibid., 13 Cong., 1 Sess. (House), May 31, 1813, pp. 112-122.

Ingersoll, War of 1812, II, 74; Hammond, Parties in New York, I, 187; E. S. Thomas, Reminiscences of the Last Sixty-Five Years . . . (Hartford, 1840), I, 238-239; National Intelligencer, February 10,


CHAPTER III

CONGRESSIONAL CONVERSION AND CONTROL

The Organization for War

With the outbreak of war, the government was burdened with an avalanche of new problems requiring a corresponding increase in congressional activity. Lacking well-established precedents and wartime traditions, Congress was forced to deal with legislation touching every facet of the contemporary scene. With few exceptions such legislation was controversial and involved sectional, personal, and party politics; it could not have been otherwise considering the divided opinion as to the war itself. Interested as much in their home districts and states as in the nation, many congressmen decided important questions such as the removal of the capital, the establishment of arsenals, the distribution of arms, and the appointment of wartime officials in terms of the effect "back home."

At the apex of this increased activity stood the President with his constitutional role as a war leader untested. President Madison had said in the Philadelphia Convention that in "time of actual war, great discretionary powers are constantly given to the Executive Magistrate," but many congressmen looked askance on any such attempt in the War of 1812. Representative Grundy considered it as shifting "responsibility from those who ought to bear it." "If war is to be made, we ought to make it," he declared. Representative Alexander
McKim (Rep., Md.,) agreed: "Why should Congress shrink from the responsibility? It is for us ... to do the whole of the business, and upon us the whole responsibility ought to lie." And once Representative Milnor warned the House that it was time to avert the "progress we are making, by imperceptible degree in some instances, and by extravagant grants in others, of transferring to the President the powers of the other branches of the Government."1

Yet some members felt that the making of war was entirely an executive function. "Gentlemen talk of marching and counter-marching these troops," John Randolph once observed, "as if they would have any control over them, though they will have none, except, indeed, that they might withhold the supplies for their support, and by this means, oblige the Executive to disband them, but as to how, or where, or when they shall be employed, this House has no control whatever." Representative Troup went further by claiming that the executive was "constitutionally, the sole conductor of the war," and as such was responsible to Congress. By ignoring executive wishes, Troup reasoned to the House, "you destroy the responsibility, you assume it yourselves."2

So President Madison, although hampered by congressional theories, a hostile minority, and his own constitutional ideas, assumed the overall direction of the war. In fact, soon after its declaration, he "visited in person, a thing never done before, all the offices of the departments of the war and the navy, stimulating every thing in a manner worthy of a little commander in chief, with his little round hat and huge cockade!" He reviewed the troops in the field prior to the
battle of Bladensburg. But in less spectacular ways, Madison became in effect, commander in chief during the war, and it was the executive which recommended most war legislation. Before the House is "put on the stage and moved by the wires," Representative Webster remarked, "it must be arranged elsewhere."³

It was the legislature, however, which enacted into law the executive recommendations. Troup's remarks, therefore, were perhaps extravagant since Congress had the constitutional right to take a broad view of all war activities and act accordingly. As it was, many congressmen, eager to assume greater responsibility and fearful of any increase in executive power, spent endless hours in debates over the constitutional position of a wartime president. This delicate question was not settled to anyone's satisfaction throughout the war.

Yet the problem of how the government should be organized for war had to be solved. One congressman criticized the administration for not having "any system at all." The bitter wrangling over executive powers, the vagueness of the Constitution, the President's own scruples, and the ever-obvious disunity made a "system" impossible. Besides, precedents were absent with the exception of those of the Revolutionary War, and once Representative Macon urged the House to adopt the "old-fashioned war methods of the Revolution." Without doubt the Revolutionary veteran had in mind the Board of War which had operated during most of the struggle for independence. The need for such a board, which would have general supervision over war activities, was felt by some congressmen, and Madison's recommendation
of April, 1812 for the creation of two assistant Secretaries of War was interpreted as an executive request for its formation.

After reciting the multitude of duties performed by the Secretary of War, Representative Grundy told the House that "we ought to have a Board of War" not to act as "mere clerks" but "to aid the Head of the Department, not only with their hands, but with their minds." "In the War Department," continued Grundy, "there should be found experience and military skill sufficient to perform, with promptitude and accuracy, the important duties which devolved on the Board of War in the Revolution." Representative Troup also felt that there was no need for clerks; he wanted the "respectability of character and knowledge of military detail that was required." Other members supported the appointment of assistant Secretaries of War on the grounds that the Congress must unite with the "President, who is to carry on this war" in "any plan which he may propose in carrying on war with a foreign power." Many members, however, criticized the proposal. Representative Nelson said it would mean the creation of a "monster with three heads," and Representative Williams predicted that such a reorganization would "create indecision, uncertainty, and discord in the department, and by dividing, weaken the responsibility." Others, like Representative Randolph feared that additional Secretaries of War would lead to new offices in all departments, even "two or three deputy Attorneys General." Congress passed the administration measure, but the Senate,
unable to agree to a House amendment, voted postponement, and it was not
again debated. 6

The demand for the organization of a Board of War lessened but did
not disappear entirely. From the halls of Congress the idea was carried
to the forests of the West by returning congressmen during the summer of
1812. At various August meetings was discussed the role which the West
would play in the war. Prominent in the talks were Speaker Clay, Repre­
sentative R. M. Johnson, Representative-elect Samuel Hopkins (Rep., Ky.),
and other local Republican notables. Of some concern was the remoteness
of the West from the national government; how, wondered the amateur
military strategists, could an efficient "line of operations" be main­
tained between the two? Here the influence of those congressmen who
had listened to the debates on Madison's recommendation for additional
personnel in the War Department was felt. A formal request for the
formation of a Board of War for the Western Country prepared by Gover­
nor Shelby of Kentucky was addressed to Secretary of War Eustis. The
board should be composed of "respectable characters, resident in the
western country," wrote the Governor, and be given the power
to call into service, under the laws of Congress, the
militia which may be required, from time to time, from the
States of Kentucky, Ohio, and the Territories of Indiana
and Illinois, to direct their operations either of offense
or defense—to require from the war department all the
munitions of war necessary for the supply of the troops,
and all necessary equipment—to have the control over the
subordinate agents of the war department, within the dis­
trict assigned.

Members should be appointed by the President, responsible to his
wishes, and required "to report to the department of war, from time to
time, the measures by them adopted." This was not a novel idea, he insisted, but "one formerly entertained and practiced by General Washing­ton, when President . . . and still adhered to by all men of experience in this country."  

Everyone but President Madison. His response was immediate and emphatic. "The embarrassments attending the organization, direction, and supplying of any force . . . at so distant a point from the seat of government," answered Secretary Eustis, had "engaged much of the attention of the executive." But as to a Board of War for the West: "Whether they could be clothed with the powers suggested, is a question requiring consideration." Therefore, to "meet existing emer­gencies, after consulting the lawful authority vested in the Presi­dent," it had been decided to give the command to a single officer, "whose military character and knowledge of the country, appear to be combined with the public confidence"—William Henry Harrison.  

No more was heard concerning a Board of War, but the attempts to construct a more efficient organization of all government depart­ments continued. Acting on the President's April message—in which he called attention to the accumulation of duties in all government departments "in consequence of the peculiar state of our foreign re­lations"—a House committee was created to investigate the "state and condition" of the patent division of the State Department. The com­mittee took a broad view of its powers, and when Chairman Seybert re­ported, it was with the suggestion that a Home Office "distinct from the departments already established by law" should be created. It
was evident that in perilous times the Secretary of State must be occupied with foreign relations, which are "essentially distinct from many objects in the interior of the country." A Home Office was absolutely "necessary." With the hope of lessening the manifold duties of his office, Secretary Monroe lent his support to the proposal, but Congress took no action.\textsuperscript{9}

Congress was somewhat reluctant to create additional wartime administrative posts, and one representative no doubt spoke for many when he said that he was "not very disposed to unnecessary multiplication of offices of any sort." Existing agencies were utilized for the most part, and Congress made no attempt to effect a unified administrative plan for conduct of the war. Nevertheless, the problems of war demanded the establishment of various new offices and the reorganization of others. In particular, there was a constant surveillance of the armed services by Congress and the administration, with important modifications being made in the organization of the army and navy.\textsuperscript{10}

The war period, in fact, saw the enactment of significant legislation which for the first time attempted a systematic organization of the War Department into several bureaus or staff departments. Prior to 1812 there had been little thought given to the creation of permanent military agencies in the War Department which might aid the Secretary in the administration of army affairs. Other than minor clerks and accountants, there were entirely absent central agencies of procurement, control, and record keeping. Lacking these civil or
military assistants, the duties of the Secretary were vast. Not only did he act in a military capacity as appellate for courts martials, adjutant general, quartermaster general, commissary general, and paymaster, but he was charged with pension claims, military land warrants, and Indian affairs. "In the wretched, deplorable [sic] wretched organization of the War Department," Representative Troup told the House in the spring of 1812, "it was impossible either to begin war or to conduct it." It was a "mere countinghouse" which "must be new [sic] organized, or the war preparations must stop."
The first steps therefore toward a more efficient organization of the department were taken in preparation for war. Although the presidential request for new assistant Secretaries of War was ignored, the establishment of a general land office in the Treasury Department released the Secretary of War from the duties pertaining to bounty lands. At the same time, one clerk was sufficient to handle the addition of new persons to the pension lists and the increase of pensions.11

Far more important to the development of the general staff of the War Department was the establishment of the Quartermaster and Ordnance Departments. As early as 1810 the Secretary of War had suggested to Congress the possibility of a Quartermaster General's office to have charge of all War Department property and to direct the distribution of military supplies. Another such request was made in January 1812. The manner of army supply, Secretary Eustis informed Congress, was inconvenient and irregular and resulted in great prop-
erty losses. In case of war, the Secretary's duties would be so increased that he could not possibly continue to function in a quartermaster capacity. What was needed was a supply officer responsible to the Secretary but to whom an efficient staff experienced in supply would be subordinate.  

Legislation authorizing a Quartermaster General's office, included in the war preparation program of the Senate, was quickly passed and sent to the lower house. After being referred to the Army Committee, the bill was reported to the House drastically amended. As explained by Representative Williams, the committee felt a more specific division of duties in the War Department necessary. Therefore, the committee suggested the abolishment of the Purveyor of Public Supplies and the substitution of not only a Quartermaster General but a "Commissary General of Purchases." The two officers might "check on one another," the former having charge of purchasing "military stores, camp equipage, and other articles required for the troops" and providing "means of transport for the Army, its stores, artillery, and camp equipage," the latter having the responsibility of "procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States."  

While no objection was heard to the extensive presidential powers of appointing assistants in both offices, the creation of the new agencies was not well received by some members. Representative Willis Alston (Rep., N.C.) felt that it was "not the wish of the House to
erect two great departments to perform the same duties." Doubting if either office were necessary, but especially that of the Commissary General since the Revolution had been fought and won without its services, Representative Quincy reluctantly favored the Senate bill which provided for only one new office. Representatives Abner Lacock and Jonathan Roberts also opposed the creation of the Commissary General post but on the grounds that it would abolish the Purveyor of Public Supplies and thereby legislate a man out of office, "if that was not the object of it." That was not the bill's purpose, answered Representative Wright; it was necessary because the War Department was organized "for a time of peace." The two offices were not similar, argued Representative Tallmadge, who it was rumored would be offered the Quartermaster General position. If the House declared war, both offices were essential, continued Representative Thomas Blount (Rep., N.C.). After refusing to eliminate the Commissary General but placating opponents with a sizeable reduction in the salary, the bill received the approval of both houses. No sooner was the Quartermaster Department created than it was enlarged. The following month Congress passed legislation organizing a Corps of Artificers—including wagon makers, carpenters, blacksmiths, and laborers—which would aid the department in its duties.14

With agencies of purchase and distribution having been formed, Congress turned to a consideration of the issuing of supplies. The necessary legislation, said Representative Wright, had been written in pursuance of a project submitted by the War Department and drawn
up after consultation with "Commander-in-chief" Dearborn. It contem-
plated the establishment of an Ordnance Department, headed by a Com-
missary General of Ordnance and aided by several assistants, which
would supervise the reception, storing, care, repair, and inspection
of munitions. Again objection was heard to the creation of new
government offices, with Representative Williams insisting that such
a department would duplicate the duties of the Quartermaster Depart-
ment; it would be "quite as rational to make the Doorkeeper of this
House the head of a department," he claimed. But similar protests
were practically nonexistent, and the bill passed easily.15

A further innovation in regard to army supply came the following
year. After only months of war, it was obvious that some of the most
serious problems faced by the army involved control over the distri-
bution, utilization, and accountability of supplies. In addition,
critics of the legislation creating the positions of Quartermaster
General and Commissary General of Purchases had been correct—the two
offices duplicated one another with neither having complete control
over the other, and, in actual practice, the Quartermaster Department
bore the supply burden. Even the President admitted that the original
organization was "so inadequate, that the War Office, otherwise over-
charged, was obliged for some time to perform the functions of both."
In the attempt to bring order to the chaotic situation, Congress
sanctioned in March 1813 the establishment of Superintendent General
of Military Supply, a civilian post under the direction of the Secre-
tary of War. The new official was charged with accounting for all
military supplies purchased and distributed, prescribing forms of returns and accounts rendered by agents, and auditing and settling of such accounts. In order to specify the functions of the Quartermaster General and the Commissary General, the Secretary of War was granted wide authority under the legislation to define and prescribe the kind and amount of supplies to be purchased as well as the duties and powers of both. 16

By far the most important army legislation of the war was the "Act for the more perfect organization of the General Staff of the Army," passed in March 1813. Certainly the early military defeats on the northwestern frontier prompted the legislation, and that it was entirely initiated by the administration was evident from members' remarks: Representative Williams said that it provided a "system on which to rest the future prosecution of the war." Representative Troup allowed that "gentlemen might, if they pleased, call it a system of the Executive." The measure had far-reaching implications for the future development of the administration of the War Department, because for the first time the phrase "general staff" was used legislatively, and recognized by the law as included in the staff were the following departments: Adjutant General and Inspector General, Quartermaster General, Ordnance, Topographical, Pay, with their respective heads, and a medical establishment in charge of a Physician, Surgeon General, and Apothecary General. Under the legislation, the Secretary of War was authorized to prepare general regulations better defining and prescribing the duties of the offices of the general
staff. The law, however, did not define clearly the concept or pur-
pose of the staff, but since all revision was left to the executive,
the Secretary of War was enabled to exercise a great degree of direc-
tion and control over the various departments. 17

Certain administrative changes effected in the Navy Department,
while not as extensive as those in the War Department and even though
delayed until near the end of the war, were nevertheless equally as
significant. There were loud naval advocates in Congress, even among
the Republicans, who were insistent in their demands for a reformed
and reorganized Navy Department. And, as the war progressed, Congress
as a whole became more aware of glaring inadequacies existing in the
structure of the navy establishment. In 1812 all civil and military
duties relating to the administration of the navy were performed under
the direct supervision of the Secretary of the Navy with the aid of a
few clerks and accountants but without the assistance of any sub-
departments or bureaus headed by professional navy advisers. There was
a "vital error" in the structure of the department, the Secretary in-
formed Congress in February 1813; "loading the chief of the Department
with the cognizance of details, and with the execution of duties . . .
divert his attention from the sound direction of the great and effi-
cient objects of the establishment." Particularly time consuming was
the "duty of forming contracts, making purchases, and the effective
control and accountability of navy agents." To handle such matters,
the Secretary suggested the organization of a "naval purveyor's de-
partment, with deputies" as well as increased appropriations of funds
for additional clerks. The recommendations arrived with Federalist opposition to the war at a peak, and perhaps for this reason the Secretary postponed his suggestion for a purveyor's department but renewed his demand for two clerks. Congress granted the latter request, and, in fact, during the war, increased the number of naval clerical help considerably.¹⁸

By 1814 a number of astounding naval victories had served to promote further congressional interest in the navy, and in March the Senate approved a motion of Senator John Gaillard (Rep., S.C.) directing the Secretary of the Navy to devise a better organization of his department and report the plan to the Senate at the next session. The forthcoming report suggested a drastic reorganization similar to the development of the general staff of the War Department. It was proposed that the President be authorized to appoint three naval officers and two others "skilled in naval affairs" to constitute a Board of Naval Commissioners. Each member would perform specific duties assigned by the Secretary and the board as a group would attend to the general superintendency of the department.¹⁹

The Senate having initiated the reorganization, its direction was assumed by the House, where in January 1815 Representative Reed of the Naval Committee reported favorably on the Secretary's proposal, with the variation, substantiated with letters from naval officers, that only a three member board limited to professional naval personnel be appointed. With a minimum of debate and not one recorded vote, the appropriate legislation was quickly approved by Congress the following
month. As enacted, the law empowered the President to appoint with Senate confirmation, three naval officers to form a Board of Naval Commissioners which would function under the immediate supervision of the Secretary of the Navy. Members of the board would have charge of the purchase of naval materials, the construction, arming, and utilization of ships, and all subjects related to the naval establishment. The board might investigate and advise the head of the department concerning all vessels, their equipment and repair, as well as the placing of responsibility for such matters among subordinate officers.\textsuperscript{20}

The good showing of the navy also prompted congressional demands for the establishment of a naval academy. In January 1815 the Senate agreed to a resolution introduced by Senator Jesse Bledsoe (Rep., Ky.) directing the Naval Committee to investigate the expediency of a naval school for the better instruction of officers. The committee considered the proposition throughout the session, and probably if the war had not ended, the naval academy would have been organized in 1815 rather than in 1845.\textsuperscript{21}

While no significant revamping of the non-military departments of the government was effected during the war, with the various departments demanding additional clerks and with the appointment of a host of tax collectors and the creation of the important position of Commissioner of the Revenue, government personnel increased tremendously. That the major reorganization attempts should have taken place in those departments directly involved in military affairs is
understandable. The conflict was limited in the sense that it did not enlist a total mobilization of the entire economy and therefore did not require the creation of those many regulatory agencies which recent wars have produced. Nevertheless, what was accomplished in reforming the War and Navy Departments should not be ignored; for the first time, the Secretary of the Navy was to have the assistance of "professionals," and with the legislative origin of the general staff, the War Department "reached a degree of permanence and order which far exceeded any prior arrangement." It is noteworthy that Congress seemed to consider this type of legislation on its merits without permitting partisanship to dominate.

Control over Policy

Although few attempts were made to alter the existing administrative offices of government during the war, Congress seemed to feel that conducting a war should not be left entirely to administrators. In fact, many times the legislature sought to eliminate administrative policy, to influence the interpretation of the intent of laws, and even to legislate exceptions or variations in policy once determined. Particularly illustrative of this interest in policy was Congress' concern with the problems which war brought to certain economic groups. Hemp growers of Tennessee requested government protection; operators of small stills wanted special consideration; manufacturers and commercial interests demanded assistance. Often, when administrative de-
cisions adversely affected these and other groups, appeals for redress were made directly to Congress.

An interesting example proved to be the economic aid given the owners and crews of privately owned armed vessels. The privateer, long, sleek, and fast, was considered one of the most deadly weapons against enemy commerce, but its operation was unprofitable. In November 1812 Representative Samuel L. Mitchill (Rep., N.Y.) presented a petition from the owners of certain New York privateers declaring that their profits were not commensurate with the great hazards involved and that privateering would fail if certain legislation were not enacted. Part of the memorial was referred to the Naval Committee and part to the Ways and Means Committee. The latter asked the Treasury Department for advice in the matter, and the Secretary decided that there were great objections to any reduction of duties on prize goods, the major request of the privateer owners. "The actual privateers," he said, "were more than enough for the food offered by the enemy's trade, and privateering, like every other form of gambling, would always continue to attract more adventurers than it could support." Congress took no action.23

Buffeted by the unsympathetic administrator, the privateers renewed their request for aid at the next session. In July 1813 Representative Nelson introduced and the House approved a resolution instructing the Committee on Naval Affairs to consider measures encouraging privately owned vessels by diminishing duties on prize goods and by "holding out the offer of a bounty" for all captures. This
time, when asked for an opinion, the acting Secretary of the Treasury supported the demands of the privateers. The enterprise, he said, was in fact nearing extinction, "more from the deficiency of remuneration in the net proceeds of their prizes than from the vigilance and success of the enemy in recapturing." Congress then quickly passed bills reducing duties on prize goods, granting a twenty-five dollar bounty on each prisoner captured, and even awarding pensions to privateer crewmen wounded or disabled.24

Administrative policy, however, was not always accepted by Congress, and there developed in 1812 and 1813 a bitter row with the Treasury Department over the interpretation of an Act of 1811 which provided that non-importation against England would be repealed once the British orders in council were revoked. Upon the revocation of the orders, American ships loaded with British merchandise raced to the American markets, but they arrived to find the country at war and their cargoes subject to confiscation. According to the law, one-half of the value should go to the duty collectors or informers, one-half to the government, and any remission of the penalty devolved upon the Secretary of the Treasury. By executive order, the goods were sold but bonds of about $18,000,000 were first required, and the bonds plus duties of $5,000,000 were held by the Treasury. When the Secretary hesitated in making a decision, the owners of the cargoes petitioned Congress to remit the bonds.25

The prayers were given to the Ways and Means Committee. "Committees of Merchants from several cities appear'd before the committee,"
wrote Representative Roberts, "& we took a long train of evidence."

After refusing to approve the Secretary’s suggestion that one-half of the forfeitures due the collectors and one-half due the government should be remitted, the committee submitted a resolution to the House recommending that legislation was inappropriate and referring the subject to the Treasury Department. Since such action would result in the owners incurring at least a partial penalty, opponents claimed that an administrative decision would be unprecedented. "It is at once legislation, and avoiding legislation," declared Representative Cheves, "at once declining to express the opinion of the Legislature, and, in effect, delegating legislative power to decide on a question involving property to the amount of not less than forty millions . . . " "Is it not a new and extraordinary proposition, to delegate to an individual a great portion of legislative power—to put into his hands the fate of a great portion of the capital of our merchants?" Representative Calhoun had another question: "Is more wisdom, more virtue or public confidence to be found in the Treasury Department than in the assembled Representatives of the nation?" He wanted a total remission of all penalties. Representative Richardson thought "that the distress which our merchants have suffered, under our restrictive experiments upon foreign markets, would entitle them to our particular consideration." So it did, and despite Representative William Wyatt Bibb's (Rep., Ga.) exhortation that the resolution "involves no new principle" and Representative Newton's declaration that for "sixteen years this power has been constantly exercised by the different Secretaries of the Treasury
Department, without any complaint," all penalties and forfeitures were remitted. Congress, in effect, pre-empted the authority of an administrator in regard to a policy decision.26

On the preceding question, Representative Grundy had taken the position that any special legislation favoring the petitioners would mean a partial repeal of non-importation. To grant remission would be to sanction the breaking of a law which would lead to a collapse of the entire restrictive system. Grundy was of course correct, and certainly many members had this in mind when they voted yes, for there was probably more congressional criticism directed toward Republican commercial restrictions than toward any other governmental policy of the war. Interestingly, however, Federalists were not as consistently united in opposition as one might believe while the same was true of the Republicans in favor. Republicans, in fact, led in the struggle to repeal non-importation on the grounds that taxes would become unnecessary and that the commercial interests would be placated. Shortly after war was declared, repeal legislation came within three votes of enactment, and the leniency extended to the importers who had violated the law certainly was an indication of the vulnerability of non-importation. In February 1813, therefore, Chairman Cheves moved a partial suspension of non-importation, only to find opposition where he expected support. The Federalists to a man denounced the repeal as strenuously as they had only recently criticized its passage. The restrictive system had forced New England to abandon commerce for
manufacturing, and legalization of shipping would sacrifice the budding Eastern factories.  

There were other reasons why Federalists now favored non-importation. While non-importation prohibited foreign goods from competing with home products, it did not prevent American ships from sailing, and almost from the start of the war, New England had carried on an extensive trade with the enemy. With the rest of the coast blockaded by the British navy, New England ports remained open and trade continued under a system of British licenses issued only to Federalist merchants. In order to prevent supplies being furnished the enemy by such commerce, the President in 1813 recommended "an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses" and an embargo on all exports as well. Federalists of course were adamant in opposition to the latter recommendation, and Representative Elisha R. Potter, (Fed., R.I.), the same gentleman who had opposed repeal of non-importation, denounced the former as producing the same "evils of an embargo." Even some agrarian Republicans were reluctant toward an embargo; a discussion of a possible prohibition of exports, Representative Burwell Bassett (Rep., Va.) had claimed, would "excite alarm and speculation" among his farming constituents. The merchant would go to the farmer and buy up his products at a reduced rate, telling him that an embargo was about to be imposed. "Speculation was one of the great banes of our Government." Both measures, however, passed the House but were lost in the Senate.
A few months later the President again recommended embargo. "Even the fleets and troops infesting our coasts and waters," Congress was informed in the special message of December 1813, are "accommodated and encouraged in their predatory and incursive warfare." An immediate prohibition of exports would "shorten the war." The bill "to prohibit the use of licenses or passes, granted by Great Britain" had already been passed in August, but loyal administration supporter, Representative Ingersoll, feared that the embargo would again be defeated by Republican votes. Opposition was indeed as strong among Republicans as Federalists. Speaking for the farmers, Representative Richard Stockton (Fed., N.C.) said that an embargo would "serve a blow to the farming interest from Carolina to New England." Senator Jeremiah Mason (Fed., N.H.) spoke for the New England merchants: It would "change the daily occupations, and destroy the means of a subsistence, of a vast portion of your population." And "who will be most injured," he asked, "our enemies or ourselves?" The measure, however, made a question of confidence in the administration, forced many Republicans like Representative Calhoun and Senator Joseph Anderson (Rep., Tenn.), who had opposed the embargo in July, to rally to its support, and foreign trade became illegal in December 1813.29

"Will New England bear the embargo? What is to become of us if she will not?" These queries by a Republican official hinted at a continuation of trade with Canada but they did not reveal the severity with which the embargo was enforced along New England coasts. So complete was the administration's policy of prohibiting trade that de-
mands were immediately heard in Congress for a repeal or at least a modification of the law. The legislature, said Representative Cyrus King (Fed., Mass.) had acted like "bungling mechanics, in whose hands delicate machines are intrusted—and who stop their motion in attempting to mend them." Commerce had been "reduced from its proud elevation to a pitiful remnant." He wanted to declare it unconstitutional to suspend coastal trade from one state to another and from one district to another and to pass a bill excluding such commerce from the provisions of the embargo. Denied even a consideration of his proposals, King asked that relief be extended "to a large and suffering portion of his countrymen." Many coastal vessels of his state had been caught at a great distance from home and under the embargo could not return; a bill should be passed permitting such vessels to return to their respective ports. Republicans defended the policy of strict enforcement. It was "not in the power of the House" to afford relief, said Representative Fisk (N.Y.); he would be happier to "adopt measures to enable the distressed inhabitants of the frontiers to return to their habitations," however. But even this was beyond the pale of Congress. Representative Alexander McKim (Rep., Md.) "could not see the propriety of extending privileges to this class of cases, especially when none other afforded a greater hazard of furnishing the enemy with supplies." Embargo was a "guard against treachery," and our administration "shall not relax it." And did not members realize, declared Representative Samuel Farrow (Rep., S.C.), that King's motion was a "pre-
lude to a proposition to repeal the embargo so far as relates to coasting vessels."\(^{30}\)

This no doubt was the intention of the Federalists, but as petitions protesting the harsh enforcement of the embargo poured into Congress, a modification seemed necessary. The citizens of Martha's Vineyard, said Representative Reed, could not export their fish and salt to the mainland and were without "breadstuffs and other articles of family necessity." Even more seriously affected was Nantucket, added Representative King, where the people were feeling every possible privation. When the President appeared sympathetic to a relaxation, Congress authorized him to grant trade privileges to islands which he might specify, but, otherwise, the policy of strict enforcement did not vary until a repeal was requested in March 1814.\(^{31}\) Party lines on the vote to repeal were strangely split, owing to the inclusion in the bill of both embargo and non-importation. Many Republicans flatly opposed the elimination of commercial restrictions while a number of members, including Federalists, favored only a repeal of the embargo. Representative Potter, in fact, insisting that the bill was intended to aid the importation of British goods "that we do not want and can do very well without, in order to raise a revenue from the people," spearheaded an unsuccessful attempt to continue non-importation because of the protection it afforded infant industries. Among the thirty-seven who voted against repeal, said Representative Ingersoll, was "the remnant of the large Administration majority once thought to rely on national self-denial and passive suffering" as preferable to war, but also
representatives of rising industrial states. The latter had not been satisfied with the President's approval in the same message requesting repeal of the embargo of continued high duties "as a more effectual safeguard and encouragement to our growing manufactures," or the House resolution directing the Secretary of State to report at the next session a "general tariff of duties." 32

A raft of administrative decisions on running the war became subjects of partisan debate in Congress, and frequently the executive branch was severely censured by members of both parties. Republican criticism was less severe than that of the opposition and was usually given in private, but the Federalists lost few opportunities to ridicule openly the conduct of the war. "I have no confidence in the Executive department of our Government nor in the subordinate agents," Representative Tallmadge once said. It was the President who should be held accountable for the burning of Washington, claimed Representative Shipherd (Fed., N.Y.), for it was he who determined the military defense of the city. Besides these and other obviously partisan attacks, Federalists and Republicans alike became interested in various policy decisions. The strategy of war was debated, the responsibility for an adequate lumber supply for ship construction was discussed, and the fear that conscription would deplete factory and farm labor was expressed. When dissatisfaction developed over administration policy, the demand was heard in Congress for investigation, and through committees administrators were asked to explain their prior actions.
Whether the whole truth was given Congress is debatable, but even the briefest information seemed to satisfy the inquisitors.33

There arose in 1813 a serious dispute over the distribution of arms to the militia, which carried with it heavy political overtones. Pointing out that under a law of 1808, 31,000 strands of arms had been procured but only about 16,000 distributed, Representative Pitkin wanted to know the disposition of the remainder. Some states had received arms, others none, and it appeared to him that there had been an unfair distribution. The implication was that the executive had discriminated against Federalist states, for had not arms been given to western states and not to Massachusetts and Connecticut? He demanded a special committee to determine what legislation was necessary to provide for any further distribution on an equal basis. That partisanship had directed administrative policy in the matter, Chairman Troup of the Military Committee quickly refuted, because most had gone to "Pennsylvania, the centre, the sun (if you will) of democracy," and three Federalist states had received 4,500 strands. The arms had been distributed to the states "which stood in the greatest need of arms, not to the States not threatened with invasion, not actually invaded; but to those which were threatened, to those which were actually invaded." The request for a committee, thought Representative Wright, "went to implicate the Executive." Representative Fisk (N.Y.) also disapproved: "The Government thought proper to distribute arms to those States which were in danger, and not to those whose Governors had officially informed it that they thought their respective
States perfectly secure." After a special committee was denied Pitkin, the subject was referred to the Military Committee, and Chairman Troup shortly recited the number of arms procured, delivered, and those yet to be allocated. Legislation, however, directing further disposition of arms was inexpedient and an infringement upon the rights of the executive; the time and manner of distribution should remain with the President.\footnote{34}

Control of Personnel

That politics were to be entirely excluded from the selection and control of wartime personnel could not be expected; yet, there is evidence to suggest that a reliance on partisan administrators was forced upon the executive. While many Federalists, as will be seen, held positions of authority in the armed services, few were entrusted with important policy-making offices, and most non-military nominations were urged and decided on the basis of party affiliation. Ex-President Jefferson wanted a job for a "good Republican"; Secretary Gallatin suggested for the consulship at Lisbon "the son of my former friend," whose name is "dear to every Republican in this State"; Amos Kendall, on his way west to find fortune, stopped off at Washington to discuss employment prospects with Senator Joseph B. Varnum (Rep., Mass.). Although it is difficult to determine with exactness the extent which partisanship played in confirmation of personnel by the Senate, it is true that few nominations were approved unanimously, that the opposition to Gallatin as a peace envoy was mainly political, and that Tench Coxe,
In the interest of gaining broad support for his policies, the President no doubt would have preferred some prominent Federalists in government posts. In 1812, for example, Representative Tallmadge declined the Quartermaster Generalship probably after being advised by Federalist leaders to do so and after being told of Republican opposition in the Senate. In 1813 it was rumored that Gouverneur Morris would receive a diplomatic appointment. There was some co-operation between the administration and certain New York Federalists, and the ties with Samuel Dexter, Massachusetts Federalist who was the Republican candidate for governor in 1814 and 1815, were strong. But, owing to the opposition from congressional Republicans and the reluctance of Federalists to serve, the President declined offering administrative positions to members of the opposition. The Federalists became so extreme in their opposition that to have appointed them in important posts would have been dangerous.

It must not be assumed, however, that Federalists were entirely absent from the government. Among the hundreds of tax collectors, assessors, and clerks appointed during the war, it is certain that some were included. As early as February 1812, Governor Tompkins of New York wrote Senator John Smith (Rep., N.Y.) that he objected to the appointment of certain men, "in whose capacity and fitness in other respects the Republicans of this State have less confidence." Apparently Representative Lowndes was equally as disturbed, for he wrote his
wife: "I do believe that what is called the Republican party, having so large a proportion of the population of the States, has enough of talents and of virtue to serve the country, if the administration knew how to select and employ them." Even Representative Webster once admitted that a "Federal name is now & then put in, to save appearances." 36

Personnel disputes also involved policy, and there were numerous struggles for supremacy among government figures, a specific policy becoming identified with a particular individual and removals and resignations from office with changes in policy. In 1812 and 1813 there raged a controversy between Secretary of State Monroe and Secretary of the Treasury Gallatin over the policy toward the Floridas. The latter administrator was unalterably opposed to the government's schemes against East Florida and Mobile. "You know," he wrote Monroe, "that to take by force any place in possession of another nation, whatever our claim to that place may be, is war." He asked if it would not be "better to delay every operation of minor importance which may have a tendency to impede our negotiations with Great Britain and Russia?" Congress endorsed Gallatin's position on East Florida but Monroe's on Mobile, and the Secretary of State claimed that Spain had sold the area to Britain, "and that it had done so under a belief that we should soon get, possession of it." But Gallatin, sincerely believing that the designs on Florida would prolong the war and create sectional animosities, demanded and obtained a renouncement of all claims to East Florida. He embarked for Europe leaving the administration with the
"general caution"—"Let it alone until you shall, by the introduction of British troops, have a proof of the supposed cession." The "im-politic occupancy of Mobile," he feared, would "renew our difficulties." Monroe answered curtly: "That is a question settled." Indeed Mobile had been occupied three weeks before, in April 1813, the only permanent territorial conquest of the war.37

Gallatin became involved in other policy squabbles, and there is reason to believe that he requested the appointment as peace commissioner because of his growing disaffection with the administration. The Florida controversy no doubt was a factor as was the failure of Congress to enact tax legislation, but it was the confirmation of William Duane, old time political foe and editor of the Aurora, as Adjutant General and the rising influence of Secretary of War Armstrong in the Cabinet which angered Gallatin more. Duane's appointment, he wrote, "has disgusted me so far as to make me desirous of not being any longer associated with those who have appointed him." Gallatin continued to be a controversial policy-making figure even when in Europe. The hostility which developed against Gallatin holding the office of Secretary of the Treasury while serving as peace envoy was due partially to his advocacy of wartime tax legislation. Several Republican senators, it was rumored, supported the attempts to remove him from his Cabinet position hoping to substitute Representative Cheves, who was far less enthusiastic toward taxes.38

Several other personnel problems involved the direction of policy. Between Secretary of War Armstrong and Secretary of State
Monroe there raged open conflict over the constitutional duties of the Secretary of War, the possibility of a draft, the conquest of Canada, and the appointment of officers, which were aggravated by the political ambitions of both. Even the President disagreed with Armstrong over the selection of Military commanders and the defense of Washington. The Treasury Department never enjoyed good relations with the other executive departments or with Congress, and Gallatin was replaced by Senator George Washington Campbell and Campbell by Alexander J. Dallas, the latter's strong views on the necessity of a bank causing great consternation in the government. There was a flare-up of tempers over the motion of Representative John W. Taylor (Rep., N.Y.) directing the Judiciary Committee to prepare legislation providing for the residence of the Attorney General in Washington during congressional sessions. War had augmented the duties of the officer to such an extent, said the representative, that his presence at the seat of government was now essential. Attorney General William Pinkney interpreted the congressional move as an attack on his efficiency, the President seemed to agree, and, although the bill was not passed, Pinkney resigned. The raft of disputes between wartime personnel over matters of military policy will be discussed in a following chapter.39

Control Over Money

The appropriation of money during wartime is one of the most important controls which Congress exercises over the military, since
insufficient funds might seriously affect the waging of war. It would therefore seem safe to conclude that in the War of 1812 expenditures were among the most controversial subjects discussed in Congress, with the Federalists attempting to defeat every money bill possible. Oddly, this was not the case. Although Federalists generally opposed all appropriations, far more contentious, as far as debate was concerned, were tax legislation, loan and treasury note authorizations, and army bills. Often, in fact, appropriations were granted with a minimum of debate and without a recorded vote. 40

All expenditures, however, were carefully scrutinized by Congress as a whole. Particular attention was given to requests for money from the various departments, and frequently politics, personnel, and policy became directly involved. Requests for money were made by the different departments, and once Representative Pitkin objected to an appropriation bill because the annual estimates had not been received from the executive branch. But Congress did not give whatever amounts were demanded, in part because the money was not always available. Many partial and supplementary bills were necessary to provide for deficits. Neither did Congress forget about money after its expenditure had been authorized. A deep interest was shown in how effectively money was spent, and committees investigated practically every branch of the government. Representative Reed, for example, headed a committee interested in economy in the navy establishment. This committee was empowered to send for papers and persons during a recess of Congress, a unique authorization for the War of 1812. 41
Perhaps the most extensive as well as extended congressional investigation into expenditures surrounded the "manner in which the public moneys were employed in purchasing supplies." In February 1814 Representative Fisk (N.Y.) told the House that although contractors were prepared to furnish supplies, a commanding general "had ordered his commissaries to purchase supplies to the amount of thirty thousand dollars, which were transported to Black Rock, where they remained from December, 1812, until they were destroyed in the late conflagration." In order to place the responsibility for the destruction, Fisk asked that a committee be appointed to investigate how contracts for supplying the army had been made and executed and to what extent general officers had interfered in such contracts injuring the public interest and the "rights of individuals." Representatives Bradley, Sheffey, and others had heard of such cases, and the investigating committee was organized with Fisk as chairman. While no names were mentioned in the debate, it was understood that the object of the inquiry was the gossip surrounding General Harrison's disregard of the army contractors by relying on special commissaries for supply. The charges were complicated by the political aspirations of Secretary of War Armstrong, who had no use for Harrison, a close friend of Secretary of State Monroe. It was no coincidence that the committee was instigated by a representative from Armstrong's home state, New York, and Fisk was reported to have said: "This bundle of papers [the committee report] contains matters to produce the political damnation of Genl Harrison."[4]
In April the committee reported its findings. There had been sundry instances where officers had "interfered with contracts for supplying the army, and in a manner and to an extent, highly prejudicial to the public interest and injurious to the rights of individuals."

Henceforth only regular contractors should be used, urged the report, because when irregular commissaries were employed, there was no adequate system of accounting, so that the government was exposed to fraud and corruption. Harrison was not specified, but the inference was that he had shown favoritism to the commissaries and had profited accordingly. The same month the Secretary of War ordered Harrison to submit a full account of all supplies purchased by commissaries and to utilize only contractors in the future. Shortly thereafter Harrison resigned as major general of the army.

Harrison seemed to believe that the burden of disproving the accusations rested on himself, and for the next few years he badgered Congress with appeals to clear his name. He addressed letters to Representatives Joseph H. Hawkins (Rep., Ky.) and John McLean (Rep., O.) and petitions directly to Congress demanding a complete investigation of his expenditure of money. In order to be in a better position to defend his past actions, he ran a successful race for the House of Representatives in 1815. It was not until 1817, however, that Chairman Johnson of another committee of inquiry exonerated Harrison of any misuse of funds and not until 1818 that the Senate formally thanked him for his wartime services. The task of proving
Harrison's complete innocence is as difficult for his biographers as it was for Harrison himself.\(^44\)

The departments of government often faced difficulties in obtaining sufficient operating funds from Congress. The Twelfth Congress probably has the distinction of being the only American legislature to have declared war while at the same time going on record in favor of reducing the salaries of government officials. Considerable opposition developed over the annual appropriation of 1812 in regard to an additional compensation for heads and clerks of the several departments. Representative Alston said that if the salaries were not large enough, they should be raised but not in such a roundabout method. The extra funds were not needed, claimed Representative Tallmadge, since they were given only to administration favorites and not according to the amount of work accomplished. But this had been done for years, retorted Representative Ezekiel Bacon (Rep., Mass.), and the present salaries were inadequate without the additional appropriation, especially if the nation went to war. Nevertheless, Congress struck out the disputed section, and it was necessary to introduce special legislation providing for the extra compensation. Representative Bacon said that its purpose was to renew a law enacted in 1799 for increasing the salaries of heads of departments and other officers which had been continued ever since. Not yet convinced, Congress cut clerk salaries by 15 per cent but restored the cut after "bureaucratic" representatives made it a basis of support of the forthcoming war.\(^45\)

The deliberations on appropriations often revealed objections to
the policies and personnel of certain departments and agencies which were unpopular with some congressmen. This was particularly true of the War and Navy Departments, whose chiefs were generally condemned as incompetent after only weeks of war. With new secretaries being appointed, however, Representative Cheves in February 1813 asked the House to make their salaries equal to that of the Secretary of the Treasury. The wartime duties of the offices as well as the improved "talent," Cheves said, necessitated the increase, but Federalists and Republicans alike arose in opposition. Representative Randolph thought the salaries too high already. He "particularly objected to an increase, at this moment, of the salaries of those who had placed the nation in its present situation." The increase was soundly rejected and not attempted again. Representative Brigham once went so far as to suggest that Congress investigate abolishing certain offices in the War Department or discharging any officers "whose continuance in office may not be necessary for the public service."

No action was taken on Brigham's motion, but an attempt was made to abolish an office through the withholding of money. In 1815 Representative Samuel McKee (Rep., Ky.) moved to eliminate a section of the annual appropriation providing for the salary and operating expenses of the Superintendent General of Military Supplies. The office, said McKee, was "unimportant" and "its utility by no means commensurate with its costs to the Government." Any properly trained clerk could do as well added Representative Farrow. It was impossible to gauge the importance of the office in the distribution and accountability of
supplies, answered Representative Eppes. Other members felt that if the office were expendable, eliminating the money for its operation was not the correct way of abolishing it, and some even hinted that such a move was unconstitutional. Since the official was not named in the legislation, it probably would not have been unconstitutional, and Congress rejected the section only to restore it the following day.47

Congress was clearly jealous of the executive control over expenditures. In the Senate in 1814 objection was made to appropriating an aggregate amount for certain officers, leaving the fixing of the salaries to the President's discretion, and by amendments specific salaries were written into the legislation. Even the State Department, which enjoyed far better relations with Congress than the War Department, was also concerned over funds, especially when the high cost of the peace missions became known. The Attorney General, deprived of money for clerks or office space, was denied an increased salary as was the Paymaster General of the army. The appropriation of money was a constant source of friction throughout the war.48
NOTES TO CHAPTER III


2Ibid., 12 Cong., 1 Sess. (House), January 8, 1812, p. 708, 12 Cong., 2 Sess. (House), January 6, 1813, p. 616.


5*Annals*, 12 Cong., 1 Sess. (House), April 30, 1812, pp. 1355, 1359, 1360, 1365-1366.


10*Annals*, 12 Cong., 1 Sess. (House), May 1, 1812, p. 1368.


19 Annals, 13 Cong., 2 Sess. (Senate), March 18, 1814, pp. 672-673; Short, Administrative History, 163; Charles Oscar Paullin, Commodore John Rodgers, Captain, Commodore, and Senior Officer of the United States Navy, 1773-1838 (Cleveland, 1910), 300, 301.


21 Ibid., 13 Cong., 3 Sess. (Senate), January 6, 1815, p. 161, March 3, 1815, p. 293.

22 Ibid., 13 Cong., 1 Sess. (House), July 9, 1813, p. 421; Mrs. Samuel H. Smith to Mrs. Kirkpatrick, August 2, 1813, Gaillard Hunt, ed., Margaret Smith (Bayard), The First Forty Years of Washington Society . . . (New York, 1906), 93; Short, Administrative History, 128.

23 Annals, 12 Cong., 2 Sess. (House), November 9, 1812, p. 141; Adams, History, VII, 336.


Ibid., 13 Cong., 1 Sess. (House), June 19, 1813, pp. 158-163, July 8, 1813, pp. 400-401.


Daniel Tompkins to Senator Smith, February 22, 1812, Hugh Hastings, ed., Public and Military Papers of Daniel D. Tompkins, 1807-1817 (New York, 1898-1902), II, 492; Lowndes to wife, March 28, 1812, Mrs. St. Julien Ravenel, Life and Times of William Lowndes of South Carolina, 1782-1822 (Boston, 1901), 105; Webster to Charles March, May 27, 1813, Writings and Speeches of Daniel Webster (Boston, 1903), XVI, 16.


Ibid., 13 Cong., 2 Sess. (House), March 5, 1814, p. 1809.


Ibid., 13 Cong., 2 Sess. (House), February 3, 1815, pp. 1231-1233, Dorothy Burne Goebel, William Henry Harrison, A Political Biography (Indianapolis, 1926), 189-190; Cleaves, Old Tippecanoe, 234.


44 *Annals*, 12 Cong., 1 Sess. (House), February 1, 1812, pp. 1010-1011, February 3, 1812, p. 1012, February 12, 1812, pp. 1044-1045, February 24, 1812, p. 1085, April 15, 1812, p. 1321.


CHAPTER IV

MANPOWER

One of the most difficult tasks faced by the government was the development of a manpower policy which would procure the numbers thought necessary to wage war successfully. Some writers, in evaluating the problems involved in filling the army ranks, have denounced quite freely the executive and Congress. One military historian, for example, has written that the "blunders" of the war "had their origin either in the mistakes or omissions of military legislation," while another sarcastically congratulates Congress on being "ever ready to vote splendid organizations." The President, generally regarded as one of the poorest wartime executives, has been criticized for not providing stronger leadership in military affairs, and the most charitable view is that his legislative recommendations, while vague immediately prior to the outbreak of hostilities, became more specific as the war continued. Without doubt there is an element of truth in these interpretations, but to charge indiscriminately the executive and Congress with incompetence seems an exaggeration.¹

Preparation For War

Over seven months before the declaration of war, an administration policy on manpower was in readiness. All details had not been
decided, it is true, but there was no mistaking the desires of the executive. In the annual message of early November 1811 Congress was asked specifically to make immediate provision for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited time; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities.

The President, wrote the French minister on November 28, had suggested "measures of rigor." To clarify the recommendations, the Secretary of War appeared before the Foreign Relations Committee, Representative Randolph said, "and gave them a plan of what the Executive deemed necessary." Taking into account the difficulty of raising a large army for a long time, Madison calculated that it would be "best to open the war with a force of a kind and amount that would be soon procured, & that might strike an important blow, before the Enemy, who was known to disbelieve the approach of such an event, could be reinforced." Therefore he recommended that Congress "provide immediately and effectually for completing the existing establishment of 10,000 men; to provide for a like number to be enlisted for a shorter term of 2 or 3 years, and for volunteers, of whom an adequate number, as was represented, would be readily furnished by the enthusiasm of the frontiers" as well as an additional number of regular army officers. On the same day, Representative Grundy, after attending a meeting of the committee, wrote Andrew Jackson that the
"Rubicon is pass'd." There had been good co-operation between congres-
sional Republicans and the executive, but Grundy "could not think of
war" until he "saw something like the means provided."\(^2\)

Obviously the "means" had been provided, because the following
day in Randolph's words, the "committee reported accordingly." Chair-
men Porter, quoting the President verbatim that the country must be
put into an "armor and attitude demanded by the crisis, and corre-
sponding with the national spirit and expectation," submitted reso-
lutions providing for filling the ranks and prolonging enlistments
of the existing military establishment through increased bounties in
pay and land, augmenting the regular army by 10,000 men to serve for
three years, and authorizing the President to accept the services of
not over 50,000 volunteers and to order out detachments of the mili-
tia as required. Opposition was minimal with some controversy de-
veloping over the number of regular troops necessary and Representa-
tive Randolph denouncing a standing army as composed of "vagabonds
who were fit food for gun powder." On December 16 all were approved
overwhelmingly, nay votes ranging from none on the increased bounties
to twenty-two on the additional regular force.\(^3\)

With scarcely a mention in the Annals, Congress passed "An Act
for Completing the Existing Military Establishment." Its purpose was
to hasten the recruiting of certain regiments voted in 1808 by grant-
ing to soldiers or recruits who would enlist or re-enlist for five
years a bounty of $16.00 and, upon receiving an honorable discharge,
three months' pay and 160 acres of land. As an extra inducement,
if the soldier were killed or died in the line of duty, the bounties would revert to his heirs.\textsuperscript{4}

With debate in the House still raging over the resolutions and the possibility of war, the Senate passed the first significant war preparation measure, but its provisions were not in accord with executive wishes. Senator William Branch Giles (Va.), nominal Republican who for years had been at odds with his party, finagled the chairmanship of the select committee appointed on the President's recommendations and on December 9 reported a bill increasing the regular army by 25,000, not 10,000 as requested. The term of service was specified at five years, and all officers were to be immediately appointed with no regard to recruiting for the ranks. This development irritated the administration considerably, for there was little hope of raising such a large force within a year, and Senator Anderson reiterated executive wishes by moving to return to the original number. Senator Giles, granting that a "force of ten thousand men of every description would more correspond with the Executive views," insisted that "the adequacy of the force is very properly referred to Congress, where the responsibility is placed by the Constitution, where it ought to rest." Any alteration of the number would therefore "derange" the opinion of his committee, which had "thought it wise, not only to prepare for defence at all points, but to give the first blow." Relying on an army composed mostly of militia and volunteers, which would "melt away like a ball of snow," was based "too much upon the plan of a scarecrow" and was "regarded in that
light by some gentlemen." Only a regular force, strengthened by 25,000 troops, would suffice for "days of adversity."

If the Senate debate served no other purpose, it gave administration supporters an opportunity to voice the determined views of the executive in regard to a manpower policy. To avoid any delay in mobilization, explained Senator George Washington Campbell (Rep., Tenn.), only a moderate increase in the regular army had been requested, but had the Senate forgotten the other recommendations? It was evident that the President planned to utilize militia as well as volunteer troops for immediate action. The Giles bill would fail, the author of the amendment predicted, and the administration plan of uniting a limited regular force with volunteers and militia would eventually be adopted. That Giles' ulterior motive in urging a stronger measure than the President had demanded was to create dissension in Republican ranks with the hope of eliminating Madison as the party's nominee in 1812 was a fact not mentioned but its validity was recognized by all senators, especially the Federalists, who joined unanimously with Giles in defeating the Anderson amendment.

There was a possibility that the House, where more administration sentiment existed, would restore the original figure, and when the Foreign Relations Committee reported the Senate bill the number of troops had been reduced to 15,000. Even so, the compromise was not well received. Many members claimed that the appointment of the officers before the ranks were filled would create "an army of officers" whose salaries would overtax the Treasury. War advocates
feared that the acceptance of a smaller number, even 15,000, would be interpreted as congressional hesitancy, but Speaker Clay, although claiming that "it is wisest, if you err at all, to err on the side of the largest force," was reluctant to ignore the executive's advice. To placate the economy group, he introduced and the House accepted a provision that officers of only eight regiments might be appointed until the ranks were three-fourths completed, after which time the officers for the remaining five regiments might be appointed. To make the bill even "more palatable to many gentlemen who at present object to it on the score of expense," the House approved Representative Bassett Burwell's (Rep., Va.) amendment reducing the regiments to six and Representative Wright's specifying it "the duty of the President to discharge such officers whenever their services are no longer wanted." With these precautions taken, the Senate figure of 25,000 was restored, and the bill was passed, some Federalists voting in the affirmative.

Actually, the House had produced a bill which was practically what the executive had demanded, and it had been achieved through the manipulation of the appointment of officers for only six regiments. As undoubtedly was contemplated by the amendments, after the ranks were three-fourths filled, the President would have at his disposal a force approximately 10,000 strong since each regiment was to consist of 2,000 troops. That this was the intention of the Republican leaders was shown by their opposition to an amendment that the President must commission the remaining officers as soon as the above
requirements were met. Representative Grundy, however, in his success­ful attempt to defeat the amendment, was forced to denounce the already "very great powers placed in the Executive." Madison probably accepted the censure with good grace for the House had rallied to his call.²

The administration victory, however, was only temporary because the Senate refused to accept any revision of the bill whatsoever. For war advocates of the House a uniform decision on whether to insist on the amendments or recede was impossible—the former action might endanger any augmentation of the regular army while the latter would disregard executive recommendations. Representative Johnson was against receding; it was the opinion of the committee and every department of the government, he said, that 10,000 regular troops "in addition to filling up the present Military Establishment, and the contemplated volunteer corps, would be sufficient for the first moments of the war." "Sir," added Representative George Maxwell (Rep., N.J.), "we have a Chief Magistrate, and I have full confidence in him. He is chosen by a population of seven million of people; he has asked or recommended ten thousand men to be raised; that number I will vote for, and not higher, at this time." Even Representative Randolph with his usual pointed remarks opposed receding.

Whose bill is this, asked Mr. R., upon which we are now debating? It is an anti-ministerial measure. ... Whose system, then, is it? It came from the other House. Upon what is it bottomed? Upon any regular report? Not, he believed, upon even a resolution.
Other war supporters, acknowledging that it was an anti-administration measure, urged acceptance of the Senate bill. Reinforcing Representative Calhoun's argument that "we ought not to stickle about an expense of twenty or thirty thousand dollars," Representative Grundy appealed for a recession on the grounds that a verbal combat between the houses would give the impression at home and abroad that Congress would rather talk than fight. Obviously, at this crucial moment, the President neglected to make known his wishes, for the National Intelligencer exclaimed: "But it was not for the Executive to designate the force necessary; it was for another department of the government."

The Federalists resolved the question; over half voted to recede and the Giles bill passed by a vote of sixty-seven to sixty.

In the meantime the President's request for a volunteer force had been nurtured by the House Foreign Relations Committee and reported by Chairman Porter on December 26. As introduced, the legislation authorized the executive to accept and organize "volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding fifty thousand" to be officered by the President. The bill, said Porter, "gave this volunteer corps the character of federal troops in distinction from militia" because its purpose was to "provide a volunteer force to act in conjunction with the regular troops, in such services as Government may direct them to perform." Except for the limitation of a one year tour, the President obviously contemplated a second regular army. Had Congress followed this executive recommendation, writes
a military historian, "it scarcely admits of a doubt that after six months' training and discipline this force could have occupied Canada and ended the war in a single campaign."^10

But once again, as with the regular army bill, the will of the executive was to be thwarted, this time on the shifting sands of the Constitution. As explained by Porter a few days later, after the question was raised whether the force could be sent outside the United States, the bill was recommitted and another reported calling for the appointment of the officers by the states. Delegate Poindexter objected: the bill had to express the opinion that the government could "step over the national boundary to carry on an offensive war." He favored specifying that each volunteer "may be called into the service of the United States, to any place without the jurisdiction thereof." Grundy thought such a pronouncement unconstitutional. Representative Cheves, however, suggested that while the President was not specifically granted the authority to use militia for offensive operations, such a power was "incidental" to the power of making war. The "limits to which this employment may extend," he insisted, were "coextensive with the objects of the war." Even more shocking was Representative Cheves' revelation that the President himself was of the same opinion. In other words, Madison was prepared to use the volunteers as he saw fit.\textsuperscript{11}

Although Speaker Clay agreed with Cheves, few others did, and numerous attempts were made to legislate whether the volunteers might or might not be sent across the nation's borders, all of which were
defeated or withdrawn. The prevailing sentiment seemed to be, in the words of Representative Roberts, that it was "truly a matter of Executive discretion." The President, added Representative Burwell, would employ the force "within or without the United States, as may be necessary, agreeably to the powers vested in him by the Constitution."

That much the President obtained, but, as subsequent events were to show, he was chagrined that Congress denied him the commissioning of the officers. After the House avoided a decision concerning the constitutional issue, the Senate followed suit and the bill passed easily. Senator Giles, however, seized upon its passage for another denouncement of the administration's manpower policy. A volunteer force, he argued was inefficient, and he quoted from Marshall's Life of Washington to prove the "fatal impolicy of short enlistments," a practice which had almost "strangled our independence in its cradle . . ."

Only a regular army would suffice, but as to how the ranks might be filled he offered no opinion.¹²

By early spring of 1812 the executive's dissatisfaction over the halfway steps Congress had taken toward administration policy was evident to all, and with the defeat of the proposal for additional regular army officers in April, his anger knew no bounds. As early as February he wrote that Congress had "provided after two months delay, for a regular force requiring 12 to raise it, and after three months for a volunteer force, on terms not likely to raise it at all . . ." The two measures had thrown "discredit on the administration," exclaimed his Secretary of State. "By enlisting the whole for five
years, a difficult thing in this country, the means of making war were put at a distance; and by the volunteer plan, . . . by keeping the appointment of the officers out of the hands of the President, that force was rendered nugatory." My calculations, the President said, were defeated "by mixing, and substitution of preparations necessarily producing delays; and in some respects thwarting each other." Congress had not followed his guidance; even his request for a detachment of state militia was bogged down in the Senate. Years afterward, when accused of preparing inadequately for war, he wrote:

It was in fact not the suddenness of the war as an Executive policy, but the tardiness of the Legislative provisions, which gave whatever colour existed for the charge in question. . . . It may be safely affirmed that the force contemplated by the Executive if brought into the field as soon as it might have been would have been far more adequate to its object than that enacted by the Legislature could have been if brought into the field at the later day required for the purpose.13

Yet there were those in Congress who shared the President's dissatisfaction. One was Chairman Porter of the Foreign Relations Committee, who had reported the regular army and volunteer bills. During the debate on the latter measure, he announced that he would soon initiate action providing for the organization of a provisional army of 20,000, composed of both regular and volunteer troops, to be used as the President saw fit within or without the national borders. Since the regular army could not be raised within the year and since the volunteers could not be used for offensive war, it was necessary "to raise a temporary force for immediate action." "What force have we given the President?" Porter asked when he placed the promised
resolution before the House. "We have made a parade in passing laws to raise twenty-five thousand regular troops, and fifty thousand volunteers; but in truth and in fact we have not given him a single man." Without debate, Federalists coalesced with certain Southern Republicans to defeat what might have been the most practical suggestion to date. 14

It is uncertain whether the President was apprised of Porter's efforts in his behalf, but it is clear that the administration had the subject under consideration, for Speaker Clay thought that such an army would "get rid of all constitutional embarrassment, furnish a force in itself highly useful and leave a certain quarter of the Country disposed to fly off without even a pretext for dereliction." However, with the defeat of Porter's provisional army, the President had no other recourse but to insist on enactment of the remainder of his program and to demand a correction of the defects in the legislation already passed. Strong pressure was certainly brought to bear, and in the Senate the proposal authorizing the President to call out 10,000 state militia was resurrected from committee where it had rested for weeks, the controversial term of service was fixed at six months, and the bill became law in April. At the same time Congress permitted him to reduce the tour of duty, fixed at five years in the regular army bill of January 1812, to eighteen months, the number not to exceed 15,000. Only two congressional "errors" remained, and on June 30 the President, in a special message, recommended that the officers to be appointed under the volunteer act of
February be "commissioned by the authority of the United States" and that an additional number of officers be authorized. The legislation requested was immediately passed.\textsuperscript{15}

The disasters of the army in the campaign of 1812 are subjects for a military history. Even the placing of the responsibility for these defeats perhaps is somewhat removed from the objectives of this paper. But from what has been related above, it seems that neither the President nor Congress should bear the burden alone. That Madison had a manpower policy which was specifically recommended to Congress cannot be disputed. That some of his measures fell victim to Republican factionalism in the Senate and petty politics in the House—factors which he may or may not have been able to alter—also cannot be disputed. Yet, it is true that he delayed exerting executive leadership until war became imminent. Congress, unsure of its wartime role, jealous of executive power, as concerned as Madison over committing an unconstitutional act, procrastinated. On the other hand, once war was declared and a presidential request made, Congress complied. This, however, did not suggest a future harmonious relationship between the two in regard to a manpower policy, and the issues involved were to become more aggravated as the war continued.

The Campaign of 1813

If the early defeats of the war did nothing else, they served to question the adequacy of the original war preparation legislation. The President, who had anticipated the impossibility of raising a
large regular army for a period of five years but who had perhaps
overvalued the patriotic potential of volunteers and had not foreseen
certain constitutional difficulties, found himself partially vindi­
cated. "Proofs multiply daily," he wrote as early as September 1812,
"of the difficulty of obtaining regulars and of the fluctuating re­
source in the militia. High bounties and short enlistments, however
objectionable, will alone fill the ranks, and then too in a moderate
number." The mentioning of the militia was of course an allusion to
the refusal of the Federalist governors of Massachusetts and Connect­
icut to furnish their portion of the 10,000 militia which Madison had
called out under the act of April 1812 to relieve the regular troops
along the seacoasts. Granting that under the Constitution, the mil­
itia "may be employed in the service of the United States, for the
three specific purposes of executing the laws of the Union, of sup­
pressing insurrection, and of repelling invasions," the governors re­
served the right "to determine whether any of the exigencies afore­
said" existed. It was their opinion that none were in evidence. This
refusal, the President informed Congress in November 1812, "was found­
ed on a novel and unfortunate exposition of the provisions of the
Constitution relating to the militia." "It is obvious that if the
authority of the United States to call into service and command the
militia for the public defense can be thus frustrated, even in a
state of declared war and of course under apprehension of invasion
preceding war, they are not one nation for the purpose most of all
requiring it . . ." Yet, the question was complicated by a law of
1792 which required every able-bodied white citizen to be enrolled in the militia by the "commanding officer of the company within whose district the citizen might reside." There was no general provision for exemption. Therefore, how could the President or Congress utilize this militia organization in opposition to the governors without encouraging desertion? An amendment to the 1792 law allowing citizens to belong to the national army was the only answer. 16

The war had been under way less than six months when the attention of Congress was "particularly drawn to the insufficiency of existing provisions for filling up the military establishment." The remedies to be applied, based on the experiences of the first campaign, were outlined in the President's annual message of November 1812 and presented in detail to committees of the House and Senate by acting Secretary of War Monroe. Congress was left little choice in determining how the twenty thousand men and the ten thousand reserve force requested might be provided, for the administration asked specifically for higher pay, increased bounties, enlistment of minors without the consent of parents, guardians, or masters, as well as additional officers and certain changes in the existing military organization. It was hoped, said the President, that such measures would provide a more "vigorous prosecution of the war, to which our national faculties are adequate ..." But Congress had ideas of its own. 17

There were grumblings over the pay increase. Even a majority of the House military committee thought it "injudicious," but "in compliance with the urgent wishes of the Cabinet, which was unanimous
in its favour," reported Representative Lowndes, the bill was intro-
duced. Chairman Williams, declaring himself the "advocate of the poor
soldier," led in defense of the measure. After "much research," he
explained, the committee had discovered that in no part of the country
was labor paid less than nine dollars a month; the present army pay
of six dollars was therefore far "below the average rate." "This is a
subject on which every gentleman could decide by recurring to his own
neighborhood, and inquiring what was there the price of labor." No
one refuted the arguments, and, as it developed, the increase in pay
from six to eight dollars a month, was far less controversial than
other sections of the bill.18

A provision guaranteeing recruits against arrest for debt, for
example, drew far more congressional fire. It was an exemption from
an obligation made prior to enlisting, claimed Representative Laban
Wheaton (Fed., Mass.); "it is more," added Representative Randolph"
it tends to exalt the military over the civil--it is this or it is
nothing. It is a law for exempting a particular class of men from
those penalties and provisions which attach to all other classes of
society." The section was necessary, answered Representative Bacon,
who had brought the subject before the House earlier in the session.
He knew of cases in his own hometown where fictitious debts had been
concocted "under which a person enlisting had made himself arrested,"
paid the bail, and gone free. It was also possible for a soldier who
was "tired of the army" to be arrested and be removed from the ser-
vice. He trusted that these unpatriotic tactics would be obstructed,
and by a large majority the section was retained but over the objections of Representative Tallmadge who predicted that a magnitude of debtors would "fly to the American Standard, as anciently Criminals were protected by the worms of the altar." And perhaps this was its intent. 19

The most contentious issue was a provision permitting minors to enlist without the consent of parents, guardians, or masters, which was founded, said the Chairman, "on the principle that every man owed to the country which protected him, military service." Such an unprecedented authorization will violate "public morals," cried Representative Silas Stow (Rep., N.Y.), who moved to strike the section. How could members possibly think of allowing the government to step into homes and entice away children "by the lure of money and military glory," asked Representative Milnor, while Representative Quincy urged "compassion for the tears of parents." But Representative Williams could not understand how "that was moral in relation to militia could not be otherwise in the regular army." It was "coercion" in the former but merely voluntary in the latter. Besides, the request was based "upon the great principle of national necessity and usefulness" with the thought that this age group, in Representative Troup's words, might add "strength and vigor" to the war. But would not a lowering of the age "break up your infant manufactories" by tempting away the "industrious mechanic," asked Stow. Did gentlemen want to "endanger the safety, or, at least, the prosperity of our Republic, by giving the manufactories a vital stab," elaborated
Representative Little. Include the attempt to "seduce minors" in the bill, threatened Quincy, "and if the Legislatures of the injured States do not come down upon your recruiting officers with the old laws against kidnapping and man-stealing, they are false to themselves, their posterity, and their country." That the recruiting of minors would injure the war-effort caught Republicans off balance, and the strongest retort was given by Representative Williams who urged gentlemen to "recur to those who originated the principle ... go back to the day of the Revolution, and damn the memory of the patriots of those times." The provision was retained, only to be stricken out in the Senate, but the administration later raised the issue again and with better results.20

Although refusing to approve the enlistment of minors, Congress, a few weeks later, rectified the defect in the 1792 law which made all citizens members of the militia by providing that it was "lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the Regular Army of the United States."
Oddly, the corrective evoked little hostility, even from Federalists, perhaps because still unsettled were the constitutional questions of the President's authority to summon the militia and even to place regular officers in command. Also included in the bill were increased bounties for those enlisting for five years or during the war. The House approved the administration request of $40.00, but the Senate reduced it to $24.00, one-half to be paid "at the enlistment of the recruit, and the other half when he shall be mustered and have joined
some military corps." Some members of the House were disturbed over the reduction, and Representative Lewis Condit (Rep., N.J.) proposed special legislation enacting the administration's figure which was lost by one vote. The request for additional commissioned and non-commissioned officers to aid in recruiting, however, was retained but over the objections of certain congressmen, who, a month later, opposed successfully the War Department's recommendation for the appointment of from eight to twelve major generals and from sixteen to twenty-five brigadiers. Only six of each grade were authorized.  

Further legislation enacted in February 1813 incorporated administration opinion toward volunteers, militia, and long enlistments for the regular army. In introducing the bill, Representative Williams clearly voiced the sentiments of the President by criticizing an undue reliance on militia laws and "absurd volunteer acts." "Repeal these acts, as the bill proposes," he said, and "in their stead, authorize a corps of 20,000 men of an efficient regular character." Obviously, the decision had been made to attempt to wage war with regular and not raw troops, because the Secretary of War reported that "it was expressly in the view of superseding hereafter the necessity of employing militia [volunteers], excepting in moments of actual invasion." The unattractiveness of a five year duty had been taken into consideration as well, for the bill provided for only one year enlistments. That such a policy might prove to be a military success was shown by the united opposition of the Federalists. Representative Quincy struck the keynote that the bill
"opened the whole scope of the argument on the great questions growing out of the present war, and the manner in which it had been, and was proposed to be, conducted." After two weeks of perhaps the most ferocious debates of the war, which Representative Archer said "seemed to fall into the dense medium of party spirit," Representative Joseph Desha (Rep., Ky.) declared that the "object of the opposition is procrastination." The Federalists wanted to delay "the passage of the bill until late in the session, thereby preventing you from obtaining the men in time to do anything of a decisive nature next summer." He did not like the one year enlistments, but he would vote as the administration desired.22

Other members agreed with Desha, and the most controversial issue in the bill was the short enlistment period. "You cannot do what you wish with one years' men," claimed Representative Matthew Clay (Rep., Va.), emphasizing the "bad policy" of the volunteer bill of the past session. How could such a force be trained and sent to the field in one year, he asked? But, retorted Representative James Pleasants (Rep., Va.), how can "an army for five years" be raised? Attempting to solve this dilemma, the Senate eliminated the one year duty but then disagreed on "during the war," five years, three years, or eighteen months as a substitute, and the only alternative was to accept the original figure.23

The Campaign of 1814

The administration's expectations that the preceding legislation would provide around 60,000 effectives for the campaign of 1813 was
not realized. However, the whole number in the service increased from 18,970 in February 1813 to 34,325 in December 1813 but by January 1814, with Congress in session a month, had fallen to 33,822. By the beginning of the new year the military situation was grave. Not only had the armies been repulsed from Canada and the Niagara frontier invaded, but the enemy was about to be reinforced with troops released from the European fighting. Untapped sources of manpower were not to be found, and the President implied and the War Department reiterated that only a filling of the existing ranks might be attempted. But how? Senator Robert Henry Goldsborough (Fed., Md.) and Representative Webster feared that a plan of conscription would be offered, but Congress was requested merely to increase bounties and to effect certain other changes in the military establishment.24

Various congressional committees investigated the recommendations, and in January the House Military Committee reported a comprehensive measure entitled "An Act making further provision for filling the ranks of the Regular Army, encouraging Enlistments, and authorizing the Re-enlistments, for longer periods, of men whose terms are about to expire." Its purpose, said Chairman Troup, was a more "vigorous prosecution of the war, and the . . . necessity of filling the ranks." With the latter view in mind, the committee suggested a bounty of $100 to each enlistee entering the army for five years or during the war, which, on motion of Representative Lowndes was increased to $124, along with 320 acres of land. Provision was also
made for re-enlistments. As an inducement, the above bounties would be
given to any of the eighteen month or one year men recruited under the
acts of April 1812 and January 1813 who agreed to remain in the army.
A section awarding $8.00 to noncommissioned officers or "other persons"
who procured a new recruit proved controversial, and Representative
Webster wanted to strike "other persons." "Mercenary men," said Rep­
resentative King, might "offer their sons as sacrifices on the altar
of their country" for the paltry sum. He had heard that the high
premiums were necessary to induce farmers' sons to join the army.
"Why not enlarge the bounty so as to make it an inducement to gentle­
men's sons also? Why are the farmers to bear all the burdens of the
community?" Farmers were gentlemen too, answered Representative
Wright. He and a majority of the House opposed Webster's amendment.25

The Senate was a far less enthusiastic supporter of high bounties.
"What nation can stand under such extravagance," asked Senator Golds­
borough, and when the legislation returned to the House, the original
cash bounty of $100 had been restored and the land bounty eliminated.
The Senate insisted on the amendments, and the House refused to con­
cur. After numerous conference committee meetings, a compromise was
reached whereby the Senate receded from its amendment respecting the
money bounty and the House agreed to strike out the land bounty, and
the bill passed late in January 1814.26

In the meantime the Senate had approved an act authorizing the
President to extend the term of service of the men recruited under
the legislation of January 1813 to five years. Its purpose, contended
administration supporters, was to prevent the steady dispersal of the only dependable military force. Strangely perhaps, little objection was heard to the wide discretionary power given the executive, and the debate deteriorated into mere name calling between the two parties. The same was true of the discussion surrounding the passage in February of a bill raising three rifle regiments, but at least there was a genuine difference of opinion between supporters of the war as to how the force should be obtained—whether, in the words of Chairman Troup, "by raising additional men; or, by converting three of the regiments now authorized by law, into rifle regiments." Sentiment was stronger for the former means in the House, but the Senate insisted on the latter, the argument being that it was less expensive than raising new men. The House, after Chairman Troup presented the Senate reasoning, conceded. Federalists, of course, did not care how the regiments were raised. Representative Webster for one "did not feel that the salvation of the country rested on the question whether three regiments of infantry should be raised in addition to the present military establishment," but Representative Grosvenor protested against the "doctrine that this force was to be voted because the Executive had requested it. Grosvenor was further angered when Congress complied with a presidential request authorizing the acceptance of about 1000 volunteers and a recommendation, "predicated on a letter from the Secretary of War," permitting the President to accept the services of any number of volunteers who might organize themselves into fighting units.27
Conscription

From the early days of the war and especially with the repeated failures in obtaining manpower voluntarily, there was some sentiment both in and out of Congress in favor of compulsive military service. The various Presidential requests for classifying the militia—all of which were defeated—were viewed by some as steps in this direction, but the administration did not lend its support to such legislation until late in 1814. Secretary of War Armstrong, as early as 1813, "had adopted the idea of a conscription, and was engaged in communicating with members of Congress in which he endeavored to reconcile them to it." The Secretary of the Navy heard the rumor from Senator Lacock, while the Secretary of State found similar evidence in Senator Roberts' "many projects." Both were afraid that if the idea "got into circulation" it would damage the administration. In fact, the latter wrote the President that the "near prospect of a conscription, adopted and acted on without your approbation or knowledge," was sufficient cause to dismiss Armstrong. However, the next month, Senator Goldsborough pointed out the the President's ideas included in a letter to the War Department and forwarded on to Congress were "no more nor less than a perfect and actual conscription." That the administration was considering a program of drafting was also revealed by Representative Webster, but no such recommendation was forthcoming until the President, in the annual message of September 1814, tolled Congress that it "is not to be disguised that the situation of our country calls for its greatest efforts."28
Of what these "greatest efforts" were to consist Congress was in-
informed in subsequent communications from the War Department. Immediate
provision must be made to increase the regular army to its legal aggre-
gate of 62,773 and to raise an additional 40,000 troops for purposes of
defense. Such a permanent army could be raised only by resorting to
compulsory military service, which the Secretary of War insisted was
within the sovereign powers of the national legislature: Congress had
a "right by the Constitution," he wrote to Senator Giles, "to raise
regular armies, and no restraint is imposed on the exercise of it.
... It would be absurd to suppose that Congress could not carry
this power into effect otherwise than by accepting the voluntary ser-
vice of individuals."^29

The possibility that Congress would approve a draft was dim, but,
asked Representative Webster, "what else can government do? Voluntary
enlistments will not answer. They must put themselves upon some meas-
ure of force, to get men. This they suppose will answer." The Fed-
eralists—and he might have added many Republicans—"shall oppose
such usurpation all we can." No doubt anticipating this hostility,
the War Department proffered to Congress four alternate plans, only
the first two of which were based on the principle of drafting. The
first plan organized all free white males "except the Chief Magistrate
of the United States, and the Governors of the several States," be-
tween the ages of eighteen and forty-five into classes of 100, each
class to supply four men and to replace them in case of casualties.
If the class ignored the requisition, the four men would be procured
by conscription. The second plan divided the militia into three classes according to age and empowered the President to call out any class for a period of two years. The third plan exempted from militia service every five men who furnished one recruit to serve for the duration of the war. If Congress found these proposals "objectionable," the last alternative was to increase the land bounty while adhering to the existing recruiting system. The War Department strongly favored the first of the four plans.  

The administration's desire for conscription caused considerable vibration in Congress, and committees immediately demanded further justification for the legislation. Before a select Senate committee the Secretary of War testified that the recruiting service had failed, largely because of the competition of high bounties offered for substitutes in the militia called out by the government; therefore, added inducements to join the army along with conscription must be provided. At the same time, the House Military Committee was busy pigeon-holing members to determine which of the four plans might be passed, but Chairman Troup reported that the results of the poll indicated "that no effective measure, calculated certainly and promptly to fill the regular army, could be effectually resorted to." Nevertheless, the committee "matured and proposed" the requested legislation on October 27, but it was "not pressed on the House from the solemn conviction that there was no disposition in the Legislature to act finally on the subject." "This being ascertained," the Chairman continued, "other measures were adopted . . ." The committee had decided to
place before the House what was considered a less objectionable measure, another volunteer bill.\textsuperscript{31}

It was immediately clear, however, that there was strong opposition even to the volunteer bill, especially to a provision exempting two year volunteers from militia duty. Representatives Webster, Calhoun, and William Barnett (Rep., Ga.) were against any exemption, the last hoping "to fight it out with ball and powder—we are now fighting it with words and wind, and never shall bring it to a conclusion if we spend so much time talking about it." Representative Joseph H. Hawkins (Rep., Ky.), however, felt that the exemption was "vital to the utility of the bill," and when a man, asked Representative Duvall, "after two years' service, came home seamed with honorable scars, was he to be liable the next day to be again called into the field?"

After a week of striking out and then quickly reinstating the provision, the committee, in desperation, tabled the bill.\textsuperscript{32}

With the House refusing to debate any military measure and Chairmen Troup explaining that he understood that "through some channel or other, another plan" would be offered, a Senate committee conferred with War Department representatives and drafted two bills which were introduced by Senator Giles. While not in strict compliance with administration requests, they were thought to be the strongest measures which Congress would accept. The first, "making further provision for filling the regular army ranks," contemplated extending the enlistment age from twenty-one to eighteen, doubling the land bounty, and exempting from militia service any person furnishing a recruit for the
regular army. The Senate passed the bill November 12 without accepting any of the proposed amendments and with little debate.33

There was far more discussion surrounding the passage of the committee's second bill, which authorized the President to draft from state and territorial militia men an army of 80,000 to serve for two years within their own neighborhoods. Perhaps the most practical objections were offered by Senator Varnum, who insisted that the bounties to be given would seriously injure recruiting for the regular army. Since no penalties were to be inflicted and no officer was to be given the responsibility of making the draft, he considered "the whole system as resolving into a recommendation upon the patriotism of the States and Territories and upon the patriotism of the classes." But it was the section classifying the militia so that each class would provide one man for two years which was "wholly impracticable." Moreover, it was "unequal and unjust" because included were only militia members; "farmers, mechanics, and laborers," therefore, would "be called upon to bear the whole expense of this extensive detachment."

Pray, sir, what reason can be given why the rich merchant, the wealthy farmer, the opulent professional Gentlemen, those citizens holding property who are over the age of forty-five years, and all those citizens between the age of eighteen and forty-five, who have been exempted from militia duty by the laws of the United States, and of individual States, should be exempted from a participation in the extra expense of this draught?34

Federalists unanimously opposed the bill, in Senator Mason's words, because it was not only "inconsistent with the provisions and spirit of the Constitution, but also with all the principles of civil
liberty." And, while no official note was taken of the convention soon to meet at Hartford, the Senate knew what the Federalist speakers implied in their attack on what Senator Goldsborough called "a servile imitation of the secretary's plan." It was a plan, cried Senator Christopher Gore (Mass.) "which if attempted will be resisted by many States, and at every hazard." It "should be resisted by all who have any regard to public liberty or the rights of the several States."

Senator Mason hoped that it "would be resisted." "It proceeds entirely upon the idea that the State Governments will lend their aid to carry it" into effect, argued Senator David Daggett (Conn.), who was in touch with members of the convention. "Now sir, will the Executives, who believe it a violation of the Constitution, assist in its execution? I tell you they will not." Republicans chose to vote rather than to refute the Federalist threats, and with only Varnum and Anderson in opposition, the militia bill was passed. 

Both measures were quickly sent to the House, where Chairman Troup began the discussion by denouncing them as "inadequate to the object." The militia bill proposed a militia force when a "regular force is wanted." How can the manpower deficit be supplied? Assuredly the regular army bill would not suffice. "No, sir, the recruiting system has failed." Only the original measures introduced into the House in October would prevent "defeat, disaster, and disgrace."

The Chairman implored the House to establish then and there on what basis to rest the military establishment for the remainder of the war, whether on the "principle of classification and draught, or
classification and penalty." "You have an absolute power over the population of this country . . . and in the present state of the country, it is wiser to resort to classification and draught," than the Senate bills.  

Despite these strong objections, debate began on the regular army bill. The same emotional oratory previously advanced against the enlistment of minors was again voiced but was answered in kind. Some of the "best blood of this Nation runs in their veins," exclaimed Representative Barnett, who "could not by his vote suffer the over fondness of a mother, the timidity of a father, or the avarice of a master, to restrain them." He was for "breaking their bonds and letting them loose . . ." But, in consideration of the minor who enlisted and found the army not up to his expectations, an amendment was adopted giving the recruit a period of four days in which "to reconsider and withdraw his enlistment." With the addition of this liberal amendment, the original Senate bill was approved and signed by the President December 10, the last regular army legislation of the war.  

In the meantime, the militia bill had been sent to a select committee under the chairmanship of Representative Johnson, who reported the measure as the only alternative. Representative Calhoun and other warm administration supporters announced in favor of it as a matter of policy. Chairman Troup, however, was adamant in opposition. "There is great distrust, jealousy, and division among the majority," reported Representative Webster; "whether any good will come of their schisms" he did not know, but from the ensuing debate it was clear that this
was what the Federalists hoped, because underlying every spoken word was the threat of disunion. While no Federalist member of Congress participated actively in the Hartford convention, contacts with its leaders were many and sympathetic expressions toward its objectives were frequent. Representative Webster, predicting secession if the militia bill were passed, sent numerous printed speeches and documents to New England "for circulation." "As I have before said," wrote Representative Lewis Burr Sturges (Fed., Conn.) to Roger Minot Sherman, Hartford delegate, "I have no doubt of the good effects of the Convention upon the great interests of the Country." The militia bill, cried Representative Miller, partisan of Gouverneur Morris, whose views on the subject were notorious, "invades the rights of State Governments; it is a direct infringement of their sovereignty; it concentrates all power in the General Government, and deprives the States of their necessary security." Did the House "believe that all the States of this Union will submit to this usurpation?" asked Representative Stockton. Yet the same men in private urged caution: Stockton thought that "nothing wou'd give our political adversaries greater advantage than a direct proposition for a dissolution of the States." Sturges confessed that he was "adverse to any measure, which our adversaries may have the address to make the people believe is rash," and Representative Taggart saw "very important objections" against separation. Representative Pickering, however, was relentless in his appeals to let "the ship run ground." Obviously, the Republicans were not alone with "their schisms."38
Republicans, taking the Federalist remarks at face value, retorted with threats equally sinister. "Let gentlemen who are giving tone and encouragement to rebellion, beware of the consequences," vowed Representative Duvall, for "they are heading over a burning volcano that will burst upon them in dreadful ruin. . . . Deceive not yourselves and friends with the vain and foolish hope that you can mount the whirlwind and direct the storm, for you will be scattered before it like chaff before the wind of heaven." There was "but one evil more to be dreaded" than disunion, said Representative Ingersoll, and that was "deterring those States who hold a legitimate ascendency in the Government from any measure whatever, by the threat of a dismemberment as the consequences of it. Minorities have their rights . . . but majorities have duties too, and duties to be performed at every hazard." Had Federalists forgotten, asked an anonymous Republican, the Constitutional provision that "no State shall enter into compact with another State--some have quite forgotten that; and there is a sacred principle of union prevailing every article of the Constitution--and some have quite forgotten that."^39

In the midst of these recriminations, the militia bill was drastically altered. An interesting amendment introduced by Representative Joseph Lewis (Fed., Va.) exempted from military service "noiseless, though numerous Christians," who "believed it was forbidden by the voice of God;" Lewis felt that "no human tribunal had the right to force such a man to violate his hands with human blood." A large majority agreed, and the exemption was approved without
further comment. The amendment was minor compared to the reduction of the term of service from two years to one, and the authorization that the President might requisition troops directly from militia officers in case state governors refused to co-operate. The first weakened while the second strengthened the bill, and the Senate refused to accept either. All compromises effected by Chairman Troup in conference committees were rejected by the House, and on motion of Senator Rufus King (Fed., N.Y.) the militia bill was indefinitely postponed. 40

With this failure, the Senate in desperation quickly revived and passed without debate or roll call the volunteer bill which had lain in a select committee since October. Both houses showed an unusual spirit of compromise for each accepted the other's amendments, and the bill was sent to the President late in January. As passed, it was an act empowering the executive to accept the services of two corps, one composed of state troops, the other of volunteers, each limited to 40,000 and a one year tour of duty. Representative Troup claimed that the forces were "in the nature of regulars," but Senator Gore considered the demand of the Hartford convention that "these States might be allowed to assume their own defense" had been adopted by Congress. 41

Regardless of which view was correct, the government was faced with the possibility of depending on approximately 30,000 regular troops and the militia in the forthcoming campaign. The land bounty had been doubled, the enlistment of minors authorized, the exemption from militia duty of those furnishing a recruit permitted, but
nothing done in regard to conscription. In fact, after the passage of the volunteer bill, the administration seemed to forget its earlier insistence on the measure, but there was yet to be a spontaneous request for a unique system of conscription from Congress. On February 6 Representative Charles Rich (Rep., Vt.) told the House that the country was "heading for a crisis" which might be averted only by extreme steps. He therefore was compelled to ask the Military Committee to prepare legislation arranging all citizens subject to a direct tax and living contiguous to each other into classes, each class to furnish a recruit or pay a tax of two hundred dollars.

"Every taxable citizen," explained Representative Rich, "would in a degree voluntarily become a recruiting officer, and, among the whole, there can be little doubt but a sufficient number of recruits would be found." Representative Webster opposed on the grounds that it "would seriously obstruct the recruiting service," Representative Fisk thought that first the War Department should voice an opinion, but Chairman Troup "was willing to resort to the only certain and effectual mode of augmenting the regular army . . ." The proposal was referred to committee for consideration, but the news of peace prevented any definite action being taken. On February 20 Congress postponed the scheme indefinitely, no doubt remembering the words of its author: "Surely, sir, if the present contest shall terminate ingloriously, the cause of it must and will be charged upon this Congress."42
NOTES TO CHAPTER IV


4Tbid., 12 Cong., 1 Sess. (House), December 20, 1811, pp. 566-567; John F. Callan, Comp., The Military Laws of the United States Relating to the Army, Marine Corps, Volunteers, Militia, and to Bounty Lands and Pensions . . . (Baltimore, 1858), 176.

5Annals, 12 Cong., 1 Sess. (Senate), December 9, 1811, pp. 29-30, December 17, 1811, pp. 35-44.

6Tbid., 12 Cong., 1 Sess. (Senate), December 17, 1811, pp. 54-59, December 18, 1811, pp. 66-84, December 19, 1811, p. 84.


8Annals, 12 Cong., 1 Sess. (House), January 2, 1812, pp. 611-612; Grundy's biographer and Henry Adams give an entirely different point of view from the one presented here. See Joseph Howard Parks, Felix Grundy, Champion of Democracy (University, Louisiana, 1940), 45-46, and Adams, History, VI, 151-152.
Annals, 12 Cong., 1 Sess. (Senate), January 7, 1812, p. 95, January 8, 1812, pp. 95, 96, January 10, 1812, p. 97, (House), December 31, 1811, p. 606, January 8, 1812, p. 700, January 9, 1812, pp. 701-718, January 10, 1812, p. 719; National Intelligencer, January 18, 1812.

Annals, 12 Cong., 1 Sess. (House), December 26, 1811, p. 584; Upton, Military Policy, 96.

Annals, 12 Cong., 1 Sess. (House), January 3, 1812, p. 619, January 10, 1812, pp. 728-737, January 11, 1812, pp. 733-737; Adams, History, VI, 161.


Adams, History, VI, 165; Annals, 12 Cong., 1 Sess. (House), February 18, 1812, pp. 1058-1069.

Madison to Monroe, September 21, 1812, quoted in Adams, *History*, VI, 394; Richardson, ed., *Messages and Papers*, I, 516. Madison's view that the executive might judge when exigencies required the calling out of the militia was upheld by the Supreme Court in 1826. See Upton, *Military Policy*, 96, 97.


*Annals*, 12 Cong., 2 Sess. (House), November 20, 1812, pp. 155-166, November 21, 1812, pp. 168-193, December 1, 1812, p. 211, December 3, 1812, p. 217, (Senate), November 13, 1812, p. 21, November 23, 1812, p. 22, November 24, 1812, p. 23, November 25, 1812, pp. 23-24, November 26, 1812, p. 24, November 30, 1812, p. 25, December 1, 1812, p. 25, December 4, 1812, p. 27; Bigelow to wife, December 1, 1812, "Letters of Bigelow," 344; Taggart to Taylor, December 8, 1812, "Letters of Taggart," 411-412; The bill permitted enlisting the option of serving during the war instead of five years, as the law of the previous session specified. Callan, *Military Laws*, 203.


24 Adams, History, VII, 380-381; White, "Executive Influence on Military Policy," 179; Annals, 13 Cong., 2 Sess. (Senate), January 17, 1814, p. 577; Webster to E. Webster, January 30, 1814, Fletcher Webster, ed., The Private Correspondence of Daniel Webster (Boston, 1857), I, 240.


28 Monroe to Madison, December 27, 1813, Hamilton, ed., Writings of Monroe, V, 275; Annals, 13 Cong., 2 Sess. (Senate), January 17, 1814, p. 577; Webster to E. Webster, January 30, 1814, Webster, ed., Correspondence of Webster, I, 240; Richardson, ed., Messages and Papers, I, 550.

29 ASP, Military Affairs, I, 514.

30 Webster to E. Webster, October 30, 1814, November 8, 1814, Webster, ed., Correspondence of Webster, I, 245, 246; Annals, 13 Cong., 3 Sess. (House), October 27, 1814, pp. 482-489.
31 ASP, Military Affairs, I, 518; Annals, 13 Cong., 3 Sess.
(House), February 6, 1815, pp. 1129-1130.

32 Robert L. Meriwether, ed., The Papers of John C. Calhoun
(Columbia, S. C., 1959), I, note 102, p. 262; Annals, 13 Cong., 3 Sess.
(House), November 2, 1814, pp. 518-521, November 3, 1814, p. 522,
November 4, 1814, pp. 524-527, November 5, 1814, pp. 530-534, November
7, 1814, pp. 536-541; Webster to E. Webster, November 8, 1814, Webster,
ed., Correspondence of Webster, I, 246.

33 Meriwether, ed., Papers of Calhoun, I, note 107, p. 272; Annals,
13 Cong., 3 Sess. (Senate), November 5, 1814, p. 38, November 8, 1814,
pp. 41-42, November 9, 1814, p. 42, November 11, 1814, p. 45, November
12, 1814, p. 45.

34 Ibid., 13 Cong., 3 Sess. (Senate), November 5, 1814, p. 38,
November 9, 1814, p. 42, November 14, 1814, p. 47, November 16, 1814,

35 Ibid., 13 Cong., 3 Sess. (Senate), November 16, 1814, pp. 58-62,
November 19, 1814, p. 93, November 22, 1814, p. 95; Daggett to Simeon
Baldwin, June, 1813, Simeon E. Baldwin, Life and Letters of Simeon
Baldwin (New Haven, 1919), 463; Dice Robins Anderson, William Branch
Giles; A Study in the Politics of Virginia and the Nation from 1790
to 1830 (Menasha, 1914), 199-200.

36 Annals, 13 Cong., 3 Sess. (House), November 12, 1814, p. 556,
December 2, 1814, pp. 705-711.

37 Annals, 13 Cong., 3 Sess. (House), December 2, 1814, p. 715,
December 3, 1814, pp. 720-750, December 5, 1814, pp. 753-756, (Senate),
December 6, 1814, p. 122, December 7, 1814, p. 122, Callan, comp.,
Military Laws, 228-229.

38 Webster to E. Webster, November 8, 1814, January 9, 1815, Webster,
ed., Correspondence of Webster, I, 246, 249; Annals, 13 Cong., 3 Sess.
(House), December 2, 1814, pp. 712-715, December 8, 1814, pp. 775-778;
Lewis Burr Sturges to Roger Minot Sherman, January 1, 1815, Samuel
Elliot Morison, The Life of Harrison Gray Otis, Federalist, 1765-1848
(Boston, 1913), II, 191; Taggart to Taylor, February 10, 1815, "Letters
of Taggart," 436. For Pickering's extreme words see letters in Henry
Adams, ed., Documents Relating to New-England Federalism (Boston,
1877), 331, 338-342, 343-346, 391, 400-402; Henry Cabot Lodge, Life
and Letters of George Cabot (Boston, 1877), 531, 535, 541, 542-545;
and Hervey Putnam Prentiss, Timothy Pickering as the Leader of New
England Federalism, 1800-1815 (Reprinted from the Essex Institute
Collections of January and April, 1933, and April, 1934), 122 ff.


42 *Annals*, 13 Cong., 3 Sess. (House), February 6, 1815, pp. 1125-1130, February 20, 1815, p. 1171.
CHAPTER V

IN SEARCH OF MONEY

Even before war was declared, Representative Tallmadge thought that the "war party must fail for want of two much essential ingredients, (viz) Men & Money." Indeed, Congress soon discovered that fighting a war necessitated money as well as men and that one was as difficult to procure as the other. "How are the exigencies of the government for the next year to be supplied?" asked Representative Cheves in 1812. The refrain was repeated by other congressmen throughout the war. The major part of the money for war came from borrowed funds obtained from the issuing of short-term treasury notes and the sale of long-term loans. Loans amounted to $75,000,000, but, with the decline in government credit and the depreciation of bank notes, only about $34,000,000 in actual specie came into the Treasury. By March of 1815, the treasury notes issued totaled $36,000,000; these were not legal tender and only a limited number were issued in small denominations. Since they were constantly being retired, the amount in circulation was always small, and they existed at par with specie until August 1814 when specie payment was suspended.¹

By the end of the war the national debt had been increased by
about $86,000,000. The fear that borrowing would pass the burden of payment to the next generation was often expressed. As one representative put it:

We have received from our fathers a rich and valuable inheritance, and it is our duty to transmit it to our children as valuable at least as we received it. Let us not encumber it with a mortgage of ours, which it will not be in their power to redeem.

It was doubtful if future generations would be asked to repay the debt, but certainly a post-war inflationary period would result, and the problems of the national debt would influence both political parties. Legislation providing for borrowing was controversial in proportion to the extent of congressional partisanship. Few administration supporters considered deficit financing of the war as serious, for good Republicans expected that a revenue from imports would "always be amply sufficient, during long periods of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war." Some congressmen, however, demanded the immediate enactment of tax legislation. One held "it to be a sound political principle—a principle from which the Government ought never to depart—that the creation of public debt ought to be accompanied with the means of its extinguishment." Representative Thomas R. Gold (Fed., N.Y.) spoke more directly: There are "no funds provided for the payment! But I will not dwell on the gloomy picture."²

Congress chose not to dwell on the gloomy picture either and dragged its heels. The one-time lucrative import duties were
doubled in 1812, but as commerce declined so did receipts, the sale of public lands realized a slight additional revenue, and not until 1813 were internal and direct taxes sanctioned. Both were increased the year following but by March of 1815 had yielded only about $4,000,000.

A raft of issues, some of which were quite controversial, influenced the war financial program: loans, taxes, constitutional scruples, and money bills. Often factors influenced deliberations in Congress over which it had little control: the floundering of loans as a result of the failure of New England Federalists to subscribe, the continuing political opposition, the lack of unity, and military reverses. The administration, however, assumed the lead in suggesting policy, but Congress' role was important and crucial, and members of both parties tended to view such recommendations in terms of their attitudes toward the war itself. Some were sincerely concerned over the high interest on the loans and the authority given the President to contract for loans at almost any rate, while others were interested in the sources and rates of taxation and a national debt and had urged economy in government. The tables were turned in the war, with Federalists disowning their financial off-springs and Republicans forgetting their scruples over debts, taxes, and government economy. Only Secretary of the Treasury Albert Gallatin continued to hope for a constant reduction of the debt.
A Program of War Finance

But without doubt Congress knew that Gallatin in other ways had retreated from his original Republican ideas concerning finance, especially in case of war. This fact was inherent in his annual reports to Congress from the time of the Chesapeake affair in 1807 to the months immediately prior to hostilities. In these official communications, the Secretary of the Treasury formulated a fairly consistent body of recommendations which Congress could not fail to consider in preparing a fiscal program if war became imminent but which some members did not accept.

What were the unpopular financial words which Gallatin spoke? Congress was aware that if war came, expenses would rise and revenue dwindle and that additional money would be needed. Toward this end Gallatin oriented his views. Loans, Congress was informed as early as 1807, should be considered the cornerstone of a successful war finance policy. Because of the good credit of the government, it would be relatively easy to obtain from merchants and bankers sufficient money for a three year war. An outstanding national debt was of course an evil, but a return of peace would "afford ample resources for whatever may have been borrowed during the war." But only the extraordinary expenses of war, it was emphasized, should be covered by loans; the routine and nonwar government expenditures plus the interest on the debt should be met from normal sources of revenue. The latter included increased import duties, but "in the event of that revenue being still more affected by a war than is
apprehended . . . a resort to internal taxes, either direct or indirect, may become necessary." Only as the possibility of borrowing lessened would tax revenues be applied to the exceptional war expenses. Thus Congress was told that taxes were probably inevitable, but many congressmen remained unconvinced. Senator Giles thought that other means certainly could be contrived for defending the nation's "sovereignty and honor."3

The Failure to Tax

The response of the Twelfth Congress in regard to taxes was a resounding no. Through weeks of sordid debate on the question of war few spoke of its financing, and Representatives Matthew Clay and Asa Fitch (Fed., N. Y.) thought any such discussion impolitic while a conflict was still uncertain. Others—like Representative Harmanus Bleecker (Fed., N. Y.), who bluntly asked "Have you money?" while supplying the answer: "No sir!"—hoped only to cool the war spirit. But the unpleasant subject of a wartime fiscal policy could not be ignored since the annual report of the Treasury Department had already reviewed the financial picture and offered certain suggestions. The surplus of $5,000,000, Congress was told in November of 1811, would diminish once the full effect of the non-importation act against Great Britain was felt. This would reduce the total revenue to $6,000,000, and, with the extra appropriations for war, expenditures would reach $2,000,000, additional duties and loans perhaps at 8 per cent—although the legal rate was 6—should be considered.
A final resort to "moderate internal taxes" was a possibility which should not be overlooked. 4

On this basis the House Ways and Means Committee began its painful deliberations. Hesitant to believe that loans at the Federalist rate of 8 per cent and the hated taxes might become necessary, Chairman Bacon in December asked the Treasury Department to clarify its earlier report by furnishing a plan of financing a possible war. Would loans be required, and would it "not be necessary to provide an additional and gradually increasing revenue to pay the interest on such loans?" Would higher duties be necessary, and what was the probable amount of receipts to be expected? Would taxes be demanded, and, considering the great cost of their collection, what was the approximate revenue to arise from them? 5

Near the end of January Chairman Bacon read to the House the Treasury's answers. Annual loans of $10,000,000 would cover extraordinary war expenditures. The $6,000,000 resulting from a doubling of existing duties plus the revenue from land sales should be applied only toward meeting routine charges and war debt interest. Since this would be insufficient, $2,000,000 must be raised through internal taxes on auction sales, retail businesses, carriages, refined sugar, stamps, and spirits and $3,000,000 by a direct tax. 6

"I think this will tend considerably to cool the martial ardor of Congress," hoped Representative Taggart. Republicans like Representative Archer wondered if they "could swallow the bitter pill" of Federalist financing, but the party's ex-President, writing
to Representative Nelson, thought that "there can be no question
the people will swallow it, if their representatives determine on
it." President Madison himself was anxious to see Congress get
"down the dose," and Henry Clay and other administration leaders
soon decided that the program was indispensable to the war effort,
especially the laying of taxes. They "must be laid," wrote the
Speaker, "and we shall have to make a just selection amongst those
suggested."7

A "just selection" of the obnoxious taxes would be difficult,
and there were political considerations as well, but in February
Chairman Bacon presented the administration's financial program,
which, Representative Thomas Gholson (Rep., Va.) said, was based on
compromise and concession. The resolutions asked for a doubling of
customs duties, a duty on imported salt, taxes on stills, retail
licenses, refined sugar, carriages, and stamps as well as a direct
tax of $3,000,000. It was estimated that the measures would add
over $7,000,000 to the Treasury.8

The debates on the tax resolutions were surprisingly tepid
considering the reluctance with which Congress approached its task.
Only one serious attempt was made to postpone enactment. The
motion, introduced by Federalist Representative Fitch and supported
by certain war-Republicans who were afraid that the measures would
dampen the war spirit, was defeated soundly ninety-three to thirty-
one. The most crucial proposal proved to be the duty on imported
salt, which Representative Richard Stanford (Rep., N.C.) considered
"unjust and unequal." Nearly the "whole duty would be paid by the middle country, by about one-third of the people," added Representative Matthew Clay, because the "people on the seacoast had no occasion to use this article for their cattle," and the West could get the commodity at ten cents a bushel. Not even a strong appeal by Representative William Blackledge (Rep., N.C.) that the tax would encourage domestic manufacturing, "which, in case of war, would be very desirable," stemmed the opposition. The salt tax was defeated sixty to fifty-seven. The vote jeopardized the entire program, but Republicans arose to the occasion, and Representative Gholson, himself a resident of the "middle Country," who would "vote two dollars a bushel on salt, rather than see the present course of policy frustrate," moved a reconsideration. But Representative Wright remained adamant in his opposition. Objecting to the "out-of-door management" of the resolution, he asked the House: are "we a set of weathercocks, to be turned about by every idle wind? No! I hope not, let it blow from whatever quarter it may." The wind was fanned by administration forces, and the salt tax was accepted sixty-six to fifty-four.

Yet sectional feeling over the taxes would not down. Incensed over the salt duty, southern members proposed to change the whiskey tax from a tax on the still capacity to a tax on the gallon, which would bear heavily on the West. A gallon tax would mean additional revenue, but westerners insisted that since they would have to bear the burden of the land tax, it would be unfair to impose on them
the gallon tax. The argument was decisive, and the tax on the still capacity was accepted sixty-seven to thirty-eight.\textsuperscript{10}

With the sectional hurdles having been jumped, resolutions were enacted providing that the scheme would not become operative until war was declared and continued one year after its conclusion. The other measures received substantial majorities, and the Ways and Means Committee was instructed to prepare and report the bills.\textsuperscript{11}

Not until after war was declared were the tax bills brought before the House. Those pertaining to additional custom duties were easily passed, but over the strong objections of the Federalists, who saw clearly the Republican strategy. An "unequal tax" which would mark the "beginning of sorrow" for New England, cried Representative Bigelow as Representative Bleecker asked if it were "just and fair to abandon the internal taxes and impose so much of the burden of the war upon the people of the Northern and Eastern States?" This indeed was the case, for it had been already determined by administration officials and Republican leaders in Congress to forego all other tax legislation, and Representative Roberts, the Treasury Department's "mouthpiece," suggested a postponement. To save face somewhat, Chairman Bacon presented the tax bills, which were quickly laid on the table. Roberts' resolution was then passed easily, despite Representative Archer's exhortation that you "have declared war . . . and you must support" it. Taxes "would not be laid this session," as Representative Bigelow put it, "because it might endanger Madison's re-election; after that is secured they will then put them on.
Nothing but fear of losing their places keeps them from taking more rapid strides." The observation was astute, for it was the fear of political repercussions in the forthcoming presidential election which caused the Republicans to about-face after the tax resolutions had been enacted by such favorable majorities.

Only a few weeks after war was declared, the financial picture was grave. Secretary Gallatin confided to a friend: "We have not money enough to last till January 1 next .." And in December of 1812 Congress learned from the Treasury Department that expenses for the year would mount to $32,000,000 while revenue would approximate $12,000,000. To provide for the deficit, $20,000,000 must be borrowed. Although there was no strong administration request for tax legislation, such sentiment existed. In February 1813 Representative Little introduced a resolution instructing the Ways and Means Committee to report bills for laying taxes in support of the war, which easily passed by a vote of sixty-six to thirty-eight. It was clearly an anti-administration move, protested Representative Cheves. While he agreed that taxes would eventually be necessary, the Ways and Means Committee sitting "night and day" could not prepare the legislation. The Treasury Secretary had already told him that taxes were still "practicable," but that "it would certainly be desirable, if other considerations do not oppose it, to prevent the danger of disappointment, by allowing more time for the selection of officers, preparing and transmitting the forms and instructions, and taking all other steps necessary for the organization
of a difficult and novel system . . . " After Cheves emphasized the latter view, Little's motion was lost by a margin of twenty-two votes.13

In another attempt, Representative McKim urged a tax of twenty-five cents a gallon on all distilled liquors. Considering the great quantity of distilled spirits, it appeared to him that such a tax would "produce a larger revenue than the whole of the thirteen tax bills . . . reported by the Committee of Ways and Means." Westerners were immediately on their feet. It would effect adversely the people of the West "who had to bear the brunt of battle," cried Representative McKee. Reiterating his desire for taxes but this time insisting upon equal distribution, Cheves denounced the proposal, and the motion was defeated. The Twelfth Congress had failed to tax.14

Alternatives

Rather than resort to the obnoxious taxes, the Twelfth Congress considered a wide variety of alternatives in its search for a war-time revenue. A constitutional amendment giving Congress the power to lay export duties, which "might be considered as containing a substitute for some of the less agreeable taxes," was suggested by Representative Mitchell but found no hearing. Some interpreted Representative Rhea's motion for the Committee on Commerce and Manufacturing to inquire into the expediency of additional duties on flax cotton and hemp as another substitute for taxes.15

These were weak suggestions, however, compared to the determined
efforts to raise additional revenue through a modification or suspension of the non-importation acts. The day after war was declared, Langdon Cheves of the Ways and Means Committee introduced a bill suspending partially the several prohibitory acts against importations against Great Britain and her colonies. He informed the House that the Treasury Department was confident that such a move would more than double import duties and would "afford a revenue at least equivalent to the estimated amount for the proposed direct tax, internal duties, additional tonnage, and diminution of drawbacks." The decision to consider the proposal gave representatives from commercial districts the opportunity to attempt an entire elimination of the restrictive system. This far administration leaders refused to go, although no less a war advocate than Representative Calhoun spoke in favor of such a motion. Taking the ground that the prohibitory acts amounted to "class legislation," he insisted that his motive was not to avoid taxes. The proposal was lost as was a similar one made by Representative Charles Goldsborough (Fed., Md.), both by close votes. A third attempt resulted in a tie-vote, sixty to sixty. Speaker Clay "took occasion to express the pleasure he felt in having an opportunity to manifest his decided opposition to the measure, now that we had engaged in war." The motion was lost.16

Again, the following February, Cheves, now Chairman of the Ways and Means Committee, with Treasury Department sanction, resolved to suspend partially non-importation. Repeating his arguments of
the preceding June, he said that the modification would give relief
to the Treasury and therefore permit a further delay of the delicate
subject of taxes. In opposition stood those who had no scruples
over taxes, old-time Republicans who claimed with Representative
Wright that the restrictive system was the "most powerful and
efficient weapon which we could wield against Great Britain," plus
an unsuspected group—the Federalists. Representative Potter
stated the party's position: his constituents had invested millions
of dollars in manufacturing. Non-importation meant protection for
Rhode Island's infant industries, and a repeal would bring their
destruction. Internal and direct taxes should be passed, Federal­
alists reversing their position of June, voted unanimously with
certain Republicans, who regarded commercial restrictions as effec­
tive as war, to convert Cheves' proposal into a stronger non-import­
ation act. Thus was frustrated the attempts to increase government
revenue through a relaxation of the stringent provisions of non­
importation.17

An accidental alternative to the dreaded taxes presented it­
self during the last months of the Twelfth Congress—the
$18,000,000 worth of bonds posted on British cargoes imported after
the repeal of the Orders in Council but before the declaration of
war was known in England. The Treasury Department, constantly in
search of funds, felt that the government might benefit from this
large sum which it already held. The bonds should not be altogether
remitted by the government, Secretary Gallatin thought, because
The "importers will make unreasonable profits, and there will be equal and as well-founded dissatisfaction." He therefore asked the Ways and Means Committee to empower the government to retain one-half of the prize. It would mean millions of dollars for the fastly depleting Treasury.¹⁸

The debate in the House took a unique turn, for the ground taken by both proponents and opponents of the suggestion was the same—the desperate need for additional revenue. Claiming that the administration recommendation was just and fair, Representative Johnson had no qualms over the government retaining a portion of the bonds; it might save the nation from bankruptcy. Chairman Cheves, however, advocated a total remission of the forfeitures in order to pacify the commercial classes: "The Treasury may be supplied by acquiring their confidence, without their political support and co-operation. I only say that we must not disgust the moneyed interest of the country." Besides, $5,000,000 in duties on the imported goods had entered the Treasury, and this "precluded the necessity of taxes for the ensuing year." After three weeks of bitter debate, the House turned to a Senate bill remitting all the bonds on goods exported before the news of war reached England. By the close vote of sixty-four to sixty the bill was passed. So Congress had itself forfeited badly needed dollars; it remained to be seen if the remission, in Cheves' words, would "conciliate those who have money to lend."¹⁹
Loans and Notes

As Congress searched doggedly for alternatives to taxation, expenditures mushroomed from about $13,500,000 to $22,000,000, and income dwindled to $9,000,000 during the first few months of war. Faced with this dire financial situation from the outset, Congress was forced to rely on an ambitious program of borrowing which found favor not only among those who felt loans would preclude taxes but among those who wanted the administration's financial scheme of both taxes and loans followed. The impetus for the first war loan came from the House. Representative Archer's motion asking the Treasury for information on loans was followed in February 1812 by the formal introduction of a loan bill by Chairman Bacon. The Ways and Means Committee concluded that exactly $11,000,000 was required to provide for the deficit in government revenue anticipated from the extraordinary expenditures. The authorization for a loan of that sum easily passed the House and the Senate without a recorded vote late in March. Carrying an interest rate of 6 per cent, the loan was available to individuals as well as banks without limitation. Its passage was relatively uncontroversial, but some felt that additional revenue should be found to cover the interest while others predicted that it would compete unfavorably with investments in industry and thus fail.20

The fears of the latter were real but unfounded, for ultimately the loan of 1812 was a fair success. By the end of 1812, $8,100,000 of the bonds plus $2,150,000 in temporary loans had been taken by
individuals and banks. But immediate response was unenthusiastic, and Congress was soon aware that subscriptions were lagging. Only $600,000 of the bonds had been taken at one point, and it was reported that only in areas eager for war was there much interest; the commercial classes of the cities and especially of Federalist New England, rich from profitable commerce, hesitated offering their money for what was considered an unnecessary war. The “merchants are a great and powerful class of our citizens,” emphasized Representative Richardson; “if we should do what they deem to be injustice, it may, in the present crisis of our affairs, draw after it consequences more serious than gentlemen may apprehend.” Untroubled, Representative Johnson predicted that “if war is once begun, the difficulties which now present themselves to this proposed loan will vanish.”

But the difficulties of floating the first war loan did not immediately disappear as Congress soon learned. Barely $1,000,000 had been subscribed in New England; $1,500,000 in New York and Philadelphia; about the same in Washington and Baltimore; only $700,000 in the South. Banks had taken a little over $4,000,000 but individuals under $2,000,000. The total was around $6,000,000. To supply the deficiency but also “to prevent the possibility of disappointment, and to remove doubts and erroneous expectations,” Congress was urged to authorize the issuance of treasury notes. There was little opposition in Congress to Chairman Cheves’ introduction of the appropriate legislation which quickly passed the
House and Senate in June. Five million dollars worth of notes bearing 5 2/5 per cent interest were allowed. They were to be payable in one year, and, to make them more acceptable, they would be receivable for all debts, taxes, and customs owed the government. Representative Randolph, who expressed his lack of confidence in the "innovation," moved unsuccessfully to strike out the interest allowed on the notes. Since they were "not equal in value to gold and silver," the public would not accept them, avowed Randolph. Republicans retorted that the notes would operate "as a loan to the Government" and "nothing more or less than a loan." Representative McKim claimed that they were "even more valuable than specie," because pledged for their redemption were the "faith of the Government" and the "entire duties and taxes of the year."^22

Duties yes but taxes no. This was an extravagant boast for there existed no taxes pledged to the redemption of the notes; it was due to this fact that the administration's wartime fiscal program faltered. Had Congress early enacted sufficient taxes to cover at least the interest on the debt, future borrowing would no doubt have been more successful. Since it procrastinated, confidence in the government was shattered and loans became almost impossible to float. But, as expenditures mounted to great heights, Congress again seemed only more willing to resort to borrowings.

With the war underway only a few months, Congress again discussed loans. In January 1813 Chairman Cheves estimated revenue for the year at $17,000,000 and expenses at $36,000,000; to cover the deficit
a loan of $16,000,000 and $5,000,000 of treasury notes would be necessary. The point of attack on the loan was what an opponent called the "enormous powers proposed to be devolved upon the President by this bill." It indeed was significantly different from the previous bill, since there was no specific interest rate and no assurance that bonds would be sold at par. Both proved to be contentious subjects. Representative Milnor moved an amendment inserting "at a rate of interest not exceeding ___ per cent. annum." He left the figure unspecified, he explained, "so that the principle might be tested whether the majority of this House are disposed to place any bounds, whatever, to the authority of the Executive to borrow money, or whether he is to be permitted to do it, at whatever rate of interest he may think fit." "These powers were too great to vest in the hands of any Executive officer, however exalted," added Representative Tallmadge, who moved to include the provision that stock would not be sold under par. You will "vest the President with power to issue stock to an unlimited amount, with an unlimited rate of interest, and a power to sell at an unlimited price," if the amendment were rejected, he told the House. The remarks were interpreted by Chairman Cheves as an attack on the "moral integrity of the Executive," probably the strongest argument in defence of the wide powers to be given the President, for what the Federalists charged was indeed true. In anticipation of difficulties in floating the loan the President had to be empowered with
the discretion of increasing the interest rate if circumstances so required it; further, it was likely that the bonds would fall below par.23

The restrictive attempts, however, were defeated by practically straight party votes, as was a Senate proposal embodying both ideas urged by Senator James Lloyd (Fed., Mass.). But as if to prove that they too were afraid of the "unexampled power" invested in the executive, Republicans joined with Federalists in accepting an amendment offered by Representative Pitkin requiring the President to lay before Congress all information pertinent to the loan. The "great object" of the amendment, said Representative Stow was "to guard against any corrupt use of the confidence thus reposed in the Executive." Then the bill easily passed the House and Senate in February.24

The same month Congress approved Cheves' second measure by permitting the issuance of $5,000,000 more treasury notes under terms similar to the previous authorization. Opponents and proponents advanced the same arguments heard in 1812, although Senate Federalists made unsuccessful attempts to invalidate the notes as receivable for duties, taxes, and military supplies, and the bill received good majorities in both houses. Thus Congress had cast the financial mold to be followed throughout the war—a reliance on long-term loans for over-all expenses, treasury notes for more immediate demands. Congress had done nothing to support either with additional revenue.25
Taxes

So great were the difficulties in placing the $16,000,000 loan that the President called the Thirteenth Congress into special session in May 1813 to consider a "well-digested system of internal revenue" in aid of existing sources. Only $5,000,000 had been taken by April 1, Congress was told, and in order to obtain subscribers it had become necessary to offer premiums on the money loaned; equal concessions had been given previous purchasers of loans. Still, under these terms less than $7,000,000 was subscribed. The remainder, over $9,000,000, had been taken by three financiers, John Jacob Astor, David Parish, and Stephen Girard, all naturalized citizens. Most was subscribed in New York, Baltimore, and Philadelphia.26

Only in this manner had the $16,000,000 loan been completed. The fact that Federalist New England and the general public had not come to the support of the government was not lost on the Thirteenth Congress. The implication was clear—a new source of revenue was essential. Taxes could not be delayed. Yet some members of the Ways and Means Committee still hesitated, and to every item there were objections, wrote Representative Roberts. Representative Bibb and others "disrelished" a direct tax, but they could not deny "its indispensable necessity. It was soon found there was no alternative." Early in June 1813 Chairman Eppes, without even an "opening speech," reported bills taxing distillers, refined sugar, retailers, auction
sales, carriages, bank notes, and imported salt plus a direct tax on land and slaves. It was estimated that the internal taxes would yield $2,000,000, the direct taxes $3,000,000 in additional revenue.\textsuperscript{27}

The debates frequently were lengthy, technical, and caustic. They began with acrimonious speculation over the desperate financial situation. Spokesmen for the executive, the House, and the Ways and Means Committee, attempting to escape the stigma of inaction in legislating taxes, blamed one another. Yet, with this preliminary sparring concluded, the deliberations once begun were probably milder than expected, especially considering the prior hostility to taxes. Representative Ingersoll said that the Republicans were "unanimous and harmonious," the Federalists "equally united, zealous and active"; there was some "dissidence" in the Senate but "hardly, if any at all, in the House, certainly no dissension, among the supporters of the war." Neither party was as cohesive on the tax bills as Ingersoll claimed, but by the conclusion of the session in August all had been passed by decisive votes.\textsuperscript{28}

Not all members, however, could bring themselves to support the tax bills. Some Republicans voted against certain of the bills, and probably not many agreed with Ingersoll, who heralded taxation as the "last experiment of Republicanism." "I do not use that term as a partisan," he proclaimed, "but in its general acceptation. If we can tax, Republicanism endures forever; if not, it is high time to be done away with." Viewing the remark in its general, partisan "acceptation," Federalists would agree that it was "high time" the
Republican party be done away with, and, so as to insure that tax-
ation would be the "last experiment" of Republicanism, Federalists, forgetting their past history and their demands for taxes of only a few months before, for the most part opposed the bills. Representative Brigham protested that the administration wanted "to tax the world," but Representative Webster moaned to his brother that "they will probably pass."29

Beyond several vain attempts in the Senate to reduce the taxes, the only contentious subject again proved to be whiskey. The bill as reported provided for a tax on the capacity of the still in the form of an operator's license, but in both houses sentiment was strong for a gallon tax, and, in part, the objective was to insure an increased revenue—$25,000,000, Representative Fisk figured. Other members, like Representative Shipherd, considered even the license tax detrimental to the "plain farmers, who earn their bread by the sweat of their brow." If the former united with the latter, the objectionable part of the bill might be eliminated. Could the gallon tax then be substituted? If successful, westerners maintained that they would oppose its final passage. Who will pay the gallon tax, they asked? "The people of the Western Country, who have already sustained the weight of the war," answered Representative Duvall. But if unsuccessful and no whiskey tax were passed, the entire program of internal taxes might crumble. This was the predicament, implied Representative Ingersoll, as he pleaded that
the license tax "be blended with others." All the bills together constituted a compromise so that "no class, no section, no article" would "feel itself saddled with the whole" of the burden. The crucial vote came on Representative John W. Taylor's (Rep., N.Y.) amendment to strike from the bill the tax on the still capacity. It passed. House Republicans were in a turmoil, but in the Senate opposition to the capacity tax progressed even further. There, on motion of Senator King, it was decided "impractical" to report any bill. The committee was discharged from consideration. The whole scheme of taxation was now in jeopardy, but administration pressure was brought to bear: the House, after reinstating the capacity tax, quickly passed the bill; the Senate, suddenly reversing its earlier decision, followed suit. But the last had not been heard of this controversy, Representative Taylor might well have told Congress.30

Taxes were laid but since they would not yield a significant revenue until 1814, provision had to be made for the mounting expenditures. Again Congress turned to borrowing, and in July authorized a loan of $7,500,000 without a recorded vote and without debate. Boasting of the "order, system, vigour, and advantage" surrounding the passage of the taxes and loan, some Republicans predicted a sounder financial support of the war, but it is clear that if Congress had been able to provide all of the wartime funds through borrowing, it would have done so. As it became almost impossible to float
the various loans, Congress was forced to increase taxes and to provide new ones, but its reliance on loans never ceased.31

Desperation

Financially, the last months of the war were even more desperate than the first. In January of 1814, Congress learned that expenditures for the coming year would reach $45,000,000 while only $15,000,000 could be expected in revenue. To provide for the deficit, Chairman Eppes early in February proposed another loan of $25,000,000 and treasury notes worth $10,000,000. With hardly a murmur the latter was passed, but the debates on the loan proved quite different. Shortly before deliberations began, Representative Webster informed his brother that "on the loan bill we hope to get a blow at them. Gaston and Grosvenor are prepared to give great speeches on that subject." It was no exaggeration, for the Federalists utilized the occasion for one of their most damning attacks on the administration. Representative Pitkin denounced impressment as a cause of war; Representative Sheffey said that enlistees were "persons who rendered a service to their neighborhood by leaving it"; Representative Shipherd charged that the Republicans were motivated by the "vile principles of a Voltaire and Godwin"; Representative Gaston could not think of the conduct of the Executive upon this occasion, without mingled feeling of surprise, regret, and anger." In rebuttal, Republicans outdid themselves. Representative James Jackson (Va.) blamed the Federalists for the failure of "our arms," while
Representative Grundy hurled the charge of "moral treason" at those who "shall combine together for the purpose of preventing loans from being filled." Men of this description, "I did say, were, in my judgment, guilty of treason in a moral point of view. I say so still." And "would to God it were written in letters of sunshine in the very centre of Heaven that all the world might see." So irrelevant did the debates become that Representative Thomas Montgomery (Rep., Ky.), pointing out that it seemed "in order on this bill, to take a full review of our political transactions and conditions in all their various relations," urged discussion of the loan.32

And some members spoke to the point. Urging an "end to this unjust and ruinous war" by defeating the loan bill, Representative Pickering exclaimed: "'I stand on a rock' . . . 'from which all democracy,' then raising his voice and repeating it, 'not all democracy, and hell to boot, can move me—the rock of integrity and truth.'" A calmer opponent was Representative Samuel Sherwood (Fed., N.Y.): "I am opposed to the bill before us for causes intrinsic, springing immediately from the bill itself—such as the immense amount contemplated to be borrowed—the enormity of the interest which the money is to be obtained—the consequences to the Government in throwing itself into the hands of money lenders." Strange words coming from Federalists thought Republicans, but they said little for the bill was expected to pass. Yet, to insure the floating of the loan, the bill should be carried by as large a majority as possible. If not, as put by Representative John Forsyth
Although unembarrassed by the good majority received on the loan bill, the administration faced in the months ahead a worsening of the financial picture. Congress, meeting in special session in September of 1814, was asked by President Madison to provide "large sums" for the coming year. By July not $5,000,000 remained in the Treasury. This amount plus all incoming revenue might yield $22,000,000 but upwards of fifty millions of dollars must be obtained. The $25,000,000 loan had failed. Banks, except those in New England, suspended specie payment in August and September, currency fluctuated in value from state to state, and the government had no means of moving its resources from one section of the country to another. The system of exchange had collapsed. Interest could not be met on New England loans, and treasury notes could not be redeemed in New York. The Department of State was "unable to pay its stationery bill," charged Representative Hanson, and the Army Paymaster "was unable to meet demands for paltry amounts—not even for $30." Several District of Columbia banks "loaned the Cabinet" an urgent $200,000. The Treasury was nearing bankruptcy, the new Secretary Alexander H. Dallas, told Congress.34

A "bad account of the treasury," Representative Webster commented early in 1815, but Representative Grundy had already asked in desperation: "Where is the money?" This was not the only task
facing the legislature, for equally as serious was the restoration of a solvent currency. After quickly authorizing a loan of $3,000,000 to be hawked in Europe, Congress attacked the problems simultaneously. Members looked in every direction for new sources of revenue. Representative Wright wanted lottery prizes, houses, and lots in Washington city taxed, while Representative Philip Stuart (Fed., Md.) preferred "race horses, mares and fillies." A direct tax on territories and the District of Columbia was seriously considered by the House, and Representative Taylor still urged a gallon tax on whiskey.35

Some members even advocated a tax on salaries. Accusing highly paid government officers of paying little tax, Representative Farrow in November moved the taxing of salaried officers, professional incomes of lawyers, solicitors, and counsellors, and legal proceedings of civil courts of justice. Representative Ingersoll had already proposed a similar tax on estates of the dead, all income from estates, as well as law suits, officers, and pensions; "the best of all taxes," he said, was "an income tax." Nothing came of Ingersoll's suggestion, but Farrow's resolution was sent to the Ways and Means Committee for consideration. Representative Webster thought that the Committee would approve, but a month later Chairman Eppes reported such a tax inexpedient. If a salary tax were imposed, Congress would be admitting "that, in fixing the salaries of their public officers, the public interest had been disregarded and more than a just compensation allowed." The "proper Constitutional remedy" was
not a tax "but a reduction of the salaries." Only momentarily rebuffed by this fancy logic, another income tax advocate was on his feet. Representative James Kilbourne (Rep., O.) asked that taxes be laid on capital invested in private or public loans and professional or other employments producing an income exceeding a certain amount. Interestingly, few constitutional arguments were advanced in opposition to these schemes, but by refusing to consider Kilbourne's resolution, the Thirteenth Congress had bypassed an income tax.36

Through these proposals and others, Congress might increase the revenue, but none would restore a stable circulating medium. One possibility which might achieve both was the printing of government paper money. As early as April of 1814 Representative Desha, after dwelling on the gloomy financial situation, proposed the issuing of $15,000,000 worth of promissory notes in sums of over $10.00 and under $100.00 bearing 6 per cent interest; to discharge the interest on the notes watches, gold seals, plate, boots, and fine hats should be taxed. The plan was drowned in general rebuke with Representative McKim cautioning against "the issuing of these notes without providing for their redemption" and Chairman Eppes not wanting to see paper money as a "General system representing nothing." Within a few months, however, perhaps due to the prodding of his father-in-law, Jefferson, Eppes had changed his mind. In his capacity as Chairman of the Ways and Means Committee, he told the House in October that further loans could not be filled and
that the government could not move its resources from section to section because of the fluctuating currency values. The only solution was a system of paper money, "combined with a system of taxation" providing $10,000,000 for redemption, issued in amounts "sufficiently small for the ordinary purposes of society."37

The plan found favor with many members, particularly those from the South like Representative Macon who felt that "paper money never was beat." But more were uncertain, especially after it was learned that the scheme lacked administration backing. Denouncing paper money as "an expensive and precarious substitute either for coin or for bank-notes," Secretary Dallas demanded instead increased taxes and a bank as the "only efficient remedy for the disordered condition of our circulating medium."38

The Battle of the Banks

The formation of a bank as one means of alleviating the financial distress was not original with the Secretary. The first demands had been heard in Congress early in 1814 when several prayers for the establishment of a national bank were presented by individual congressmen. In January Representative John Lefferts (Rep., N.Y.) moved referral of one such petition requesting a bank. The petition was sent to the Committee on Ways and Means but over the opposition of those who desired it sent to a select committee since Chairman Eppes had attacked the incorporation of a bank as unconstitutional. As some feared, Eppes reported that the creation of
corporations within the states was unconstitutional. Determined to by-pass this possible constitutional limitation, Representative Calhoun suggested its incorporation in the District of Columbia. Approved by the Ways and Means Committee, the plan was reported by Representative Taylor, the second ranking member of the Committee. This type of bank would fail to meet the financial crisis, claimed Representative Fisk (N.Y.); since no branches were permitted, how could the currency be restored? Only a truly national bank would answer, he declared, but his motion to create a special committee to report such a bill was soundly defeated. Strict construction ideas, even in the midst of menacing war, died hard.39

But so did advocates of a liberal construction, and in April Representative Grundy again proposed a select committee to consider a national bank. Acknowledging the indispensability of a bank "in the proper management of the fiscal affairs of Government," Federalists, nevertheless, found grounds for opposition—the executive had not approved. The administration had shrunk from its responsibility, protested Representative Grosvenor, while Representative Gaston disapproved of the House initiative "as producing legislation without intelligence, and action without responsibility." Constitutional Republicans were of course opposed, and Representative Hawkins felt that the financial situation did not "require this House to sacrifice principle at the shrine of necessity." Few, however, agreed with Hawkins, for a motion made by Representative Bolling Hall (Rep., Ga.) to restrict
the bank to Washington received only thirty-two votes. Grundy's motion was then accepted, but due to the lateness of the session, the subject was indefinitely postponed.\textsuperscript{40}

So Congress had gone on record in favor of a bank six months before the Secretary's proposal of October 1814. Administration approval no doubt lent enough weight to the scheme for the House to agree without debate that the formation of a national bank was expedient, and to direct the Ways and Means Committee to report a bill. Yet, considering the various factions that had to be conciliated, could a bank bill be passed? The obstructionistic Federalists would fabricate new basis of opposition, but Representative Webster predicted that some of the party would vote for a "proper bank." Strict construction Republicans would be antagonistic; in fact, Representative Jackson had already proposed a constitutional amendment giving Congress the power to establish a national bank. And some loyal war-supporters-Calhoun, Lowndes, and others—were not in sympathy with the administration bill reported by Representative Fisk in November.\textsuperscript{41}

That the purpose of the administration supported bill was to raise a war revenue and to revive governmental credit was obvious to all. The proposed bank, capitalized at $50,000,000, with $6,000,000 in specie and $44,000,000 in government war stock, was prohibited from selling government bonds and was obligated to loan the Treasury $30,000,000. The President was authorized to appoint 5 of the 25 directors and to suspend specie payment temporarily.
It was understood that the bank would be immediately insolvent. It was an instrument designed solely to meet the desperate wartime financial crisis.  

The battle of the bank, lasting to the end of hostilities, was sordid, complicated, and saw the rise and fall of numerous illogical political coalitions. Federalists, claiming partiality to a bank, were not in favor of the administration bank because it might conceivably bring order to the chaotic financial spectacle, because the Republican administration was to play a considerable role in the operation, and because the stock was limited to government war bonds, of which they held little. Representative Webster, in fact, insisted that the intent of the bill was to injure Federalists and to reward Republicans. For the most part, however, Federalists were silent, but they did not hesitate to support the efforts of Calhoun, Lowndes, and Cheves to alter drastically the form of the bank proposed.

Selected to spearhead the administration bill, Representative Calhoun, after careful scrutiny of the provisions, decided that he could not lend his support. His plan, proposed in a series of amendments, seemed a hodgepodge of concessions to all groups opposed to the bill before the House. The capital was to be the same, as was the $6,000,000 in specie, but the substitution of paper money for the rest appealed to anti-bank Republicans. An exclusion of all government control and favoritism to holders of war stock appeased Federalists; that the bank must pay specie at all times and would
not be obligated to the government for loans satisfied his own faction. 44

The administration bill was defended by Representative Forsyth and Fisk (N.Y.). Their main contention was that any bank must be empowered to suspend specie payment. To this point, Representative Samuel D. Ingham (Rep., Pa.) asked: "It may happen, and probably will happen, that their specie payments cannot be continued, and what will then be the situation of the bank?" All knew the consequences, but Ingham continued that if "this should take place before your Treasury notes are sold, the Government will scarce obtain a moment's relief." Even so, those unsympathetic factions appeased by Calhoun's bank proved a majority. One after another his amendments were adopted until the bill was Calhoun's and not the administration's. Even Secretary Dallas' threat to resign his post failed to halt the stampede. 45

This done, Calhoun's coalition faltered, and a new one took its place in opposition to his project. The Federalists, "the adherents of the administration, and those who had constitutional scruples," wrote Calhoun, coalesced against his proposal, and a deadlock ensued over Representative Lowndes' attempt to reduce the capital to $35,000,000. As the debate waxed savage, hope of enactment diminished until Lowndes moved a referral to a select committee so that "the views of all parties might be obtained in favor of one plan." The House approved. This coalition had worked smoothly; strict construction Republicans opposed any bank,
administration supporters contested for the original bill, and Federalists resisted on any grounds at all—Representative Gaston wanted a capital of $20,000,000, Representative Brigham $25,000,000, and Representative Grosvenor, although he had favored Calhoun's amendments, now declared that the administration bill "embraces the only practical measures which afford a rational prospect of either temporary or permanent relief." What inconsistency, and in private Representative Webster told the truth: we "are pretty indifferent about any bank."46

Speaker Cheves appointed to the select committee only proponents of a bank, but there was not a majority for either plan. No compromise could be reached, said Lowndes, as he reported the bill unchanged. The administration, he continued, considered the Calhoun bank, with its reliance on treasury notes, as an "experiment, on which it seems dangerous to rely." The chance for a successful loan, without a bank, was "faint and unpromising." With such pressure being exerted, loyal executive followers joined with anti-bank Republicans and Federalists in rejecting the anti-administration bill with only the Calhoun group voting for passage. Federalists were triumphant in the success of the third coalition: "While the doctors are disputing about the medicines to be administered," diagnosed Representative Hanson, "the patient is rapidly approaching its last breath." The "cold, icy hand of death is on this people. The agony cannot be of long continuance; the crisis must soon be over." Were only the Republicans in jeopardy,
Representative Grosvenor continued, "I would raise my voice only to say, "sink, go down to the bottom, and God speed your passage for the salvation of our country." But the Constitution, "soiled as it has been, by the boorish hands of ignorant politicians," still might be salvaged.

Federalists failed to realize that the rejection of the Calhoun bank in large part was an administration victory, but yet Congress had done nothing to aid the financing of the war. On the first of the year interest amounting to $5,726,000 would fall due. What could be done? There remained but one alternative—treasury notes. The legislation was presented by Chairman Eppes, and a few days before January 1 Congress authorized without debate a necessary amount.

There was also the recourse to increased taxation. By October 1814 the Ways and Means Committee had prepared legislation raising the existing internal taxes and adding various other articles. Chairman Eppes estimated that it would increase revenue by $11,635,000. Before Congress acted, however, the Treasury Department presented to the badgered committee a request for almost twice that amount by doubling the present system of taxation and including items ranging from snuff and playing cards to law suits and contracts. "Air and water are exempted from taxation" and little else, moaned a Federalist. Republicans silently agreed, but Chairman Eppes without murmur substituted the administration legislation for his own and Congress meekly followed.
Passage of the tax bills was assured, but the favorable majorities they received no doubt came as a surprise to many. To their support even rallied some Federalists like Representative Oakley, who had previously opposed such legislation, claiming that the war had "essentially changed" to a war of defense. That this unsuspected aid was perhaps based more on politics than patriotism was made clear by Representative Webster: "A few of the best Federalists feel an inclination to vote for the taxes, owing to circumstances, and the particular state of opinion in their districts." About half of the Federalists, however, those from districts where the party was unshakable, urged a defeat of the legislation as one means of ending the war.50

The deliberations, lengthy, bitter, and emotional, began in October and continued well into 1815. Numerous attempts were made to reduce the taxes, to exclude certain items, and once again whiskey proved to be an emotional issue. As reported the bill was actually a combination of a license tax based on the still capacity and a tax on each gallon distilled. It failed to satisfy everyone. A tax on the capacity, said Representative McLean, "operates the most equally; it depresses the smaller establishments to the advantage of the larger ones." "It would discourage the smaller distiller who would pay as much in taxes as his stills were worth," added Representative Newton Cannon (Rep., Tenn.). All attempts, however, to eliminate the capacity tax so as to lay the tax entirely on the quantity distilled were defeated, but an alteration
was made allowing the sale of spirits, made from domestic materials, of quantities not less than one gallon without licenses. Representative Gholson, who introduced the amendment, said that it would help the smaller producer, "many of whom did not distill to the quantity which they are by law allowed to dispose of, and who were now precluded from selling enough of the liquor they distill to enable them to pay the tax." The Senate struck the amendment, the House insisted, but after a week of conference committees, the Senate capitulated.51

The only other serious controversy came over the bill laying duties on American manufactured goods. Both houses eliminated "spermaceti candles," which Representative Reed said would act as an exclusive tax on Nantucket and New Bedford, but the Senate struck out pig iron and inserted umbrellas and parasols. The House protested, since an amendment introduced by Representative Pitkin excluding pig iron had already been defeated, and the Senate conceded while insisting on the umbrella tax. The House was adamant with Representative Fisk contesting the Senate's constitutional right to impose new taxes. Compromise, however, was the order of the day and the House receded. Even umbrellas and parasols would be taxed.52

The heavy taxes—the highest in the nation's history, which Representative Webster felt could not be collected—would provide additional revenue but not a stable circulating medium. A bank remained the only hope. Perhaps even the continuation of the war
depended on its establishment. Since October a Senate select committee had been considering a private petition presented by Senator Obediah German (Rep., N.Y.) asking for the incorporation of a bank. When it appeared that the House stalemate was unbreakable, the Senate acted. Early in December Senator King reported a bill which was essentially the original administration bill. In a week's time, over the opposition of the Federalists who attempted to riddle it with amendments, it was passed and sent to the House.53

Representative Fisk from the Ways and Means Committee quickly reported the bill and on December 23 the debate began. Constitutional arguments in opposition were immediately heard with Representative Clopton the most outspoken: "I am not prepared, nor am I willing, to admit that the Government is in such a desperate situation as to render the proposed bank necessary for its relief or accommodation, even if the right to establish the institution was unquestionable." Few agreed and his request to strike out the enacting clause which would have killed the bill was lost. After defeating a motion of Representative William Hale (Fed., N.H.) eliminating the authorization to suspend specie payment but accepting minor amendments, the House faced the crucial question of the type of government stock to be subscribed. The critical vote came on Representative Archer's amendment to substitute for "war stock" any "public debt of the United States contracted or to be
contracted which bears 6 per cent interest." It was defeated by one vote.\textsuperscript{54}

Republican jubilation over certain passage soon cooled when it appeared that the Federalist-Calhoun coalition in opposition to the administration bill again might be revived. Toward this end, Federalists made a supreme effort by insisting that a bank was necessary but not the one under consideration. A majority of the party, said Representative Stockton, would vote for a modified bill, and Representative Webster presented the bait to the Calhounites: a bank with a capital of $25,000,000, $5,000,000 in specie, $20,000,000 in government securities, no suspension, no obligatory loan, and empowered to sell government stock. The Calhoun group wavered while loyal Republicans held fast, Webster's motion to recommit the administration bill was defeated, and then the bill was agreed to by one vote. The Republican triumph was short lived for Speaker Cheves arose, denounced the bill as unable to"resuscitate public credit, establish a circulating medium, or afford ways and means to support the Government," and voted no. The tie vote defeated the bill.\textsuperscript{55}

Chaos resulted. Representative John Alexander (Rep., O.) "a giant between six and seven feet high, large, stout, muscular," threatened the Speaker with bodily harm." Representative Bolling Hall, opposed to any bank but willing to give those in favor an opportunity to unite on common principles, cried for a reconsideration and a recommittal. By an overwhelming vote this was done,
and the bill which the select committee reported looked very much like the Calhoun bill: a capital of $30,000,000, $5,000,000 in specie, $15,000,000 in treasury notes, and $10,000,000 in war stock, no loan to the government, no suspension of specie payment, and no government control over operation. Webster led the Federalists in support, and Representative Thomas Telfair (Rep., Ga.), Ingersoll, Ingham, and other advocates of the administration bank, urged its passage as a "last resort." Opposed were a handful of Federalists, stalwart Republicans, and anti-bank Republicans. The bill was passed 128 to 38. "Thus the House, having lacked only one vote of passing a measure utterly at variance with the present one, after having overwhelmingly defeated a similar Bill, now by a more overwhelming vote, adopted this measure." Again Representative Webster in private exposed Federalist strategy: "The bank bill has passed our House in a form very much amended; it will now be harmless, as we think. We had a hard task to prevent its passing in its worst shape."

Webster's victory pronouncement was premature. When the bill returned to the House from the Senate it had taken on characteristics of the administration proposal. Suspension of specie payment was reinstated, $5,000,000 more treasury notes were added, and the capital had been increased. In the House attempts to agree to the Senate changes were lost, and in the Senate efforts to insist on the amendments were strong. Spokesman for the administration bill, Senator William Wyatt Bibb (Rep., Ga.), contended that the government
would benefit greatly from the increased capital and the suspension of specie payment, "without which, the operations of the bank would be restricted." Loyal war supporters like Senators Roberts, Varnum, and Lacock threatened to scuttle the bill if the Senate receded. Compromise sentiment was equally as strong, and following appeals by Senators James Barbour (Rep., Va.) and King that the desperate times demanded concession, the Senate receded from every change. Webster's hopes rose: "The administration is completely failed in its bank scheme. It has been a hard battle, and the defeat is complete ... The present bank can probably do nothing; certainly very little during the war."57

The naive, obstructionistic, freshman Federalist had again spoken without much political foresight. Many Republicans, considering the formation of a bank, no matter what kind, as indispensable to the financing of the war, pressured for a presidential signature, but Secretary Dallas' disapproval was decisive; the bill was returned to the Senate with a crisp veto. "So all our labor is lost," wrote Representative Webster: "I hope this will satisfy our friends, that it is not a bank likely to favor the administration." What did Webster expect? That the proposed bank was not likely to favor the administration in financing the war was abundantly clear from President Madison's veto message. It was not calculated to "answer the purposes of reviving the public debt, of providing a national medium of circulation, and of aiding the Treasury by facilitating the indispensable anticipations of the
revenue and by affording to the public more desirable loans." It could not "be relied on during the war . . ." The Senate sustained the President. 58

What was to be done now? Not only bankruptcy but a possible collapse of the government and the war seemed imminent. The administration had made it clear that a bank was essential but only a particular kind of bank. A Republican caucus hurriedly met. After a half-hearted proffered compromise was rejected by the sulking Calhoun, Republicans were whipped into line, and Senator Barbour reintroduced the administration bill. In the upper body all amendments were defeated, and in the House motions of Representatives Solomon P. Sharp (Rep., Ky.), Gaston, and Forsyth to recommit the bill with instructions to report the Calhoun bank were lost. Passage of the administration bill now appeared certain, but the news of peace which reached Congress in the middle of February shattered all hopes. Those who did not immediately forget the whole question now felt that the necessity of a bank had been removed, and the bill was indefinitely postponed but only by one vote. 59

In the midst of the bank battle the financial situation had grown more alarming. By February 1815 almost $20,000,000 in demands on the Treasury went unanswered, barely $6,000,000 was on hand, and $40,000,000 was the estimated deficit by the end of the year. The Treasury Department in January demanded increased taxes and authorization to borrow $25,000,000 and to issue $15,000,000 more treasury notes. Since a loan of such magnitude was of "questionable
practicability," concluded Chairman Eppes, it should be reduced to $15,000,000 and the treasury notes increased to $25,000,000. Congress followed the Chairman's advice by permitting the amount of notes requested, but before the loan was approved the Treasury Department intervened. A loan of $15,000,000 would not be sufficient, Secretary Dallas lectured; to redeem treasury notes soon falling due a loan of at least $18,452,000 would absolutely be necessary. Congress had learned one thing in regard to finance during the war—that often the suggestions of the Treasury Department should be heeded. Without debate, opposition, or roll call, Congress meekly authorized a loan of $18,452,000.60
NOTES TO CHAPTER V

1 Tallmadge to McHenry, January 16, 1812, Bernard C. Steiner, The Life and Correspondence of James McHenry, Secretary of War under Washington and Adams (Cleveland, 1907), 573; Annals, 12 Cong., 2 Sess. (House), December 4, 1812, p. 241 ff.

2 Bigelow to wife, January 24, 1812, "Letters of Bigelow," 326; Raymond Walters Jr., Albert Gallatin, Jeffersonian Financier and Diplomat (New York, 1957), 205; Annals, 12 Cong., 1 Sess. (Senate), June 23, 1812, p. 1517.


4 Annals, 12 Cong., 1 Sess. (House), February 25, 1812, p. 1089, February 27, 1812, pp. 1109, 1379, (Senate), November 25, 1811, p. 23; Henry Adams, Life of Albert Gallatin (Philadelphia, 1880), 445-448.

5 ASP, Finance, II, 523; Annals, 12 Cong., 1 Sess. (House), January 20, 1812, pp. 846-848.


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9Annals, 12 Cong., 1 Sess. (House), February 27, 1812, pp. 1009-1110, 1112-1113, February 28, 1812, pp. 1113-1115, March 2, 1812, pp. 1118-1127; Joseph Howard Parks, Felix Grundy, Champion of Democracy, (University, Louisiana, 1940), 51.


14Annals, 12 Cong., 2 Sess. (House), February 22, 1812, pp. 1103-1105.

15Ibid., 12 Cong., 1 Sess. (House), March 12, 1812, pp. 1200-1201, November 11, 1811, p. 348, November 12, 1811, p. 351, November 18, 1811, p. 353, November 21, 1811, pp. 359-362.


18Gallatin to Madison, November 1, 1812, Adams, ed., Writings of Gallatin, 529; Parks, Grundy, 62-63; Annals, 12 Cong., 2 Sess. (House), November 25, 1812, p. 198.
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20 ASP, Finance, II, 920; Annals, 12 Cong., 1 Sess. (House), January 28, 1812, p.1001, February 17, 1812, p. 1056, February 27, 1812, p. 1092, (Senate), March 10, 1812, p. 167; Dewey, Financial History, 132-133.

21 Annals, 12 Cong., 1 Sess. (House), April 6, 1812, p. 1410, December 7, 1812, p. 288; Balinky, Gallatin, 189-190; John Austin Stevens, Albert Gallatin (Boston, 1911), 209; Dewey, Financial History, 133; Walters, Gallatin, 249; Adams, History, VI, 207-209, and Adams, Public Debts, 117-118 claim the loan was a complete failure. This does not seem to have been true. See Balinky, Gallatin, 189 ff.

22 Annals, 12 Cong., 1 Sess. (House), May 18, 1812, pp. 1431-1432, June 12, 1812, p. 1490, June 16, 1812, p. 1493, June 12, 1812, pp. 1495-1510, (Senate), June 19, 1812, p. 298, June 24, 1812, p. 304, June 25, 1812, pp. 304-305, June 26, 1812, p. 305.


24 Ibid., 12 Cong., 2 Sess. (House), January 25, 1813, pp. 884-892, January 25, 1813, p. 907, (Senate), February 3, 1813, p. 72, February 4, 1813, p. 73, February 5, 1813, p. 75.


Gallatin wanted the money obtained from the loan spent in those areas where collections had been the heaviest. See Gallatin to Madison, April 17, 1813, Adams, ed., _Writings of Gallatin_, I, 538.

27 _Annals_, 13 Cong., 1 Sess. (House), June 10, 1813, pp. 148-149; Roberts to Gallatin, December 17, 1847, Adams, _Gallatin_, 480; Ingersoll, _War of 1812_, I, 105, 218-219; Dewey, _Financial History_, 139.


29 Ibid., 13 Cong., 1 Sess. (House), June 29, 1913, p. 370, July 8, 1813, p. 406; Webster to E. Webster, July 4, 1813, Fletcher Webster, ed., _Private Correspondence of Daniel Webster_ (Boston, 1857) I, 236.


31 Ibid., 13 Cong., 1 Sess. (House), July 24, 1813, p. 477; (Senate), June 21, 1813, pp. 63-64, July 30, 1813, p. 78, Ingersoll, _War of 1812_, I, 108, II, 252.

32 Webster to E. Webster, February 5, 1814, Webster, ed., _Correspondence of Webster_, I, 240-241; _Annals_, 13 Cong., 2 Sess. (House), January 10, 1814, pp. 876-880, February 9, 1814, pp. 1269-1271, February 9, 1814, pp. 1269-1271, February 10, 1814, pp. 1285, 1328, February 16,

Ibid., 13 Cong., 2 Sess. (House), March 4, 1814, p. 648, March 7, 1814, p. 650, March 19, 1814, pp. 674-675, (House) February 18, 1814, p. 1523, February 21, 1814, p. 1609, February 28, 1814, p. 1699, March 3, 1814, p. 1798; Mariwether, ed., Papers of Calhoun, I, note 95, p. 239; Ingersoll, War of 1812, I, 61; Pickering was reported in the Salem Gazette of March 16, 1814 as saying that "as a member of the national legislature, I do not hold myself under any obligation to give my vote to redeem paper money, exchequer bills, or other loans to continue this unnecessary and iniquitous war." Ibid., II, 119.


Ibid., 13 Cong., 1 Sess. (House), June 29, 1813, pp. 351, 366-67, 13 Cong., 3 Sess. (House), November 5, 1814, p. 528, December 3, 1814, pp. 715-716, January 18, 1815, p. 1079; Webster to E. Webster, January 22, 1815, Webster, Correspondence of Webster, 251.


43. Webster to E. Webster, November 24, 1814, Webster, ed., *Correspondence of Webster,* I, 247; Walters, *Dallas,* 194.


50 Annals, 13 Cong., 3 Sess. (House), October 21, 1814, p. 435; Webster to E. Webster, October 30, 1814, Webster, ed., Correspondence of Webster, I, 245.


53 Ibid., 13 Cong., 3 Sess. (Senate), September 30, 1814, p. 20, October 13, 1814, p. 34, December 2, 1814, p. 119, December 5, 1814, p. 120, December 6, 1814, p. 122, December 7, 1814, p. 123, December 9, 1814, pp. 126-127; Ingersoll, War of 1812, II, 258.


56 Annals, 13 Cong., 3 Sess. (House), January 2, 1815, p. 1025, January 3, 1815, pp. 1030-1032, January 6, 1815, pp. 1039-1042, Ingersoll, War of 1812, II, 260; Catterall, Second Bank, 16; Webster to E. Webster, January 9, 1815, Webster, ed., Correspondence of Webster, I, 249.
57 Annals, 13 Cong., 3 Sess. (Senate), January 9, 1815, p. 164, January 13, 1815, pp. 165-166, January 14, 1815, pp. 167-168, January 16, 1815, pp. 173-175, January 19, 1815, pp. 174-175, January 20, 1815, pp. 176-177, (House), January 17, 1815, pp. 1080-1082; Catterall, Second Bank, 16; Ingersoll, War of 1812, II, 261; Webster to E. Webster, January 22, 1815, Webster, ed., Correspondence of Webster, I, 250.

58 Walters, Dallas, 198; Webster to E. Webster, January 30, 1815, Webster, ed., Correspondence of Webster, I, 251; Richardson, ed., Messages and Papers, I, 255-256; Annals, 13 Cong., 3 Sess. (House), February 3, 1815, p. 1120, (Senate), January 30, 1815, pp. 189-190, January 31, 1815, pp. 191-201, February 2, 1815, p. 214.


CHAPTER VI

MILITARY STRATEGY

The correct role of a responsible wartime Congress is a subject which even today enlists considerable debate, and, in large part, disagreement is possible because of the vagueness of the Constitution. It is clear that Congress declares war and raises and supports armies and that the President conducts the war, but, writes a contemporary, the "adjacent boundaries of the powers are blurred, and there have been frequent instances of ambiguity of jurisdiction, duplication of activities, and bitter contention between these two branches of government in regard to military policy and the waging of war." Most would agree, however, that while Congress cannot be excluded entirely from the area of military policy--for basic laws must be passed and funds must be provided--its role in determining military strategy is subordinate to that of the executive branch of the government. Congress has been reluctant to accept this inferior position, and, despite the growth of precedents and administrative patterns, its role is still ill-defined. It is small wonder, therefore, that during the War of 1812 Congress often failed to understand its proper role. Members participated actively in the fighting, military strategy was discussed openly and subjected to possible legislation, defenses
and defeats were investigated, military leadership was bitterly de-
nounced, and all became involved with extreme partisanship.¹

Congressmen at War

"The war will be a favorite one," predicted Representative Calhoun in March 1812, and "honor awaits those who may distinguish themselves." This prospect of military glory and perhaps its bearing on future po-
litical careers was not overlooked by certain congressmen as war became imminent. Representative Lowndes was eager to serve his country, but he withdrew his application for a regular army commission when informed that Federalists would attack the appointment as partisan inspired. He would have been willing, he told his wife, to resign his seat as did Representatives Robert LeRoy Livingston (Fed., N.Y.), David Williams, (Rep., S.C.), and Samuel Shaw (Rep., Vt.). If the laws of his state had permitted, he could have fought as a member of volunteer or mili-
tia group as did Representatives William Paulding (Rep., N.Y.), John M. Hyneman (Rep., Pa.), Joseph Desha (Rep., Ky.), and others. Or, perhaps Lowndes would have preferred to battle only when necessary as did Representative Joseph Kent (Rep., Md.), who, along with his slaves and apparently on his own initiative, pursued and captured several "weary stragglers" from the withdrawing British forces after the burn-
ing of Washington.²

The list of congressmen who served in a military capacity is long. Senator Thomas Worthington (Rep., O.), although opposed to war, exerted great influence in the Ohio militia and among the Indians during the
early months of the conflict. Senator Samuel Smith (Rep., Md.), major
general of the militia, commanded the defense of Baltimore in 1814 over
the objections of a regular army officer. Holding less exalted posi­
tions were Representatives Samuel McKee (Rep., Ky.) and Thomas Montgo­
mery (Rep., Ky.), both privates of the Kentucky militia. Some Federal­
ists even prepared for battle. Ex-Congressman Josiah Quincy, during
the early fall of 1814 when it appeared that the enemy would move to­
ward Boston, assisted in the formation of a troup of volunteer cavalry
called the Boston Hussars and composed chiefly of Federalists. The
members wore splendid uniforms "made after the pattern of one of the
French regiments of the Imperial Guard, their dislike of Bonaparte and
all his works not including his taste as to military costume." Called
out at the same time was the most bitter opponent of the war—Repre­
sentative Timothy Pickering, whose tour of duty was cut short by the
convening of Congress. As if to prove the seriousness of the military
situation in 1814, Congressman John Randolph, the same month, offered
his services to the "government." Although having no military experi­
ence, he was "given as assignment as vidette and took the field."3

One of the most prominent War Hawks who gained a military reputa­
tion was Representative Peter B. Porter. He left Congress for his
district on the Niagara frontier immediately after war was declared to
offer his neighbors the leadership of an "able and experienced officer"
who in a few days could "occupy all the British fortresses on the Niag­
ara River." As a major general of a New York volunteer group, Porter
saw action at Chippewa, Lundy's Lane, and Fort Erie, where he was
seriously wounded. He returned to the Fourteenth Congress a military hero. Although he did not seek re-election to the Thirteenth Congress, Porter neglected to resign his seat and from June 1812 to March 1813 he was technically a member of Congress. The same was true of Speaker Clay who during the campaign of 1812 combined the functions of a civil representative with those of a military adviser. In my "opinion," General Harrison wrote to Clay from Cincinnati, "yr. presence on the frontier of this State would be productive of great advantages. I can assure you that your advice and assistance on determining the course of operations for the army ... will be highly useful ..." It is of course impossible to determine to what extent Clay participated in deciding military movements, but it is certain that he attended meetings where such plans were discussed, that he urged the Secretary of War "for God's sake" to give Kentucky volunteers "something to do," and that he insisted upon the appointment of General Harrison, who was unequaled in "general confidence in the Western Country," to the regular army. Moreover, the Speaker traveled over the frontier arousing the inhabitants to their patriotic duties with such words as "Kentucky was fam'd for her bravery:--they had the double character of Americans and Kentuckians to support." Obviously, the government was well satisfied with his services, because it was rumored that the President seriously considered him as a commanding general in the field but that Gallatin dissuaded him with the words: "But what shall we do without Clay in Congress?"  

Other members were more expendable than Clay, and Representatives
John Dawson (Rep., Va.), veteran of sixteen legislative years, and Benjamin Pond (Rep., N.Y.) died "not of wounds" but of diseases contracted while serving as volunteers. John Simpson (Rep., Ky.), however, representative-elect who had not yet taken his seat, was killed at River Raisin, the only congressional casualty of the war. Luckier was Representative Richard M. Johnson (Rep., Ky.), who saw far more service than any other congressman. So anxious was Johnson to assume command in the field that he asked the House in November of 1812 to authorize an expedition of mounted volunteers against the Indians. He "pledged himself for the efficacy of such an expedition, if sanctioned and authorized by Congress ..." Strong objections were heard against the plan--General Harrison told the War Department that it was impractical from a military view while some congressmen certainly felt uneasy about granting a command to one of their own. Although there is no evidence of Congress passing the requested legislation, the Secretary of War in February 1813 authorized Johnson to "organize and hold in readiness, a regiment of mounted volunteers" and required the governor of Kentucky "to command the officers when selected, to serve four months after being called into actual service; and six months if required by the United States ..." It is uncertain under what authority the Secretary had acted, and a member of the troop later revealed that the "opposers of the administration made considerable opposition to the measure, which they represented as an irregular and unconstitutional exercise of authority." Even the governor himself did not
"know under what law that Regt. is said to be under . . ." There was also speculation over the legality of Johnson acting as commander. "Indeed," wrote the governor, "the State constitution forbids the appointment of a member of Congress to any office of Trust or Profit under its authority. The Federal constitution is equally cautious." But because of "existing circumstances" he would "take no notice of the Mounted Riflemen." Technically this was impossible since the governor, in command of 3,000 volunteers, accompanied Johnson to Canada.5

Despite these difficulties, Representative Johnson served gallantly, and Henry Adams feels that his "energy impressed on the army a new character from the moment he joined it." "He was repeatedly shot," wrote Representative Ingersoll years afterwards, "and desperately wounded; disabled for some time, from resuming his seat in Congress, and then upon crutches, which he was obliged to use for several years." Tradition has it that he was so seriously wounded at the battle of the Thames that he made the journey from Canada to Kentucky in a hammock of blankets stretched between two horses. He appeared in Congress in 1814 on his "crutches and much mutilated, but with spirit unbroken." The people of Lexington had toasted him, "Col. R. M. Johnson—what he advocated in the councils of his country, he supported on the field of battle."6

If some congressmen had had their way, more members would have followed Johnson to the "field of battle." In July 1813 Representative Philip Stuart (Fed., Md.), whose district bordered Washington,
rushed into the chamber and moved that the galleries be cleared of all persons and that the doors be closed. An enemy squadron, Stuart announced, was on its way up the Potomac and was within sixty miles of the city. He wanted to resolve immediately that arms be placed in the hands of all able bodied men and "also in the hands of such members of this House as may be willing to receive them, to act against the enemy in any manner not incompatible with their public duties." Apparently, there was no opposition against Congress arming itself, but there were objections to the preamble which declared that the District was "unprepared and defenceless" and in "imminent danger." It was a political "attack upon the administration," cried Representative Rhea, who moved unsuccessfully to table the proposal. The preamble was then stricken, and "the blow at the administration, if any was intended, thus parried," said Representative Ingersoll, "the subject came before the House on its merits." There is no record of what was said during the debate, but emotions must have run high. Many members certainly advocated an immediate recourse to arms, but one Federalist wrote in private: "I am not much for war and fighting. If this place should be attacked, I shall neither run nor fight. My pride will not permit me to run, and I detest this war too much to fight." The resolution was finally submitted to the Military Committee which reported the next day that the military preparation was "adequate to the emergency" and that no action was necessary "on the part of the House, to make it more complete." What might have happened had Congress organized itself into a fighting unit can be conjectured from a remark of
Speaker Clay during the preceding discussion: "If we do arm and take the field, I am sure we shall be beat, if there is not more order kept in the ranks than in this House."  

The Strategy of War

The above incident reveals not only the uncertainty which Congress felt throughout the war but also the difficulty which it faced in approaching matters of military strategy. As related above, there was considerable speculation as to the proper relationship between Congress and the conduct of the war even before war was declared. This problem emerged as early as December 1811 when the manner in which military operations might be carried on was openly debated. To many it seemed that Congress was usurping executive power, and one representative accused the House of attempting to take the President "into custody" while Representative Troup deplored the repeated declarations of prospective troop movements. "Contrary to the practice of all nations," he pointed out, "we declare first and make preparation afterward. More magnanimous than wise, we tell the enemy when we will strike, where we will strike, and how we will strike!" Others, however, felt that the "responsibility ought to stay with Congress."  

The President, it is clear, disagreed with the latter sentiments, and the government made no attempt to keep Congress as a body consistently informed on all details of the war. However, this no doubt was unnecessary since members probably had a fair knowledge of how the war was going. As has been shown, many congressmen participated in
the fighting, and it was always possible to obtain information from military personnel who frequented the capital as well as from individuals "back home." Moreover, along with executive recommendations for military legislation usually went a general outline of what would be attempted in the forthcoming campaign. Senator King, for example, once wrote that "our session will be consumed in giving authority to the Plan of the next campaign. What this plan will be, we are not informed: ... it is probable that the Plan is not yet fully prepared." And the chairman of the Military Committee in December 1812 gave the House a full explanation of how the military operations of 1813 were to be waged. Besides reviewing the disposition of the army, he estimated the size of the opposing force and enumerated the number of American troops necessary to open the campaign in "a style of vigor and force calculated to inspire confidence of success among ourselves, and awe in the enemy." Congress was of course aware that the first operations of the war would take place on the northern frontier and was even told of the administration's plans in regard to the Floridas.9

Such information was proffered in an attempt to promote a greater degree of confidence on the part of Congress in regard to military strategy. The great decisions on the conduct of the war, however, with some exceptions, were made within the executive branch at cabinet meetings with department heads and military leaders in attendance. Although Congress was not invited to send representatives to these conferences, Republican leaders of both houses no doubt participated unofficially. It is impossible to determine the influence of these
congressmen on the direction of military operations, but there is evidence to indicate that the advance into Canada from Detroit in 1812 was in answer to the demands of western representatives. The administration had hoped, revealed the President, "for simultaneous invasions of Canada at several points, particularly Malden & Montreal, bringing all upper Canada under control, with ulterior prospects toward Quebec." Particularly important was the seizure of Montreal which would have broken the enemy's communications with posts farther West and "cut off the sap that nourished Indian hostilities." These plans were "frustrated" both by the tardiness of Congress in enacting recommended army legislation and the lack of war enthusiasm in the East. In contrast, western congressmen had proclaimed in debate and insisted in private that "the whole Western country is ready to march"; "they only wait," cried Representative Grundy, "for our permission." The use of western troops in an attack on Montreal was considered but rejected after it was pointed out that such a move would sacrifice the "Western and N.W. Frontier" to the inundation of savages under the influence of the British establishment near Detroit." It was decided, therefore, "that the unanimity and ardor of Kentucky and Ohio, promised the requisite force" for an invasion of Canada at Detroit, which was "too distant from the other points to be assailed." Even after this plan had been put in operation, westerners continued to pressure the administration for more vigorous action. "Great disgust and mortification," wrote Speaker Clay to the Secretary of War, will ensure if the volunteers were not employed. "They have gone to great expense
in equipping themselves, and are panting for an opportunity of dis-
tinguishing themselves somewhere (and they care not where but would
prefer Canada) in the service of our Country."10

In explaining this western militancy, historians have advanced
interpretations suggesting as motives the desire for land and the
hope of eliminating the Indian threat, both of which emphasize the ex-
pulsion of the British from Canada. That there were strong demands for
territorial expansion and that the Indians were troublesome cannot be
disputed, but there is room to believe that a conquest of Canada was
undertaken also as a means of obtaining objectives of a punitive, psy-
chological, commercial, or diplomatic nature. In other words, an
attack on Canada as the most important strategic move of the war must
not be minimized.11

The opinion that only through Canada might Great Britain be in-
jured was of long-standing. As early as 1810 Representative Johnson
declared that "we have failed to use the physical force of the nation
to chastise the aggressions of other nations." As to the selection of
an enemy—whether England or France—Henry Clay had no hesitation.
"I am for war with Britain," he avowed, "because I believe her prior
in aggression, and her injuries and insults to us more atrocious in
character." To many minds, therefore, Great Britain was the antag-
onist against who the United States would have to fight a defensive
war. But owing to England's great distance and her naval superiority,
such a war could be conducted only offensively—by attacking Canada.
Senator Giles, while feeling that a "war purely defensive alone
justifiable, "thought "it perfectly correct to carry on such a war, when undertaken offensively; and it was perfectly justifiable to seize a territory . . ."12

This plan of military strategy Senator Giles advanced in the early days of the Twelfth Congress and similar explanations that if war came, "it would be defensive yet in its operation it would be offensive" were heard in the House. In answer to Representative Nelson's denunciation of an offensive war as unconstitutional and the invasion of Canada "as an act of foreign invasion," Representative Rhea retorted that "a Government not able to defend itself against all aggression ought to be changed; but the Government of the United States is not a Government of this description." Even Chairman Porter, in reporting the decision of the Foreign Relations Committee "that we ought to go to war," suggested that by conducting a war "on land . . . we should be able in a short time to remunerate ourselves tenfold for all the spoliations she [England] had committed on our commerce." Canada was a place where England "would feel our power still more sensibly." In the words of Representative William King (Rep., N.C.), the United States must "wound the enemy in the most vulnerable part."13

The military reverses of 1812 and early 1813 did not alter the ideas of those who viewed the attack on Canada as a strategy move. "The road to peace," said Chairman Williams of the House Military Committee in late December, "lies through Canada." There were other war advocates who agreed, for three months earlier General Harrison had reported to the Secretary of War that it "was suggested to me a
few days ago, by a member of Congress, that possession of Detroit by
the enemy would probably be the most effectual bar to the attainment
of peace; if this were the case, I would attempt to recover it . . .
at any time." Harrison neglected to name the congressman, but it was
probably Representative Johnson, who, it is known, visited the army in
October and delivered to the Secretary of War several letters from
Harrison a few weeks later. The determination of the speaker, however,
is far less important than the expression itself which clearly implied
that the administration was prepared to ask for peace upon the recap­
turing of territory already lost. This, coming from Johnson, one of
the most vocal War Hawks, or any other western congressman, seems
curious in light of the supposed annexation sentiment existing in
the area.14

But the anonymous congressman had guessed correctly, if he did
not already know, the views of the administration in regard to Canada.
In fact, there is evidence indicating that the President and a major­
ity of his Cabinet considered the attack on Canada as the only pos­
sible strategic move of the war. Even before hostilities began,
Secretary of State Monroe wrote that in case of war "it might be
necessary to invade Canada, not as an object of the war but as a
means to bring it to a satisfactory conclusion." All of the executive
recommendations, he maintained, "had relation to that measure."
Although allowing that the "object of the administration was not to
starve the cause," he informed the American charge d'affaires at
London that should "our troops enter Canada you will perceive the
effect which that measure cannot fail to have, by the commitment it might make of the United States to the inhabitants of the British Provinces, and the effect which success (which could not fail to attend it) might have on the public mind here, making it difficult to relinquish territory which had been conquered." In other words, Great Britain should make peace on American terms before a military victory turned public opinion toward the annexation of Canada. The recapture of Detroit would be a step in that direction.\(^{15}\)

What the administration had hoped for, in Monroe's words, was a "War for one Year, or even a few months, if not a shorter term . . . " The President himself implied as much when he said that the way to make the war both "short and successful, would be to convince the Enemy that he has to contend with the whole and not a part of the nation." Madison wanted "to step at once into Canada" and "strike an important blow before the Enemy, who was known to disbelieve the approach of such an event, could be reinforced." Haste was imperative, and when Congress failed to provide the forces thought necessary, the President fairly stormed. Madison "ascribed the loss of the first year of the land war" to congressional insistence upon an increase in the regular army and "to the difficulty, not to say the impossibility, of procuring, at a crisis of such scarcity, supplies for such an army, and of distributing them over such a surface in the worst season of the year." Congress had produced "fatal delays" when "promptitude of attack was the evident policy of the U.S." Everything points to the fact that the administration desired a short war which would see
decisive military victories on the northern borders or a conquest of Canada, but the annexation of the British territory was never seriously considered. If taken, however, Canada could be used to bludgeon from the enemy other concessions. This the Secretary of State revealed in June 1813 when he suggested to the peace commission that Great Britain would make "the restitution of Canada" a *sine qua non* of any treaty. Even though England may have "no equivalent restitution to make to the United States," Monroe stated flatly that "it is not intended to carry on the war . . . but it may justly be expected, that Great Britain will be the more liberal on other points to be adjusted."\(^\text{16}\)

Similar comments were heard in Congress throughout the war. Even Speaker Cheves in February 1813 cautioned the House not to "assume" that Canada would be retained, even if conquered, but to consider it a basis for resolving other differences with the enemy. Representative Thomas Wilson (Rep., Va.) considered the attack on Canada "an incidental but indispensable object— not a primary object, but an inevitable consequence . . ." As late as the last congressional session of the war, there were those who still regarded military operations against Canada as a means rather than an object of the war. "An overwhelming force," declared Representative Thomas K. Harris (Rep., Tenn.) in late 1814, "should be thrown into Canada at the opening of the next campaign, calculated to exact from the enemy an acknowledgment of our rights, and reparation for our wrongs."\(^\text{17}\)

Many congressmen of course were opposed to offensive operations against Canada on any score. Such denunciations were based on the
assumption that Canada would be annexed. But a reliance on these emotional speeches to prove that the conquest and retention of Canada was an avowed objective of the war—which has been the approach of some investigations—is to ignore the fact that objection was made to an attack on Canada as poor strategy. How, asked Representative Stow, six months before the war started, "will the capture of Canada protect commerce?" This interest in marching armies northward appeared to him to be "like a man who, for the purpose of securing a rice field, should go and fence his neighbor's corn field." Even Federalists, while usually reiterating Representative Gold's remark that the "professed object of the war" was the "conquest of Canada," heaped ridicule on the Republican attempt to injure Britain through Canada. Representative Bigelow, for example, was "happy" to hear Chairman Williams declare: "The road to peace lies through Canada." But he "did not believe this the best mode." Threatening the British colonies "would rather rouse her resentment." A "prudent, deliberate course on our part," Bigelow thought, "would be much more likely to convince her of our ability to manage the war, than rashly and inconsiderately undertaking more than it was in our power to effect ..." The war, claimed many other Federalists, should be fought on the seas.18

The attack on Canada constituted perhaps the most important strategy of the war. To many members of Congress, both Republican and Federalist alike, it meant nothing more, and once Representative Cyrus Ward (Fed., Mass.) hurled the accusation: "Sir, this
administration never intended to conquer Canada." Whether Ward with
justification could have included the Floridas in his statement is de-
battable. The President appeared to believe that West Florida had been
obtained in the Louisiana Purchase and that East Florida should pass
to the United States to compensate for Spanish spoliations against
American commerce during the undeclared naval war with France. Cer-
tainly the Georgia delegation in Congress—particularly Senator Craw-
ford and Representative Troup—was intent on annexing the area. It
is entirely unlikely, however, that the small group of congressmen
from the border states (only six Georgians and five Tennesseans,
including senators) could have influenced the administration to an
outright policy of acquiring the Spanish Floridas. While not attempt-
ing to evaluate the existing claims to the area, it seems plausible
that the military operations in the South were as much a part of war
strategy as those in the North. 19

It was generally believed that war with Britain meant war with
her ally Spain. As early as 1807 Congress declared the Floridas
"the most vulnerable part of the Union," and in debating war prep-
eration in 1811 Senator Giles intimated that the enemy would use
Spanish harbors as a base of operations against the nation. Many
congressmen, therefore, regarded the occupation of Florida as merely
an act of self-defense. This was also the opinion of the President,
who in 1811 requested that Congress declare that the United States
could not permit Spanish Florida to pass into the hands of a foreign
power and that the executive might "take temporary possession of any
part or parts of the said territory . . ." He also asked that Congress "determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the territory in question, and apprehended occupancy thereof by any other foreign Power." 20

Within a few days the presidential requests were granted. Resolutions were passed declaring that the United States could not "without serious inquietude, see any part of the said territory pass into the hands of any foreign Power" and authorizing Madison to utilize the army and navy in taking possession of all or part of the area "in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government . . ." However, any territory occupied would be subjected to future negotiation. Months before war began, therefore, Congress had sanctioned the occupation of Spanish territory as a defensive move against an unnamed foreign power which was of course Great Britain. 21

How, under this congressional authorization, East Florida was "revolutionized" and how the administration repudiated the action, only to reverse itself is a story already told. This fluctuating attitude seems odd. Why was the Florida episode approved after the President had called it a "tragi-comedy in the face of common sense," and his Secretary of State had declared it unauthorized "by the law of the United States." The answer is obvious. Only a few months after the repudiation, there was held the significant conference of May 13 which had decided on war. Since thereafter war was practically certain, the President and congressional leaders were keenly aware of
the strategic importance of retaining the Florida territory taken by
the southern filibuster. And on May 27 the Secretary of State in­
structed the Georgia governor "to consider the entrance, or attempt to
enter, especially under existing circumstances, of British troops of
any description, as the cause contemplated by law, and to use the
proper means to defeat it . . ." The "law," as shown above, made it
the "duty" of the President "to prevent the occupation of East Flori­
da, by any foreign Power."22

The law, however, did not authorize offensive operations. On
June 19, the day after war was declared, the House on motion of Repre­
sentative Troup considered a bill permitting the President to use the
military force of the nation in occupying and holding East and West
Florida. With few comments, the bill was passed and sent to the Senate,
where it met with little opposition until the final vote. Then, cer­
tain Republicans joined with the Federalist minority to defeat what
Henry Adams calls a bill "which all the President's friends in both
Houses supported as an Administration measure, and upon which the
President promised to act with decision . . ."23

The Senate action seriously hampered the administration plan for
defense through offensive movements into East Florida. There remained
no other alternative but to attempt to obtain the area by cession, to
resort to force only in case of a British invasion (this much the law
allowed), and to wait until Congress again convened. Accordingly, in
December 1812 the Senate adopted a resolution of Senator Anderson,
staunch administration supporter, calling for the appointment of a
committee to consider the expediency of authorizing the President "to occupy and hold the whole or any part of East Florida, including Amelia Island, and also those parts of west Florida which are now in the possession and under the jurisdiction of the United States." Although the Annals give no record of the debate, without doubt proponents emphasized the military value of such a move, for Senator Leib revealed his disbelief by moving that the President inform the Senate "of any intention on the part of the enemy to take East Florida."

The Senator's motion carried, and the President promptly submitted a report of the Secretary of State on the Florida situation. Secretary Monroe, while possessing no definite knowledge of British attack, declared that "the intention and the act will become known at the same time." Further, the administration believed that Spain eventually would become an appendage of France or Britain, which in either case would cause trouble on the southern border. Monroe, therefore, thought it imperative that Congress authorize the President to occupy all of Florida.24

Despite this warning of a possible British attack to the South, the bill met with fierce opposition. On February 2, the Senate adopted an amendment of Senator Smith (Md.) eliminating the section legalizing the occupation of Florida east of the Perdido River. The vote revealed that northern senators discounted administration fears, because, with the exception of four Republicans from Ohio, Vermont, Massachusetts, and New Hampshire, all voted no; similarly, the vote revealed that southern senators were more keenly aware of the existing
danger, for all, excepting two, voted yes. Thus was stricken the most significant part of the measure, since the area west of the Perdido had already been incorporated into the United States with only the Mobile area still under Spanish protection. As passed by Congress, therefore, the bill merely authorized the executive to take Mobile which was done in April 1813, but all other prospective military movements into the Floridas were stopped. The Secretary of War instructed General Jackson, who was to head the western march into Florida, to dismiss his force and General Pinckney, who was to command the eastern advance, to do the same. "The late private proceedings of Congress," wrote Secretary of War Armstrong, "have resulted in a decision not to invade East Florida at present."25

By May 1815 all American troops were withdrawn from East Florida despite the better judgment of the administration. But the law permitting an occupancy in case of an attempted invasion by a foreign power still would serve to warn Britain that such an act would be opposed. This the Secretary of State emphasized when he instructed the peace commissioners "to have the object of that law in your recollection in your negotiations." Moreover, the prospect of an American seizure might force concessions from Britain on other issues. It was the administration's "firm belief," wrote Monroe, "that if we were possessed of both [the Floridas], it would facilitate your negotiations in favor of impressment and every other object, especially if it was distinctly seen by the British ministers or minister that, instead of yielding them or any part of either, we would push our fortunes in that
direction, and in Canada, if they did not hasten to accommodate." That the military movements against the Floridas and Canada constituted an important phase of the strategy of the War of 1812 cannot be ignored.26

There was considerable congressional criticism of the administration's war strategy on both fronts, especially from the Federalists. In regard to the East Florida question, the minority, minimizing Representative Williams' pronouncement of December 1812 that "there danger already exists," voted unanimously for the Smith amendment, and, with the exception of Senator Bayard, against the bill authorizing the occupation of Mobile. As is obvious from the above discussion, this congressional interference in the Florida phase of military operations was effected by the Federalists only with the help of discontented Republican senators. On the issue of Canada, Federalists claimed with Representative Pearson that it was "an unprofitable contest, unworthy of our efforts, and will illly requite our toils." It was purely an act of "conquest and invasion," exclaimed Representative Milnor. The opposition, however, was unsuccessful in legislating in regard to the Canadian front and defeated overwhelmingly was Representative Gaston's resolution declaring it "inexpedient to prosecute the war against Canada" pending peace negotiations and Representative Sheffey's amendment to a regular army bill limiting the troops to be raised to a "defence of the United States." Although Republicans laughed at Representative Philip B. Key's (Fed., Md.) suggestion to repeal the declaration of war, they were painfully conscious of the minority's opinion of the war.
"It is, to be sure," Senator William H. Wells (Fed., Del.) declared for the Federalists, "no war of ours." 27

Defense

Other matters of military strategy drew congressional attention—none more than the establishment and maintenance of an adequate defense structure. The danger of enemy invasion from the sea was pointed out early in 1812 by Representative Nelson who called for additional men for the protection of the coasts. Representative Bassett agreed. His district, bordering the Chesapeake, he thought particularly vulnerable to attack because there was "within its bounds more water than land; and you cannot go five miles in but few directions without meeting navigable water ..." But he spoke for all members from coastal districts when he urged that immediate steps be taken for greater protection. Representative Bassett's regional counterpart was Representative Stow, who a few weeks later, asked: "What is the situation of our fortresses? What is the situation of our country generally? ... they are defenceless, particularly the fortifications in New York, which are unmanned and unarmed." 28

The problem of defending the country from coastal invasion, thus stated, did not become a live congressional issue until later in the war. In 1813 Senator King presented a memorial of the Common Council of New York City "praying that measures be adopted by the General Government for their greater security and protection," and Congress passed special defense legislation which Representative Fisk said
was meant to "protect our coasts from a war so distressing and vexatious." Half-way apologizing for the existing coastal defenses, Representative Troup granted in the debate on the measure "that our seaports might not be perfectly defended . . ." Certain events of the same and following year proved Troup's point. During the summer of 1813 the enemy captured and burned Havre de Grace, Frenchtown, and Frederick, Maryland, attacked Norfolk and Hampton, Virginia, threatened Georgia, and by 1814 the entire coast from the Florida border to Massachusetts was in alarm.  

This "awful condition of national affairs" consumed much of Congress' time during the early months of 1814. The debate on past and future defense measures began in February when Representative Goldsborough presented a remonstrance from the Maryland House of Delegates deploiring the "exposed and defenceless situation in which the state of Maryland has been hitherto left by the General Government, under the impending calamities of war." It was essential, read the memorial, for the government immediately "to provide the means and munitions of defence, and to furnish a real efficient regular force . . . so as to save its property and its citizens from the worst evils and savages of unrelenting hostility." Representative Wright, himself a Marylander, thought the appeal not "although decorous" and wanted the House to ascertain "whether it was couched in respectful terms." But Representative Gaston, who represented "a people situated pretty much as the inhabitants of the seaboard of Maryland," considered it merely as a statement of an "alarming
fact"—that "this war, unless checked by the timely interposition of Providence, or the prevalence of wiser councils, is likely to desolate your whole coast, and leave your frontier a wilderness—the one smoldering into ashes, the other smoking with blood." Indeed, the military disasters on the Canadian front were well-known to all members. "Was it not likely," asked Gaston, that the people of Maryland "should state this fact as a reason for demanding further protection? Was it to be said that the statement of this fact, which ought to be known and depended on, was disrespectful to the House?"

"It was not the animation of a fact, in itself true," that Representative Calhoun objected to; "it was the character given to that fact, conveying a censure, not on the Government commencing in this ferocious spirit, but on the Government which is acting on the defensive." This was his objection—"that it imputed the blame, not to the enemy, with whom it rested," but to the administration for the pillage along Chesapeake Bay. For over two hours these bitter accusations continued in what Representative Bigelow called the "most animated debate, which has taken place in the house the present session . . ."30

Although Congress refused even to print the Maryland memorial, the defense debate continued throughout the war. In large measure, it became a political issue, with Federalists denouncing inadequate protection but voting against all defense legislation. Their cry became: "the Government has not afforded competent protection."

The scenes on the northern frontier were "melancholy," moaned one
Federalist in 1814; "whilst your armies were recovering from their late disasters, and securing themselves on the borders of Canada," the New York frontier "was laid waste by a handful of the enemy's troops, and the innocent inhabitants delivered over to captivity or slaughter." An application for aid to defend North Carolina, declared Representative Pearson, had been "treated with neglect and contempt," leaving the coasts "unprepared and unprotected." The "enemy came," related the North Carolinian, "towns were taken," and many people of his state had "found in the swamps of Carolina untimely graves." Not only southern shores, continued Representative Grosvenor, but those of his state, New York, and throughout the North were in "an ill state of defence." It was "absurd," answered Representative Fisk (Vt.) to hear the same members charge the administration "with leaving the seaboard destitute of military force" and declare "that they had heretofore and would again discourage enlistments." They were the men who a year ago voted "against a large appropriation for fortifications." And who, asked Representative Grundy, "complain most of the defenceless state of the country? The very men who refuse to grant men and money for its defence. They say they need protection, and criminate the Government for the want of it; and at the same time use all their exertions to withhold from the Administration the means of protecting them."31

Since these Republican allegations were partially correct, Congress was never able to effect a bipartisan approach to problems of defense. Within a few months, however, Congress as a whole had come
to feel considerable concern for its own safety. Only days before it
met in the last session of the war, Washington had been captured, the
capitol burned, and there was every reason to expect a second British
attack. To many members the only possible alternative was for the
government to retreat from Washington. The leading advocate of this
strategy was Representative Fisk (N.Y.), who on September 26 offered
a resolution appointing a special committee to inquire into removing
the government to a place of "greater safety and less inconvenience
than the City of Washington." Overwhelmingly, the House agreed to
consider the resolution and debate started. The removal had been
suggested, began Representative Fisk, because he felt that the govern-
ment must "go" to a "commercial city, a financial city," where money
for continuing the war could be obtained. It was nothing more than a
safety precaution, added Representative Stockton. "The dispersion or
capture of the members of Congress, now assembled," he insisted,
"would gratify the pride and resentment of the English nation more
than any other operation their army on the coast could perform."
But the District was no more "vulnerable" than Lancaster, Baltimore,
or Philadelphia, answered Representative Lewis, who declared: "Let
fortifications be immediately constructed and defended by a suffic-
ient number of men inured to the duties of camp and we will have
nothing to fear hereafter." A removal, cautioned Representative Rhea,
would be regarded as a "want of firmness" while Representative Pearson questioned Mr. Fisk's knowledge of military strategy:

The gentleman from New York (Mr. Fisk) objects to the disposition of the force contemplated by the Secretary of War. He says, if they are stationed on the middle ground between this District and Baltimore, they can only be brought to action in the rear of the enemy. I know not in what school that gentleman acquired his military science—whether he practices on the lessons of the great Frederick, the Prince of Conde, and other heroes of former days, or whether he relies on modern improvements in the art of war introduced by the Emperor of Elba, or even our late Secretary of War, John Armstrong. I know not, but I have always understood, that if the enemy could by outflanked or attacked in the rear, victory was half complete.32

If the "Seat of Government was once set on wheels," Representative Wright advised, "there was no saying where it would stop." This was the fear of many southern members like Representative Bartlett Yancey (Rep., N.C.) who in private accused the "Representatives from New York and Pennsylvania" of "seizing upon this impropitious time, to remove the seat of government to one of the other of those states." "The pretended object is temporary removal," he wrote, "but the intention is a permanent one."33

Despite this varied opposition, Fisk's resolution appointing the committee of inquiry was easily passed with over thirty votes to spare. When the committee reported, however, it was with the recommendation that removal was inexpedient. But Fisk, refusing to accept the verdict of the committee of which he was chairman, moved to strike out inexpedient and insert expedient. The roll call resulted in a tie which was resolved by the Speaker's
affirmative vote. It was his conviction, explained Speaker Cheves that "this District could not be defended except at an immense expense, and an expense perhaps half of that which would be necessary to carry on the war." 34

To many minds it now seemed that Washington would at least temporarily cease to be the capital of the United States. "It is very doubtful," wrote Representative Bigelow how the "great question" would be finally decided, but "from present appearances, it will be decided in favor of removal." So it seemed, for motions postponing, delaying, even rejecting the bill were defeated, Philadelphia was selected as the new capital, but on passage to the third reading, opponents of removal were victorious. By only nine votes, the House decided not to remove the Government "to a place of greater security and less inconvenience ..." 35

Investigations

As observed in Chapter II, one of the characteristics of America's first war Congress was the proliferation of investigating committees. There is no better example of this emphasis on investigation that the various attempts to probe the military defeats of the war. Actually, only three such investigations were conducted, all with administration approval, and four Federalist initiated committees of inquiry were defeated. Yet all were significant.

With an increased membership in the Thirteenth Congress,
Federalists felt strong enough to try for an investigation into the conduct of the war. "An inquiry into the failure on the frontier is talked of," revealed Representative Webster in July 1813, but "there will not be any time this session." Perhaps Webster meant that no Federalists would again make the attempt, for he neglected to mention that his party had been defeated in a similar move three months before. This first proposal to delve into the conduct of the war was made by Representative Grosvenor in the form of an amendment to a motion of Representative Peter Goodwyn (Rep., Va.) referring that part of the President's message relating to the "spirit and manner in which the war was waged by the enemy" to a select committee. After reciting the British outrages at River Raisin and around the Chesapeake Bay, Goodwyn told the House that there "ought to be an inquiry." Thus the way was opened for Grosvenor's amendment, which sought to include the United States in the investigation. In other words, said Representative Ingersoll, "the spirit and manner in which we had carried on the war, should be authenticated, as well as that of the English." So put, there was little chance of the amendment passing, and few members spoke except Representative Wright who considered the suggestion as casting "libel, on our land and naval officers, who had distinguished themselves . . ." 36

Grosvenor's amendment was defeated, but Goodwyn's resolution setting up a committee to inquire into the enemy's conduct of the war passed. The committee, headed by Representative Macon, sat
throughout the session, collected information from various sources, and reported its findings in a "volume of 200 pages" under nine headings ranging from the destruction of private property to the violation of truce flags. England's military operations had been "hateful," and the committee introduced a motion which was adopted directing the President to collect and present to the House during the remainder of the war "evidence of every departure by the enemy from the ordinary modes of conducting war among civilized nations."37

Some congressmen sincerely believed that it was the duty of Congress to determine administrative defects and mistakes in the operation of the war. One was Representative William C. Bradley (Rep., Vt.) who told the House in July 1813 that he had a resolution which was "vitally interesting to his native State" and to the entire country. He had supported the war, he said, but he was mortified by the "disaster and disgrace" of the army. The cause of these misfortunes, he continued, "was not to be found in the want of strength or resources in the country, or of valor in the soldiers." Likewise, the administration, executive, or commander-in-chief was not at fault. "The cause of the evil might be somewhere else; he did not pretend to say where; indeed, he did not know." But he felt the reasons "ought to be ferreted out and exposed to the eyes of the nation." He was therefore compelled to ask that a committee with power to send for "papers and persons" be appointed to inquire into the failures of the northern and northwestern frontiers. In this manner, perhaps Congress could find some remedy for the evil.
There were of course immediate refutations of "repeated failures."
Representative Jackson wanted to substitute the names of "other
officers for those to be recalled to attend the committee," and
the lack of time remaining in the session necessary to undertake
such an extensive inquisition was pointed out. For the latter reason
primarily but also probably because the administration had not been
informed, Bradley's resolution was easily tabled.

By the time Congress met again in late 1813, Detroit had been
recovered but this success was followed by the retreat from Montreal,
which served only to intensify congressional criticism of the admin­
istration of the war. Once again Representative Bradley submitted
a resolution calling for an investigating committee. The opposition
to the first one, he assumed, was that it invaded the President's
domain and that it indicated a lack of confidence in his management
of the war. The present resolution, Bradley explained, was therefore
"founded in a sense of justice to the Executive, and not inconsistent
with that confidence justly due it." It read: "That the President
of the United States be requested to cause to be laid before the
House any information in his possession, not improper to communicate,
which may tend to illustrate the causes of the failure of the arms
of the U.S. on the Northern frontiers." Debate was surprisingly
brief. The question was again raised whether "our army had failed."
Representative Wright thought that it had not. Another member
deplored an inquiry into the conduct of the war while it was in
progress; absolute secrecy, he insisted, was necessary and an
inquisition would aid the enemy. The most detailed opposition came from the Chairman of the Military Committee. "An investigation," claimed Chairman Troup, "could not properly be made by a tribunal which had not the power to apply the remedy." "For the purpose of reaching any particular military commander, who is supposed to have forfeited the confidence of the people, the remedy is not yours," continued Troup, "it belongs to the Executive." As Bradley had revealed, this was his intent and the resolution was approved with only thirteen dissenting votes.

Four Federalists were in the minority on the previous question, obviously because they felt that the responsibility for the investigation should be placed on Congress and not the President. Or perhaps they assumed that the administration would conceal information. In any case, with one inquiry underway, Federalists were hard-pressed to make political hay out of a second. But Representative Grosvenor rose to the occasion. In January 1814 he placed before the House a resolution which he said had grown out of the "present Situation of the Army on the Northwestern frontier and on the frontier generally." It was well known, Grosvenor went on, that "on the Niagara there had been an attack by the British which was successful and a fort destroyed." The reason for this defeat he attributed to the "want of competent officers." He was not prepared to say if the commander was present or not, but it was a fact that many officers had left the main body of troops, leaving only a few to guard the fort. To determine why furloughs had been given at such a
crucial hour, Grosvenor demanded an inquiry into the "acts, rules and regulations by which furloughs and leaves of absence from the army are obtained by officers and whether they should be revised." He wanted a bill passed preventing excessive furloughs. Once again Troup lead in opposition, denouncing the resolution "as traveling out of the province of the Legislature into that of the Executive."

If the members of this House [continued Troup] undertook to make themselves judges of the manner in which the war ought to be conducted, there would be about as many opinions as there were in the House; and at last, after all of their opinions, the war must be conducted by the Executive in such a manner as he might deem most consistent with the public interest.40

Although the House refused to investigate furloughs, Federalists would not down. A few weeks later, Representative Hopkins called the attention of the House to the recent evacuation of Fort George by American troops. Before the retreat the Canadian village of Newark had been burned, but the New Yorker claimed "not in the act of attack, not as villages suffer that are destroyed in the contending operations of opposing armies. It was burnt in cold blood, when there was no opposing force to defend it." And what was the result, asked Hopkins: The "enemy had retaliated on our frontier the distress and injuries they had suffered by our invasion of their country." Not only had Fort Niagara been lost but "Lewistown, Schlosser, and Buffalo, were burnt." The countryside "fell a sacrifice in consequence of the operations of our Government." Terrified by the fears and horrors of savage warfare, the people had
abandoned their habitations, and for thirty or forty miles, and more, from the scene of action, the roads were swarmed with the flying sufferers." It was only proper, concluded Hopkins, that a committee be appointed to inquire into providing "indemnity or relief of those who have suffered losses by the enemy on the Niagara frontier." While Representative Calhoun observed that the resolution was based on a "novel principle, on which the House ought to have time to reflect," Chairman Troup explained that the Secretary of War had ordered the destruction of Newark "in one event only; when it should be absolutely necessary to the safety of Fort George." "Now," continued Troup, "no attack had been made on Fort George; and the burning of Newark was of course not consequent on any order of the Government, but the disobedience or misconduct of the commanding officer." The officer in question was Brigadier General McClure of the New York militia, against whom probably no disciplinary action was taken. Similarly, Congress refused to inquire into the enemy's retaliatory excursion onto American soil.41

The successful British attack on the fort protecting Oswego harbor prompted another attempt to create an investigation committee. Claiming that the "recent occurrences on the Northern frontier" offered ample justification, Representative Miller on April 18, 1814 asked that a committee be appointed to inquire into the causes of the repeated defeats on the northern and northwestern frontiers. The committee should not only be empowered to send for persons and papers, declared Miller, but to sit during the recess. On the same day,
the second session of the Thirteenth Congress expired, after having refused again to sanction a probe of the conduct of the war. 42

When Congress reconvened in September 1814 members of both parties demanded an investigation of the capture and burning of Washington. Reluctantly no doubt, Federalists permitted the administration to instigate the proceedings, and the honor of introducing the resolution was given to the outstanding military hero of Congress, Richard M. Johnson. On September 23, the Kentucky Colonel and representative, "covered with wounds and resting on crutches," moved the appointment of an investigating committee to determine what measures had been adopted for the defense of the capital city as well as "the collection and disposition of this force by the commanding officers or the various descriptions of it." On Representative Gaston's insistence, however, the inquiry was generalized into all "causes of the successes of the enemy in his late enterprises" against Washington and Alexandria. 43

Without opposition, the resolution was adopted and the committee was appointed with Johnson as chairman. Everyone involved "in the affair," wrote Representative Ingersoll, appeared before the committee except the President himself. But even Madison showed concern, for he told the Secretary of the Treasury that the committee's call for information will certainly "embrace you." Only a faithful testimony, he impressed on Campbell, would refute the Secretary of War's charges that "I committed to him the direction of the operations on the field of battle, which I could not
even legally do . . ." and that "at a critical moment I interposed and prevented it."^44

While the President was anxious to clear his name, congressmen were anxious to hear the report of the committee. The delay, explained the chairman, was because certain letters had not yet been received from Armstrong and Winder. But did Johnson expect those persons to furnish proofs of their own imbecility or misconduct?^ asked Representative William Smith (Fed., N.Y.). No matter what the findings of the committee might indicate, added Representative Shipherd, the executive was to blame.

I will show you, sir, in a few words [Shipherd elaborated] that your Chief Magistrate in particular is responsible for this shameful transaction. He, his Secretary of War, and of the Navy, were on the field of battle, or rather of flight. Was it then by their orders or the order of either of them, that the metropolis was cowardly given up to be sacked by an enemy not one-third of the number of our troops? And whether this base desertion was caused by either the one or the other of the three, or the Commanding General, in either case your President, sir, is responsible to the nation for the loss and disgrace attached to the transaction. How? It was by his order, then he is answerable directly . . . A severe sentence was pronounced against General Hull for cowardice, and his surely was a menial transaction compared with the flight from Bladensburg.\(^{45}\)

Finally on November 29 the committee reported. Although having collected all available military facts, Chairman Johnson said that the committee had decided to express no opinion but to let members themselves judge "what ought to have been done." Even Republicans confessed that the report was "discreet"; but Representative Webster, a member of the committee, thought that rather than
"clearing up the causes of the failure of our arms at this place ... it was calculated (though not intended) to cover up in a mass of prolixity and detail what he considered a most disgraceful transaction." The report, Webster insisted, "served in no degree to lead the public sentiment in respect to this disaster, and it was therefore that he proposed to question its correctness." Other members were equally dissatisfied, but without dissent the report was postponed indefinitely.  

Military Leadership

Congress showed great interest in the military leaders of the war, for these men were primarily responsible for military operations. In this area, the Senate had a special concern since its consent was required for appointments and promotions. The House also played an important role, for it seems that at least in the months prior to the war state delegations recommended the names of the officers to be appointed to the War Department. This, Governor Tompkins wrote to Representative Bleecker, was his understanding—that "no recommendation will be noticed except it shall come through the Member of Congress for the District within which the Candidate may reside." That this was the procedure followed was revealed by Speaker Clay who said that he had submitted Mr. Carneal's "name to the delegation at our meeting when we made out the recommendation for our quota" and by Representative Grundy who told General Jackson that from "all the applications made, a selection has been
made in the manner practised on such occasions, and the following will no doubt be the appointments."

The number of applicants must have been tremendous. Representative Porter was asked by the governor of his state to "kindly advise the secretary of war to drop me a line suggesting that recommendations for appointments in an army not yet created, are rather premature and oppressive to that Department." He could assure the secretary that "he may set apart one whole square of pigeon holes for my recommendations of officers for the army--that is to be." But Representative Randolph viewed the hundreds of prospective officers differently. No sooner had it been decided to augment the regular army, Randolph declared, "than the vultures were flocking round their prey, the carcass of a great Military Establishment . . . seeking agencies and commissions; willing to doze in gross stupidity over the public fire; to light the public candle at both ends." He could not understand why "good Republicans" would want to join the army.

But many did. In fact partisan selection of fighting personnel was quite evident. General Harrison urged an army appointment for "a warm advocate of the present administration, the brother-in-law of Mr. H. Clay, and nearly connected with Gov. Scott." The Speaker asked that naval commission be given to the son of the late governor of Virginia who had been killed in the recent fire at Richmond and to a resident of Woodford County, Kentucky "of very respectable family and connexions." Yet Federalists were not excluded entirely, and more would have been awarded military posts except for their reluctance
to serve and the hostility which such nominations aroused in the Republican Senate.49

The President seemed to realize that the presence of Federalists in the armed services would aid the war effort. He asked General William North, who had been an aid of von Steuben during the Revolution, to serve as Adjutant General. Congressman Gold, however, urged a close friend of North to advise him against accepting the post, and North declined. The North Carolina congressional delegation tendered a regular army commission to William Polk, staunch Federalist from that state, who also refused, as did William Davie, who it was rumored was offered "the command of the army." Later on, Davie was spoken of as Secretary of War, and finally in 1813 he accepted a major generalship.50

Other Federalists who received appointments or promotions in the army were Benjamin Walker, Samuel A. Barker, Aquila Giles, Solomon van Rensselaer, and Robert Le Roy Livingston, all from New York state. Some Republicans voiced strenuous objection to these men, and the state executive penned bitter letters to Senator Smith and Representative Porter hoping that they would "appreciate my motives in suggesting that in my opinion the Republicans of this State will not relish the Appointments of such men as the before mentioned to the most important Military Stations." To Representative Paulding, Governor Tompkins vowed that he would "avoid assuming even the appearance of responsibility" in future "appointments to be made."51

Although it is uncertain how long the governor sulked, his
disapproval did not prevent the administration from proffering military commands to other members of the minority party. Two of the most prominent Federalists who were intrusted with high military posts—despite certain Republican criticism—were Brigadier General Winder and General Thomas Pinckney. The latter had the advantage of having as a son-in-law one of the leading War Hawks, Representative Lowndes, who reported that "we are afraid that he may not accept." There was also Senate opposition which consisted, Lowndes told his wife, "of one or two men only, and even as good a Federalist as you are will, I think, allow that this circumstance (as four-fifths of the Senate are Republican) is honorable to the party." Lowndes' premonition that he would not serve was correct, for Pinckney followed the proddings of southern Federalists by declining the nomination, only to change his mind momentarily. Even the report that he had joined the majority party did not silence Republican critics, and Representative Macon wrote: "I never was more at a loss to account for any proceeding than the nomination of Pinckney to be major-general."52

The motive behind the selection of Pinckney to command the southern department was political as was the appointment of Winder in 1814 to head a new military district created on the Potomac to aid in the defense of Washington. "Mr. Madison and Mr. Monroe," said Representative Ingersoll, "deemed it politic to conciliate opposition" by granting "that responsible and arduous post command" to Winder, a cousin of Levin Winder, Federalist governor of Maryland, who had been unrelentless in his criticism of defense preparations. Since the general had
just received a great ovation in Baltimore upon his arrival from the
Niagara front, his popularity in the area was no doubt thought to be
assured. Secretary of War Armstrong and his congressional followers,
however, had another candidate, Brigadier General Moses Porter, who
was urged because of his Republican affiliation and because of his
supposed greater military knowledge. But Winder got the job, which
alienated the Secretary of War and which in turn led to serious com-
lications surrounding the defense of Washington.53

Many other military appointments were contentious, but owing to
the briefness of the Executive Preceedings of the Senate, it is dif-
ficult to determine the reasons. The President, wrote Representative
Taggart, "is met on the threshold in the Senate with his first nomin-
ation for a Major General in the new army, who is no less a personage
than Gen. Dearborn more or less." In fact, the Senate twice refused
to confirm Dearborn, as Taggart added, "until he shall relinquish the
collectorship in Boston." Secretary of the Treasury Gallatin once
confided to the President "that Mr. Eustis has a rooted aversion for
my friend Chrystie." All the members of the New York delegation,
Gallatin revealed, "with the exception of Mitchell, have recommended
him for lieutenant-colonel. Mr. Eustis places him on the list only
as a major," because, claimed Gallatin, Chrystie was a "close friend"
of General Wilkinson. Often individual senators would persuade their
colleagues to help reject an objectionable nominee. The name of Wil-
liam Wilkins, which the Pennsylvania delegation had chosen for a
lieutenant colonelcy of the infantry, Speaker Clay told the Secretary
of War, was "laid over or committed in the Senate at the insistence of Mr. Lieb . . ." An "effort is to be made to prevail upon you to withdraw it," Clay warned. "Should such an experiment be made I take it for granted that it will be repelled, and that the Executive will not expose itself to the censure of indecision which such conduct be thought to indicate." Madison insisted upon the nomination, but the Senate, following the counseling of Lieb, refused overwhelmingly to concur. Representative Ingersoll faced the same difficulty in obtaining a commission for an "old soldier" friend. The President sent the nomination, but Ingersoll reported that one of the Pennsylvania senators, "who knew the fierceness of his temper, and feared the harshness of his discipline, made objection to conferring a brigadier on him, and the President was prevailed upon to withdraw the nomination, for fear of its rejection, then too common in that discontented conclave." 54

Ingersoll was perhaps too harsh with the Senate. After all, it was difficult for the Senate as well as the House to develop standards on which to judge who would make a competent military leader. And there was much truth in Jefferson's observation that the "Creator has not thought proper to mark those on the forehead who are stuff to make good generals." This, however, did not prevent Congress from questioning at every opportunity the quality of America's war leaders. Months before hostilities began, Representative Randolph denounced General Wilkinson as "an acquitted felon," General Dearborn was spoken openly as "Granny Dearborn," and Senator German declared in debate that he
had "heard acknowledged by almost every member of the Senate" that Secretary of War Eustis was "deficient in skill, unable to systematize, and wanting energy to execute the necessary business." "He must be dismissed by the President," Senator George M. Bibb (Rep., Ky.) wrote privately, "or an inquiry of some kind touching the conduct of his department, will be introduced." As to how better officers might be obtained, members offered no suggestion except one representative who wanted to see the commander in chief named by legislation, though granting "it would be adopting a new mode."55

The early defeats of the war heightened these criticisms, and when Congress met in November 1812 demands were general for a dismissal of the Secretaries of War and Navy. "Our executive officers are most incompetent men," wrote Representative Calhoun, "and will let the best of causes I fear perish in their hands. We are literally born down under the effects of errors and mismanagement." Speaker Clay called Secretary Eustis "unfit by nature" while Representative Taggart considered Secretary Hamilton a man "who rarely spends a day without being in a state approaching intoxication ..." Senator Crawford also felt that a

Secretary of War who, instead of forming general and comprehensive arrangements for the organization of his troops for the successful prosecution of the campaign, consumes his time in reading advertisements of petty retailing merchants to find where he may purchase one hundred shoes or two hundred hats; and a Secretary of the Navy who, in instructing his naval officers, should make the supply of the heads of departments with pineapples and other tropical fruits through the exertions of these officers,--cannot fail to bring disgrace upon themselves, their immediate employers, and the nation.
Even the President did not escape this invective. Calhoun believed that the "Executive will have to make a disgraceful peace." "It is vain to conceal the fact," declared Speaker Clay, "Mr. Madison is unfit for the storms of war." Even in the reorganization of a new cabinet "he is hesitating, so tardy, as far behind the national sentiment . . . that he will lose whatever credit he might otherwise acquire by the introduction of suitable characters in their places." Congress, Representative Ingersoll claimed, took matters into its own hands, and while a "self-created deputation" of "New England Democrats" asked Eustis "manfully to resign," friends of Hamilton did the same. Both complied. The departments, said Representative Tallmadge, are "now without official heads as they are said, by some, to have been without brains." But to find successors "qualified, popular, and willing to accept," the Secretary of the Treasury pointed out, "is extremely difficult."

At the time of the above congressional discontent, it was rumored that Secretary of State Monroe would be named lieutenant general and given full command of the direction of the war. The rumor, neither confirmed nor denied at the time, was distorted in Congress to become a political-military scheme of unbelievable proportions. Representative Quincy said that the object of this plan was "to secure the succession, and keep it in the destined line" of the "Monticellian dynasty." And the "crucial question" was who would command the army. A lieutenant generalcy would be created and the commission offered to the same "individual who is notoriously the selected candidate for the next Presidency." That man was the Secretary of State and
acting Secretary of War, James Monroe. The "result of the whole matter is," said Quincy "that they are about to raise an Army of fifty-five thousand men, invest one of their own body with this most solemn command, and he who is the destined candidate for the President's chair! What a grasp of power is this! What is there in history equal to it!"

A President, predicted Quincy, "with an army of thirty thousand veterans at his heels, will not be likely to be troubled with rivals, or to concern himself about votes. A President, elected under such auspices, may be nominally a President for years; but really, if he pleases, a President for life." 57

"Let him who is filthy be filthy still," answered Representative Rhea. Although other administration supporters denied the Federalists' accusations, there was some truth in what Quincy had said. As early as August 1812 Monroe expressed to the President, Speaker Clay, and General Dearborn his desire for "employment" in the "military line."

Madison granted the request, the Secretary of War placed his name in the "list of Major Generals, at their head," and, in Monroe's words, he was "on the point of setting out when it was thought best to decline it." What altered these plans was the arrival of letters informing the government of the "appointment conferr'd on General Harrison, by the govt. of Kentucky, and his apparent popularity in the western country." 58

Again in December 1813 Monroe "offered to repair instantly to the Northern army," he informed Jefferson, but the President persuaded him to become Secretary of War "pro tempore, leaving the ultimate decision
on the other question open to further consideration." Monroe's brief service as Secretary of War served only to intensify the antagonism of Congress, Federalists making "a scandal of the subject" and certain northern Republicans demanding one of their own in the post. A man who might provide the "proper mixture of conciliating confidence and interposing control," thought Madison, was John Armstrong of New York, whose name was sent to the Senate in January 1813. The confirmation, reported Representative Tallmadge, "rubbed hard in the Senate, & it finally passed 18 to 15."59

The presence in the cabinet of politically-minded Armstrong angered Monroe, whose bitterness was interpreted by some congressmen as proof of the desire to capture Canada and the presidency himself. Immediately apparent, in Randolph's words, was a "deadly feud" between the two. Repercussions were felt in Congress where each had his partisan followers. Although Congress was not in session to protest when it became known that the new Secretary was personally going to direct military operations on the Canadian front, the Secretary of State spoke for those who certainly would have objected. In conversation and correspondence, Monroe told the president that the plan was unconstitutional, bad politics, and poor policy. If the Secretary of War left the seat of government to perform the duties of a general, Monroe claimed that the powers of executive, secretary of war, and lieutenant general would be "united in one person." If the proposal could be attacked on constitutional grounds, it would damage the administration politically. The Secretary of War would be acting as
"war secretary and general" without "order or sanction" from the President. In regard to policy, Monroe asked what will become of the other armies, "who will direct the general movements, supervise their supplies, etc." Gallatin also had qualms about Armstrong uniting "the character of general to that of secretary." Yet, he advised the President, "from my knowledge of both, I think that the success of the campaign may be secured by General Armstrong's presence for a few days at the army." Madison agreed with Gallatin, and from September to November 1813 Armstrong took personal command of military operations on the Niagara frontier.

If the Niagara campaign of 1813 had turned out differently, there would have been no congressional criticism of Armstrong's appearance at Sackett's Harbor. When Congress reconvened, however, Representative John Dawson (Rep., Va.) reported that a group of members planned to move a resolution requesting that the President explain under what authority the Secretary of War had "commanded the Northern Army," who had discharged the duties of the office during his absence, and for other information pertaining to Armstrong's duties. The rumor reached the Secretary of State who insisted that such an attack on Armstrong would be an attack on the President; he asked Dawson to prevail on the members "to decline the measure." Later Monroe told Madison: "I presume he did so." 

Monroe had shielded the President from an unpleasant fray with Congress, but his distrust of Armstrong had grown. "Monroe and Armstrong cannot go on long together," observed Representative Webster.
in early 1814. He had "no doubt Armstrong will fall." Shortly afterwards, the Secretary of State demanded that the President "dismiss him at once" before he ruined "not you and the administration only, but the whole Republican party and cause." At this point, Monroe's congressional followers moved. In January Representative William H. Murfree (Rep., N.C.) introduced a resolution directing the Committee on Military Affairs to inquire into the expediency of empowering the President to appoint "one Lieutenant General." The last campaign, said Murfree, was "disappointing," and it was a fact that the Secretary of War was absent from Washington for some months "giving effect to the operations of the campaign." He had assumed the role of commander in chief, claimed Murfree, when it was impossible for him "to perform both duties." He made no mention of Monroe. There was no chance that the resolution would be adopted, but the proposal revived the debate on the competency of America's military leaders. "The whole of these men," Representative Shipherd said in regard to an army bill in February, "are to be placed at the control, to obey the nod of a single leader. Who that leader will be is not known." Shipherd was confident that "he will not be a Washington, a Greene, or a Hamilton. They are no more."

The conducting of the military operations has, as yet, [he claimed] been chiefly placed in the hands of men who have given you pitiful security of future glory. What can we expect, sir, but ultimate ruin, when the Government shall select to high command men who have not scrupled to sow sedition among an army led by Washington, or barter away the independence of the country for Spanish silver.

Shipherd had referred to Armstrong and Wilkinson, respectively, and
implied that Monroe could do no better. Although Monroe never realized his ambition of an army appointment, he again was appointed Secretary of War in September 1814, after the quarrel with Armstrong over the defense of Washington had resulted in the latter's resignation. Monroe did not resign his post of Secretary of State, and Congress said nothing to show its disapproval.\textsuperscript{62}
NOTES TO CHAPTER VI


3Alfred Byron Sears, Thomas Worthington, Father of Ohio Statehood (Columbus, 1958), 179 ff.; Robert E. McAfee, History of the Late War in the Western Country (Bowling Green, 1919), 123-124; Freeman Cleaves, Old Tippecanoe; William Henry Harrison and His Times (New York, 1939), 120-121; Ingersoll, War of 1812, II, 130; Edmund Quincy, Life of Josiah Quincy of Massachusetts (Boston, 1896), 346; Hervey Putnam Prentiss, Timothy Pickering as the Leader of New England Federalism, 1800-1815 (Reprinted from the Essex Institute Collections of January and April, 1933, and April, 1934), 108-109; William Cabell Bruce, John Randolph of Roanoke, 1773-1833 (New York, 1922), I, 413.


Annals, 12 Cong., 1 Sess. (House), December 12, 1811, p. 491, January 2, 1812, p. 612, January 8, 1812, p. 708.

King to Morris, December 19, 1813, Charles R. King, ed., The Life and Correspondence of Rufus King (New York, 1894-1900), V, 356; Annals, 12 Cong., 2 Sess. (House), December 29, 1812, pp. 460 ff.


Quoted in Pratt, Expansionists, 39-41.

Annals, 12 Cong., 1 Sess. (Senate), December 17, 1811, p. 38, (House), December 6, 1811, pp. 415-416, December 13, 1811, pp. 499, 519, January 4, 1812, p. 638.

Tbid., 12 Cong., 2 Sess. (House), December 29, 1812, p. 462; Moses Dawson, A Historical Narrative of the Civil and Military Services of Major-General William H. Harrison (Cincinatti, 1824), 314.


23 *Annals*, 12 Cong., 1 Sess. (House), June 19, 1812, p. 1683; June 25, 1812, pp. 1684-1685; (Senate), June 26, 1812, pp. 323-324; July 1, 1812, p. 324; July 2, 1812, p. 326; July 3, 1812, p. 326; Adams, *History*, VI, 243.

24 *Annals*, 12 Cong., 2 Sess. (Senate), December 10, 1812, p. 124; December 15, 1812, p. 124; December 16, 1812, p. 124; January 14, 1813, p. 126.

One author calls the laws passed by Congress in regard to the Floridas "military measures... short of actual war." He cites the laws as an example of authorizing the President to undertake "military measures for the protection of the so called 'inchoate' interests of the United States—measures that involve a considerable interference with the rights of other nations and are fraught with serious possibilities." See Berdahl, War Powers of the Executive, 43, 54.


28 Ibid., 12 Cong., 1 Sess. (House), January 14, 1812, p. 777, January 20, 1812, pp. 862-863, April 1, 1812, p. 1588.

29 Ibid., 13 Cong., 1 Sess. (Senate), June 16, 1813, p. 27, July 30, 1813, p. 38, (House), June 16, 1813, pp. 166-167, July 20, 1813, pp. 394-385; Adams, History, VII, 277-278.


32 Ibid., 13 Cong., 3 Sess. (House), September 26, 1814, pp. 311-314, October 5, 1814, pp. 345-371.

33 Ibid., 13 Cong., 3 Sess. (House), September 26, 1814, p. 313; Yancey to Ruffin, October 4, 1814, J. G. de Rouihac Hamilton, ed., The Papers of Thomas Ruffin, (Raleigh, 1918), I, 147.

34 Annals, 13 Cong., 3 Sess. (House), October 3, 1814, pp. 341-342, 376.

The other headings were: bad treatment of American prisoners, detention of American prisoners as British subjects, detention of American seamen in England after war was declared, compulsory service of American seamen on British ships of war, ransom of American prisoners from Indians in British service, massacre and burning of American prisoners surrendered by the British to the Indians, and the outrages at Hampton, Virginia. *Ibid.*, I, 206-207, 208; *Annals*, 13 Cong., 1 Sess. (House), May 26, 1813, p. 110, July 31, 1813, pp. 489-492.


The President directed the Secretary of War to make the inquiry, and in February 1814 the findings were communicated to the House. The report, said the *National Intelligencer*, consisted "simply of an immense mass of correspondence" of the Secretary of War, with Dearborn, Wilkinson, Hampton, Lewis, Harrison, and between them. *Ibid.*, 13 Cong., 2 Sess. (House), December 31, 1813, pp. 819-822, February 2, 1814, p. 1202; Smith, *Military Power*, 184-185; *National Intelligencer*, February 3, 1814.


47 Tompkins to Bleecker, April 6, 1812, Hastings, ed., Papers of Tompkins, II, 531; Clay to Thomas Bradley, May 12, 1812, Hopkins and Hargreaves, eds., Rising Statesman, I, 653; Grundy to Jackson, February 12, 1812, John Spencer Bassett, ed., Correspondence of Andrew Jackson (Washington, 1926), II, 215.

48 Tompkins to Poerter, December 14, 1811, Tompkins to Eustis, December 14, 1811, Hastings, ed., Papers of Tompkins, II, 375-376, 376-377; Annals, 12 Cong., 1 Sess. (House), December 10, 1811, pp. 499, 454.


Jefferson to Bailey, February 6, 1813, Bernard Mayo, ed., Jefferson Himself, The Personal Narrative of a Many-Sided American (Boston, 1942), 307; S. G. Goodrich, Recollections of a Lifetime... (New York, 1865), 408; Bibb to Crittenden, April 16, 1812, Mrs. Chapman Coleman, The Life of John J. Crittenden... (Philadelphia, 1870), I, 15; Annals, 12 Cong., 1 Sess. (House), December 10, 1811, p. 442, January 8, 1812, p. 714, (Senate), June 13, 1812, p. 281.


Hay to Monroe, September 22, 1812, quoted in Adams, History, VI, 421; Kate Mason Rowland, The Life of Charles Carroll of Carrollton, 1737-1832 (New York, 1889), 292; Annals, 12 Cong., 2 Sess. (House), January 5, 1813, pp. 561-569.


Monroe to Jefferson, June 7, 1813, Ibid., V, 260-268; Adams, History, VI, 424; Madison to Eustis, December 4, 1812, Hunt, ed., Writings of Madison, VIII, 232-233; Tallmadge to McHenry, January 16, 1813, Steiner, Life of McHenry, 595.

Randolph to Quincy, August 30, 1813, Quincy, Life of Quincy, 355; Monroe to Madison, February 25, 1813, Hamilton, ed., Writings of Monroe, V, 244-250; Gallatin to Madison, April 22, 1813, Adams, ed., Writings of Gallatin, I, 538-539; Ingersoll, War of 1812, I, 295; Adams, History, VII, 179 ff.

CHAPTER VII

CONGRESS AND FOREIGN RELATIONS

Background

The vote in Congress on whether the United States would go to war in 1812 was cast largely on the basis of party affiliation, and the partisan debate, which for years had characterized the problems of foreign policy, was only intensified once fighting began. Specifically, this involved the traditional ties of the Federalists with Great Britain and the alleged favoritism of the Republicans to France. These prewar alignments were not forgotten and were clearly visible throughout the war.

Whatever may have been the motives of those groups and individuals eager for war in 1812— and without doubt they were multitudinous and complex— its actual declaration turned on the question of neutral rights. For years the young republic, caught between powerful Britain and ambitious France, had suffered from the evils of a "cold war" or as John Adams put it, "commercial hostilities." The efforts of three administrations to negotiate an understanding with these two European nations either by a softening or an elimination of certain grievances had failed until President Madison in 1810 wrung from Napoleon the pronouncement that his obnoxious decrees had been repealed. The revocation, accepted by Republicans in Congress, was used as a bludgeon by the administration to wrestle from Britain a
relinquishment of impressment, an agreement concerning legal blockades, and a repeal of the orders in council. While the first two issues were potently important, it was the latter question on which peace or war seemed to depend. The British government had conditioned a repeal of the orders upon a revocation of the French decrees, but when the United States could not provide the conclusive proof demanded, London hedged. Indeed no such evidence was immediately available, and, as the impasse continued from month to month, American-British relations became increasingly troubled. The Republicans, intent on obtaining a recognition of neutral rights from England through a repeal of the orders, reinstituted nonimportation against her. By May 1812, when once again England refused to concede, a declaration of war became inevitable. The President's message the following month justified war under five headings: impressment, violation of American coasts, inciting the Indians to violence, blockades, and orders in council.\footnote{1}

The Question of French Influence

Once war was declared, members of both parties showed unrelenting vigor in hurling at the other charges of foreign influence. Representative Grundy discovered "treason" in the Federalist "camp"; Representative Widgery accused members of the party of "hiding under British influence"; even Speaker Clay denounced the opposition as enemy dominated. Representative Archer, however, exonerated the Federalists "from all British influence and attachment", and generally the administration as well tended to minimize such accusations,
refraining from magnifying British influence into a paramount issue in any wartime election, although the issue must have been appealing to some Republicans.²

Not so with the Federalists. The party could not fail to conclude that the administration had fallen victim to the schemes of Napoleon, for an Anglo-American conflict would help divert the attentions of the "world's last hope," England, from the European ambitions of Napoleon. Within hours of America's declaration of war, the French Emperor moved into Russia. In relating the one event to the other, Federalists could thereby charge that the Republicans had joined in a corrupt and secret alliance with despotic France at a time when America should have been aiding England in the preservation of freedom and constitutionalism in Europe. The Republicans, said Representative Hanson, had stabbed "England to the heart." The events "sicken the mind" cried Representative Gold: "America and France both making war at the same time on Great Britain; we making the enemy of France our enemy, and this at the ill-fated moment when the all-grasping Emperor of that country, is rolling in a baneful cloud, charged with destruction, north upon the Russian Empire; upon a Power always just to America; upon our truest and best friend in the European theatre." The eventual outcome, predicted another Federalist, would "produce one or two events—Division or Alliance with France—which is but another name for French rule over us..." It would mean a destruction of "civil liberty in this hitherto Free and happy land." To Federalists it appeared that England, the last stronghold of con-
stitutional government in Europe, was indirectly fighting America's battles. 3

Although the Federalists' contentions were partially and to Republicans painfully true, there existed no formal alliance between America and France. Yet in 1827, President Madison admitted:

It was a fair calculation that when war became inevitable, or rather after it had commenced, that Napoleon, whether successful or not against Russia, would find full employment for her and her associates, G. Britain included . . . . The moment chosen for the war would, therefore, have been well chosen, if chosen with a reference to the French expedition against Russia; and although not so chosen, the coincidence between the war and expedition promised at the time to be as favorable as it was fortuitous.

The President, therefore, felt that the success of the war against England depended on Napoleon's venture into Russia. "Had the French Emperor not been broken down, as he was, to a degree at variance with all mobility, and which no human sagacity could anticipate," Madison continued to write, "can it be doubted that Great Britain would have been constrained by her own situation and the demands of her allies, to listen to our reasonable terms of reconciliation?" Representative Calhoun agreed. "What effect" the retreat of the French army from Russia "may have on our relation" is difficult to say, he wrote in 1813. If the "war continued another summer in Russia," he thought that England would be "wholly engaged in that quarter." Only a few days after war was declared, however, Secretary Monroe advised Jonathan Russell in France, and Congress was so informed, that "the United States are under no engagement to the French government." 4

Federalist congressmen expressed nothing but disbelief in the
latter sentiments. They took their stand with Representative Bleecker who declared "confidently and boldly that Napoleon has inveigled us into the war" and Representative Bigelow who wrote that "this war was undertaken to aid France in her system of destroying G. Britain."

And throughout the war the minority made a concerted effort to ferret out any supposed or real French influence in the councils of government. "Jacobinism belonged not exclusively to France," claimed Representative Shipherd: "It has made its appearance in all free countries; and, even in this, your Dantons and Robespierres may be found." There were "vile principles" in the Republican party, the same "which have been wasting the nations of Europe, since the French Revolution, and which have too long trampled over the virtues and piety and consequently the happiness of the American people." The leaders of that party were motivated by the same ideas as those of the French Revolution and now expressed by the despotic Emperor. Just as Napoleon was intent on territorial expansion and world domination, so was the party of Jefferson. Had not Louisiana been taken and was not British Canada to be the next step?¹⁵

Recommendations for wartime legislation initiated by such a government were of course French inspired, and Representative Rhea once berated Federalists for dragging Napoleon into congressional debates to defeat essential bills. A suggestion for classifying the militia, which Jefferson had endorsed and which had been contemplated for many years, was now denounced by Representative Quincy as a "French system" used originally by a European tyrant. Without the
classifying principle, Quincy claimed that Bonaparte would not have found the French “population such convenient tools.” It was un-American, and, if such a revamping of the militia were effected, it would give rise to a dictatorship and a loss of personal liberty. Such an orientation of the militia, Quincy insisted, “might be good for Frenchmen; and good for foreign conquest; and good for corruption; but it is bad for self-defence, and bad for Americans.”

Even officeholders were held in suspect by the Federalists. In 1813 the rumor was persistent that many military and civil officials of the national government were French and consequently that administration foreign policy was being directed by a foreign power. If this could be proven, Federalists would have incendiary fuel to add to their charges of French influence and could call for a purge of all officials. Obtaining such information was not an easy task. The most direct method was a resolution requesting the executive to lay before Congress a list of all those holding office under the government. The Federalists, however, did not initiate the demand for such information and permitted that dissident Republican, Randolph, to present the resolution to the House. Randolph claimed that his purpose was only to determine the extent of Republican patronage, but, as bitterly anti-French as he was, he could not have been immune to the rumors of Frenchmen occupying important administrative positions. Debate on Randolph's motion was calm. Not one Federalist participated, for it was immediately evident that Republicans were not in agreement on how to approach the resolution. Some like
Representative Little saw no harm in the request. Others, perhaps uncertain of what position the administration desired them to assume and fearful of the consequences, urged delay, and Representative Blackledge's postponement motion was passed.

Postponement was certainly a mistake, for Federalists deduced that the Republicans were attempting to conceal the presence of Frenchmen in the government. And when Randolph's resolution was again considered, Representative Blackledge moved an amendment to read—"and that where the officer shall not have been born in this country, to state the fact, and the time at which he emigrated to this country." Its purpose, he said, was to procure necessary information and to dispel the "ridiculous stamp" that the army was headed by Frenchmen. Inclusion of the amendment might eliminate the Federalist charge of French influence, if unfounded, but Representative Wright could not accept it; in fact, the resolution as proposed was extremely inopportune. With the nation at war, would it not be dangerous to publish to the entire world the names of those involved in the secret services? The question found a hearing, and his amendment limiting the names requested to only those "of a public nature" was accepted. Then Federalists joined with all but thirty-nine Republicans in passing the resolution. A few weeks later the executive forwarded the requested information, which caused no consternation among members, not even Federalists, obviously because there was no evidence of the hoped-for French influence.

The search for a secret French treaty, however, continued.
Taking advantage of an executive recommendation asking that cruisers of friendly powers—which of course meant French vessels—be extended the use of American ports if reciprocated, Representative Hanson declared that the House should be told of the exact relations of the United States and France before any "alliance with that country could be thus cemented." He then moved the creation of a committee to investigate a letter from the late French minister, Turreau, to former Secretary of State Robert Smith, written in June 1809 and purporting to set forth terms under which France would discuss a treaty of amity and commerce, urging complaints against the United States, and "requiring certain political sacrifices to be made as indispensable prerequisites to the formation of such a treaty." Implying that since 1809 a secret alliance had existed with France, Hanson told members that their constituents "should not be hoodwinked and blinded to the real state of our affairs . . ." If the motion were rejected, Hanson claimed that it would be "tantamount to a positive proof" of all that he had alleged.  

What had Hanson alleged and "for what purpose?" This was the question in Representative Calhoun's mind; even if the letter were proven "correct and true," it showed only French impertinence, and how the executive reacted depended upon circumstances at that time. The fact that the letter was written, added Representative Roberts, "had nothing to do with our present relations with France." After refusing to organize the investigating committee, the House approved a simple request that the President forward the letter if existent,
which Hanson opposed as a "mere subterfuge." If the House earnestly
desired all the information surrounding the relations of the govern-
ment with France, Hanson cried, then what was needed was an investi-
gating committee with authority to call for persons and papers. He
knew what was contained in the letter anyway, for he had a copy in his
possession. Not only that, but as Congress was fully aware, the letter
had appeared in Baltimore and Washington papers in August. Its pub-
lication had worried the President, who remembered a letter which had
been so "highly exceptionable in several passages" that Secretary
Smith compelled Turreau to withdraw it, but whether the latter had
accepted it, he could not recall. He asked John Graham, chief clerk
in the State Department, to determine if the letter had been taken
back by Turreau. If so, Madison felt "that the fact should be no-
ticed in the newspaper." There appeared shortly Graham's denial that
there had been such a letter unless it was once which Turreau had been
forced to withdraw because of certain objectionable sentences. And
this, in substance, was the pith of the executive response to the
request for information concerning the letter. But how the letter
was removed from the offices of government and reached the public
prints was not known. This Representative Roberts desired to ascer-
tain by referring the matter to the Foreign Relations Committee to
investigate "when, by whom, and in what manner" the letter was ob-
tained and passed into the possession of Hanson. The House, however,
weary of the debate over the obviously unimportant letter, preferred
to drop the matter. Even the Federalists desired to pass on to more
dangerous ground and more damaging exposes. 10

The Causation of War

Of great importance to Congress became the sequence of events
surrounding the declaration of war. These facts were not known in
June of 1812, but as the war continued Congress made it its business
to uncover all facets of the matter and piece them together into a
logical whole. The Federalists, in particular, were intent upon
gleaning from the administration all related information, and, as the
facts were released to Congress, it became easier for the anti-war
members, by manipulating these facts, to arrive at the not so logical
conclusion that a conspiracy existed between the administration and
France.

In order to understand Congress' deep interest in this phase of
foreign relations during the war, it is necessary to relate certain
events occurring in England, France, and the United States all within
a few months. War, in large part, was conditioned on a repeal of the
British orders in council. A revocation had been promised by London
after evidence had been presented that the French Berlin and Milan de-
crees no longer existed. The administration stoutly and consistently
maintained that the French decrees had been repealed, and, in an at-
ttempt to obtain unconditional evidence of this, Joel Barlow was sent
to Paris. In May 1812 the French minister of foreign affairs gave
Barlow a copy of a decree, dated April 28, 1811, declaring the Berlin
and Milan decrees at an end. They had been nonexistent as far as the United States was concerned, Barlow learned, for over a year. To add to the astonishment of the American minister, the French official claimed that while the decree had not been made public, it had been given at that time to Barlow's predecessor, Jonathan Russell, and to the French minister in America with instructions to inform the Secretary of State. The date of the decree as well as the minister's assertion that the administration had been so informed was obviously fictitious, but, hoping now that England would repeal the orders in council, Barlow forwarded the decree to the American charge d'affaires in London. News of the decree reached the British government on May 20, the United States declared war on June 18, and five days later the orders were revoked.\(^{11}\)

Thus the sequence of events which Congress came to view as having a direct bearing on the declaration of war: Congress was told of the repeal of the British orders in council but not of the French decree of April 1811. In fact, it was not until November 1812 that Congress read in the President's annual message a vague allusion to the "promulgation of a French decree purporting to be a definite repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections." Congress was as surprised by the revelation as Barlow had been. What French decree, asked perplexed members of both parties. Following Senate approval in January 1813 of a resolution submitted by Senator Outerbridge
Horsey (Fed., Del.) calling for a copy of the decree as well as any "correspondence or information touching the relation of the United States with France in the Office of Department of State not sent before," the House in March sanctioned a similar motion presented by Representative Goldsborough. Both requests received widespread non-partisan support, the Senate proposal passing without a recorded vote, the House measure with only four dissenting Republicans. The President's reply consisted of a copy of the decree, Barlow's letter of May 1812 transmitting the decree, and a brief message from the Secretary of State. In the French minister's own words, Secretary Monroe stated that Barlow's predecessor, Russell, as well as the French minister in America had been informed of the decree at the time, but he failed to give the dates when the decree first reached the administration.12

To many members the report seemed vague, and to the opposition, unconvincing. Why was there no mention of dates? Had Madison concealed important information from Congress? How long had the administration known of the existence of the decree? Was it purposely withheld until after war was declared? If a copy had reached England soon enough, would not the orders in council have been repealed, and, therefore, would not the principal cause for war have been eliminated? In the absence of such information, Federalists found new evidence of collusion between the administration and France. Political debate on this surprising issue, however, had to be delayed, because on the same day the report was sent, Congress adjourned.
At the opening of the Thirteen Congress, the Federalists were prepared to undertake a thorough investigation of the subject. Young Representative Webster had made the issue his own, and in early June he wrote a friend that he would soon introduce a resolution concerning the repeal of the French decrees which would result in much embarrassment in court circles. If the Republicans, he said "choose to oppose it--& to bring on a general battle, we are ready." The following day Webster brought forth a series of resolutions requesting the President to inform the House "when, by whom, and in what manner, the first intelligence was given to this government" of the French decree, whether Russell had ever admitted or denied the correctness of the French foreign minister's statements, if the French minister at Washington told the government of the existence of the decree, and "in case the fact be that the first information" of the decree was the French Minister's declaration to Barlow, "whether an explanation of the concealment of the decree had even been required of the French government." Their purpose, Webster told the House, was only inquiry, but he believed that the "subjects to which these resolutions referred, were intimately connected with the cause of the present war." The repeal of the orders in council was the "main point on which the war turned, and it had been demanded for the reason that the French decrees had ceased to exist." But not until the declaration of war did a decree revoking the decrees appear. He trusted that his resolutions would "shed light on the transaction" and thus perform a "duty to his constituents and to the country."
With only twenty-eight Republicans in opposition, the House agreed to consider the resolutions, and debate began. Chairman Calhoun of the Foreign Relations Committee took the lead in defense of the administration by attempting to channel discussion toward the "unprecedented" character of the motions. He did not oppose them, but he objected to the "novelty" of their form because they went further than asking for mere information by specifying "when, and by whom." Fellow Republicans, however, refused to be held to such an uninteresting facet of the topic. So incensed were they over the damaging implications contained in the resolutions, that many felt a general justification of the administration necessary. Representative Rhea, for example, cried that it was "immaterial when and how it [the decree] was communicated; unless, by the inquiry something can be discovered in which the Government or Executive has not done its duty." He wanted postponement. Realizing that such a delay would merely add weight to the Federalists' already strong accusations, Calhoun persuaded Rhea to withdraw his motion, only to hear Representative McKee move to strike out the resolutions and to call generally for information. Webster's phrasing was not "respectful" and was distinctly "injurious to the Executive."¹⁴

So far not one Federalist had spoken except Webster in what Representative Ingersoll called a "decorous" speech. But after the emotional outburst of the Republicans, it was clear that the majority was completely disorganized, and the Federalists struck with telling impact. The administration knew of the decree in 1811, stormed
Representative Sheffey, and had it been used correctly, "the Orders in Council, the great cause of the war, would have been done away . . . ."

Would "any man say that we should have been plunged into the disastrous and ruinous war" if the British government had been informed of the decree in 1811? Why had the President waited until November 1812 to inform Congress of the decree unless to force war against Great Britain? 15

With the hidden implications of the resolutions now exposed, a more detailed defense of administration foreign policy was required. The task devolved upon Representative Grundy, the second ranking member of the Foreign Relations Committee. He ridiculed the Federalist contention that a repeal of the orders would have necessarily followed evidence of the revocation of the French decrees, and to prove this he quoted from British documents demanding not only a repeal of the decrees against the United States but against all neutral trade. It was obvious, reasoned Grundy, that Britain had attempted to make the United States an instrument with which to open European ports. Why members should now express pro-British opinions which they themselves had never held was baffling. The reason for the revoking of the British orders was not the repeal of the French decrees but the fact that English manufactures were suffering. Napoleon had indeed injured the United States, Grundy admitted, but the President had not connived with the French Emperor. There was no basis for the charge of French influence. 16

Grundy concluded by pledging his vote in favor of Webster's
resolutions, thus depriving the Federalists of the argument that the administration desired to suppress information. This was the position taken by most of the majority, and the resolutions were passed with but twenty-five to thirty Republicans voting no. The executive's reply, containing a detailed and voluminous report from the Secretary of State, went far in refuting Federalist accusations. Dispelling all speculation that the administration had known of the French decree since 1811, Monroe stated that the first news of its existence was in a letter from Barlow, dated May 12, 1812 and received by the State Department July 13, 1812, three weeks after war was declared. Told of the decree in an informal conversation with the French minister, Barlow immediately forwarded a copy to Russell in London, which Russell denied having seen before. Therefore, it was obvious that no communication of the decree of the 28th of April, 1811, was ever made to this Government by the Minister of France, or other person than is above stated, and that no explanation of the cause of its not having been communicated to this Government, and published, at the time of its date, was ever made to this Government, or, so far as it is informed, to the representatives or agents of the United States in Europe.

The French minister in Washington had been asked to explain this "extraordinary and exceptionable" development. He answered that he first heard of the repealing decree in a letter from the French foreign office received after the declaration of war. The communication had expressed surprise that the letter of May 1811 with news of the decree had not been received. 17

Russell had presented the British government with the French
decree on May 23. No encouragement, however, was given "at that time to hope that the Orders in Council would be repealed in consequence of that decree; and that, although it was afterwards made the ground of their repeal, the repeal was, nevertheless, to be ascribed to other causes." Repeal of the orders came on June 23, a month after the British government learned of the French decree, "a delay indicating in itself, at a period so momentous and critical, not merely neglect, but disregard of the French decree." In the attempt to silence once and for all Federalists' charges of a secret French alliance, Monroe stated that the "war with England was declared without any concert or communication with the French Government; it has produced no connexion between the United States and France, or any understanding as to its prosecution, continuance, or termination." 18

Republicans interpreted the strong words as a full vindication of the administration and a solving of the riddle of the sequence of events leading to war. The Foreign Relations Committee sanctioned the report, and Chairman Calhoun, after boasting that it furnished "strong additional proof of the justice and necessity of the war," moved that the conduct of the executive "meets with the approbation of this House." In no mood to approve what was considered an executive blunder, so many Federalists arose in opposition that Calhoun was forced to withdraw the motion. Not all had been said concerning the report, however, for in January 1814 Representative Webster renewed his charges of a French alliance by claiming that the House had not yet acted upon the report of the Foreign Relations
Committee on the President's message. It was essential, Webster felt, to inquire "if there were nothing wrong or defective in the original commencement" of this war. "May it not have been ill-judged and ill-timed in the beginning, as well as ill-conducted since?" Discussion was set for a few days later, and although no record of it appears in the *Annals*, Federalist denunciations of a French conspiracy continued to the coming of peace.  

Practice and Personnel

Foreign affairs during the War of 1812 proved to be a segment of national policy in which Congress experienced considerable disquietude. Matters of foreign relations were often less familiar to the average congressman than domestic subjects, they were usually difficult to define and at times even to debate, and they were not always subject to legislation. From the questions of foreign policy frequently arose issues on which the battle of the separation of power between the President and the legislature was waged. Today executive leadership in foreign matters is well accepted. During periods of war, the President enjoys even greater powers emanating from his role as Commander-in-Chief. In the War of 1812 Congress assumed that Madison desired to play such a role, and, to a certain degree, he did so. For example, he refused to discuss a diplomatic appointment with a congressional committee, he rejected a treaty of armistice without consulting the Senate, and he determined the basis of the war's continuation once an important original cause was
eliminated. These exertions of executive leadership naturally brought forth strong objections. Yet Congress was perhaps fortunate in that Madison had respect for the prerogatives of the legislature. Years before he had denounced President Washington's neutrality proclamation of 1793 as an usurpation of congressional authority, and throughout the war he held to the doctrine that foreign relations were not entirely an executive function. Fully aware that the direction of an effective foreign policy depended on the confidence of the legislature, Madison attempted co-operation. Congress, for the most part, was kept informed by numerous presidential messages, it was told the unpleasant facts of the difficulties faced by the peace mission, and members of both parties were invited to participate actively in the making of peace. Foreign relations, however, as every phase of the War of 1812, fell victim to extreme partisanship, not only to the struggle between the two parties but to Republican factionalism.

Illustrative of much of what has been said above were the issues and ramifications surrounding certain diplomatic appointments. A few days after the Thirteenth Congress assembled, President Madison sent to the Senate four nominations, three to comprise a peace commission made possible by Russia's offer of mediation and one for the position of Minister to Sweden. The nominations caused great concern in Congress. In fact, they immediately became more controversial than the administration anticipated, and the ensuing debate not only heightened political tensions considerably but also raised issues which were never really resolved.
On May 29 the President nominated James A Bayard, John Quincy Adams, and Albert Gallatin as Envoys Extraordinary and Ministers Plenipotentiary to negotiate peace with Great Britain and Jonathan Russell as Minister to Sweden. There was little objection to Adams, Senator Bayard's conduct, wrote Representative Pickering, "was not, on all occasions, just what I wished, yet in the main it was correct, according to our views; and he certainly possesses eminent talents." Republicans generally accepted Bayard's nomination because it helped silence Federalists charges that the war was partisan-inspired, and many considered him one of the least obnoxious of the minority party. The two were confirmed without serious opposition.  

These were mild rumbles compared to the eruption of opposition to Russell and Gallatin. The latter had been in national politics long enough to arouse the wrath of Federalists as well as to earn the animosity of certain Republicans. Representative Quincy had thrown at the Swiss-born naturalized citizen the epithet of "foreigner," and Senator Giles had ridiculed his efficiency as head of the Treasury Department. Many other members of Congress were incensed over Gallatin's harsh criticism of their attitudes toward taxes. It was rumored that Gallatin wanted to resign as Secretary because Congress consistently failed to follow his leadership. Opposition to Gallatin's nomination on any of these scores perhaps would have tainted Senate decorum, but other grounds were available--he did not resign his Cabinet position. In anticipation of difficulties, Gallatin was willing to resign, but Madison refused, and
while Gallatin considered his removal from the Treasury as permanent, the President expected him to resume his duties upon conclusion of the mission. It was understood, however, that the Secretary of the Navy would act as Secretary of the Treasury in the interregnum. There were at least two precedents for the employment of government officials in dual capacities; in 1794 and 1796 chief justices were sent on diplomatic missions with Senate approval, but, as the administration soon discovered, these were Federalist precedents.\(^{22}\)

Once Gallatin's nomination reached the Senate, objection was heard, in the words of Representative Tallmadge, "not so much as to its Object, as to the means employed." Could Gallatin hold two jobs? Senator King began organized opposition with a resolution asking the President whether Gallatin retained the office of Secretary of Treasury, and if so, "under what authority, and by whom, the powers and duties" of the office were being discharged during his absence. It passed with few comments and without a recorded vote. A few days later the Senate was informed that the office was not vacant since the Secretary of the Navy had assumed the duties under the provisions of an act of 1792.\(^{23}\)

This should have silenced Senate criticism, but as the debate continued serious trouble developed when certain Republicans began to defect. Senator Anderson, usually a consistent party man, voiced strong doubts concerning the nomination and claimed that other Republicans were of the same opinion. He wanted a select committee organized to look into the appointment as well as to evaluate the
President's message. Gallatin's long-time enemy, Senator Giles, claiming to be an original Jeffersonian, told fellow Republicans that if they voted against the creation of the committee, the party would be setting a precedent for the double use of government officers. Had not Madison and even Gallatin himself opposed John Jay in 1794? Besides, why select Gallatin, a foreigner, when a native born citizen might serve? Not one Republican refuted Giles, and the select committee, with Senator Anderson as Chairman, was appointed.24

Senator Anderson first wrote the President informing him of the resolution under which the committee had been appointed and afterwards consulted personally with the President. Not only did Madison consider a meeting with the committee "in their official character" unwarranted by the resolution, but he declined to discuss the matter further with Anderson. If the committee were "especially instructed to call upon him," and its "specific objects designated," however, he would receive it and appoint a time. The Senate then decided by a twenty to fourteen vote that the duties and powers of peace commissioner and the Secretary of the Treasury "are so incompatible, that they ought not to be, and remain, united" in the same person. Hoping, however, that some arrangement might be made, the Senate also passed Senator Anderson's resolution setting up a committee to communicate the resolution to the President. At the arranged conference, the President observed that he "was sorry that the Senate had not taken the same view of the subject which he had
done; and he regretted that the measure had been taken under circumstances which deprived him of the aid or advice of the Senate."

Senator Anderson later informed his colleagues that after remaining a reasonable time for the President to voice other opinions, but "observing no disposition manifested by him to enter into further remarks," the committee retired. Realizing that the President would not compromise his position, the Senate rejected Gallatin's nomination by one vote.25

Jonathan Russell's nomination drew even more congressional fire. Because of Russell's crucial role in the repeal of the British orders, the Senate was suspicious, some members even suggesting that he purposely withheld the documents to force war against Great Britain. After being assured by the Secretary of State of Russell's innocence, all correspondence relative to an exchange of ministers with Sweden was given to a committee headed by Senator William H. Wells (Fed., Del.) with instructions to confer with the President on the nomination. Claiming that the executive and Senate, in cases of appointments, are "independent of and co-ordinate" with one another, Madison refused to meet with the committee"; if the two branches of "government agree; the appointments or treaties are made. If the Senate disagree, they fail." The organization of a Senate committee, moreover, "to confer immediately with the Executive himself appears to lose sight of the co-ordinate relation between the Executive and the Senate which the Constitution has established, and, which ought therefore, to be maintained." Reiterating these views,
the Secretary of State wrote that a "committee of the Senate ought to confer with a committee of the President through a head of a Department, and not with the Chief Magistrate . . ." In "the latter case a Committee of that House is equal to the President." More to the point, it was an attempt to "usurp the executive power in the hands of a faction of the Senate." Again rebuffed by the President, the Senate resolved that it was inexpedient to name a minister to Sweden at that time.26

Ironically, a few months later Russell's nomination was confirmed, but the last repercussions over Gallatin were yet to come. Although denied confirmation, he remained in Europe while still holding the office, and, as Henry Adams puts it, "without paying attention to the Senate or its theories." By January 1814, however, the Senate had become restless, and Senator Mason moved that since the Secretary had been gone nine months, the Treasury post was vacant. Indeed, according to a 1795 amendment to the 1792 law, the office had become vacant after only six months, but Senator Bibb explained that it was the President's intention to name a new Secretary after it was certain that Gallatin would not return. He was positive that a nomination would be forthcoming. Mason's proposal, in fact, insured it. The next day, Senator George Washington Campbell (Rep., Tenn.) was suggested for the vacancy and Gallatin as a peace commissioner. The Senate confirmed the latter without a recorded vote.27

The reappearance of the controversial Gallatin nomination opened a Pandora's Box of questions relating to the peace mission
itself. In February 1814, Senator Gore, granting that the President had the power to fill vacancies which might occur during a Senate recess, asked the Senate to resolve that no "vacancy can happen in any office not before full . . ." Since the office of peace envoy had not been filled at any time after the declaration of war or before the Senate recess of March 3, 1813, the President could not have appointed Gallatin, Adams, and Bayard during the Senate recess "inasmuch as a vacancy, in that office did not happen during such a recess of the Senate, and as the Senate had not advised and consented to the appointment." The logic of the proposal was debatable but its intent was unmistakable—to prove that the President had committed an unconstitutional act and that the peace mission was illegally constituted. Senator Gore minced no words in defense of his resolutions—the President had stained the Constitution; he had completely disregarded the Senate "as though they were no more entitled to a voice in the appointment than any stranger to the Government."

This was too absurd for the exasperated Republicans to take calmly. The "President has done as he ought to have done," stormed Senator Bibb. How could the President's conduct possibly be considered unconstitutional? "What clause of the Constitution . . . authorizes the Senate to expound its provisions for the President, or in this way to sit in judgment of his conduct?" Passage of the resolutions would pronounce the Senate "guilty of an act of usurpa-
tion unparalleled in the history of this Government." Even
Federalists rallied in opposition to the resolutions. Reasoning that one department could not interpret the Constitution for the other, Senator Horsey cautioned the Senate not to "encroach upon the rights and powers of the Executive. Let it be remembered that the Executive is constitutionally the feeblest branch of the Government." After it was recalled that the author of the resolution himself had voted for Adams and Bayard, thus "sanctioning the very act of the President" which he now denounced as unconstitutional, sentiment for passage of the proposal melted, and it was postponed indefinitely.²⁹

Basis of War and Peace

This paper will make no attempt to evaluate the causes of the War of 1812. Various interpretations have been advanced which emphasize singly or collectively national honor, land hunger, economic depression, Indian threats, and neutral rights as its causes. Evidence to substantiate each can of course be found in congressional debates, but permeating every discussion of foreign policy during the war was the question of neutral rights. As the war progressed, congressmen talked less of expansionism and Indians and more of neutral rights and national honor. In fact, the basis for the continuation of hostilities as well as the basis for making peace came to depend, in large measure, upon the orders in council and, to a far greater extent, upon the impressment of American seamen. One of the ironies of the early weeks of war, however, was
the elimination of one of the principal causes for war by the repeal of the orders and the resulting emphasis placed on impressment as a justification for the war's continuation.

Congress learned these facts in the President's message of November 1812 in which he reviewed briefly the armistices which had been attempted during the legislature's adjournment. Soon after the declaration of war, Russell, the charge d'affaires at London, was authorized to arrange an armistice founded upon a repeal of the orders "without a revival of blockades violating acknowledged rules" and a "stop to impressment, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated." The British government flatly rejected the terms of the armistice. In July, after news of the repeal of the orders became known, Russell was instructed to attempt an armistice based on an informal understanding regarding a discontinuance of impressment and blockades. Whether these "subsequent communications," Congress was told, which afford "an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light remains to be known." In a few days, however, the President and Congress would learn of another British refusal to "treat on the subject of impressment, as a condition of, or connected with measures leading to, peace."30

While the enemy had resued an armistice conditioned on an abandonment of impressment, Congress was informed, the President had rejected various British armistices. Congress was not told,
however, of the momentary crisis faced by the administration when in August it learned that General Dearborn had accepted a British peace proposal grounded on a repeal of the orders. The President saw clearly that this was an opportunity to halt the war, but realizing that an acceptance of the armistice might split his party, Madison informed General Dearborn that there was no "justifiable cause to vary or desist from the arrangements which are in operation . . ." Dearborn, however, was not told on what basis the war would continue because it had not yet been decided. "What course will be taken when the declaration here shall be known," wrote the President, "is unknown," especially "the question between vindictive efforts for pushing the war against us, and early advances for terminating it." But in the ensuing weeks administrative policy was determined—"very certainly," said the Secretary of State, "the government would not consent to sign the peace without having obtained from England the renunciation of impressments." This was the reason for the rejection of a second British armistice in October, or as Congress read in the President's message—"the second [made by us] was declined [by the British government] from an avowed repugnance to a suspension of the practice of impressment during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted." War would continue on the basis of impressment.31

The President's message only fortified the Federalist congressmen in their opposition to the war. We were told that the war was
caused by the orders, cried Senator Wells, now we are told impressments, which no one considered before. "We are virtually at war, without any cause of war." That was only an "assumption," retorted Representative Rhea, who asked: Is the "impressment and enslaving of more than six thousand American seamen no cause for war?" But as if to emphasize the shift to impressment as justification for war, Representative Bassett introduced a motion requesting executive information on the subject and the measures taken to redress "an evil which violates the rights and interests, and outrages the feelings of a free and independent people." It was well known that Great Britain had seized persons fighting under the American flag, put them in irons, and sent them to England for trial. It must be shown that "the Councils of this nation were not indifferent to this subject." Federalists were quick to ridicule the resolutions. "But did gentlemen pretend," Representative Sheffey asked, "that a British subject, running away from a British vessel, and found on board one of ours, was to be considered as entitled to be treated as a prisoner of war?" Claiming that he knew of no "evil," Representative Milnor objected to the proposal on the grounds that it "expressed an opinion upon which he was not ready to express one." It stated "facts not before the House." Representative Seybert, however, was prepared to give the gentleman facts. He had a nephew on the Wasp, who had told him that morning of many crew members being taken and thrown in chains. Besides, it did not become "this House to debate whether the persons in question
were British subjects or not, when they had been put in irons for fighting the battles of the country." In the forthcoming report from the President, it was stated that "some native and some naturalized" Americans had been seized under the pretext of being British subjects for the purpose of standing trial for their lives.\textsuperscript{32}

The sole outstanding difference with the enemy was now impressment. If Britain agreed to discontinue the practice, the war would end, proclaimed Republicans. Had this not been proven in the futile armistices? Had the Secretary of State not promised to ask Congress to pass a law excluding British seamen from American vessels? This proposal was mentioned by the President in November 1812 and referred to the Committee on Foreign Relations. Late in January the committee reported what was, in effect, an endorsement of administration policy. The Secretary of State no doubt helped write the report, for Representative Tallmadge said that it was well known that the paper came "from the Cabinet ... without the alteration or addition of a single word." The vindication of America's rights and honor, read the manifesto, could be achieved only by continuing the war until the principal cause of the war and the last barrier to peace, impressment, was removed. Impressment "must be provided for in the negotiation; the omission of it in a treaty of peace would not leave it on its former grounds,—it would in effect by an absolute relinquishment." If both belligerents, however, would exclude their seamen from the service of the other, there would be no further excuse for impressment. Therefore, the committee
recommended passage of a bill prohibiting, after the termination of hostilities, the employment of foreign nationals on American ships. 33

Representative Grundy, who had introduced the measure, was the first to defend it with words fashioned to lend congressional support to the administration. It was designed as a "permanent law" which would assure that all those impressed thereafter would be American. Obviously sensitive to the Federalist insistence that there was no cause for war since the repeal of the orders, he wanted the nation to know that the war was being fought for the protection of American rights. But to prove that the administration was eager for peace, the bill should be passed. Federalists themselves had requested such a measure, and "he was willing to yield to that request." He wished it understood, however, that nothing he had said was "intended as having any relation to the present controversy between Great Britain and the United States." 34

Additional speeches revealed that the bill was one of the few bipartisan measures of the war. Members of both parties supported it as an overture toward peace with Representative Joseph Pearson (Fed., N.C.) allowing that passage would prove the peace efforts of the United States sincere and Representative Israel Pickens (Rep., N.C.) that it would "sift, in future, foreign chaff from what is purely American." Many Republicans, however, opposed passage for the same reasons. Representative Desha was afraid that the bill would "irritate and disgust the friends of the war,
and paralyze the national energies, by operating injuriously on the loans, and the recruiting service." It was "temporizing," "begging for peace," and "degrading." Also opposed were extreme Federalists like Quincy and Grosvenor who looked upon the bill as an electioneering device against their party.

Subsequent debate brought out stronger objections to the proposal, however. If the government wanted peace, explained Representative Seybert, it must "ask nothing from Great Britain which she cannot grant consistent with her sovereignty and independence." It was an ultimatum which was bound to be rejected. The bill was plainly unconstitutional, Representative Wright advised; moreover, it was an "usurpation of the powers of the Executive, by legislatively interfering with the treaty-making power." You yield, said Representative William R. King (Rep., N.C.), "one of the most important points for which the war was begun—you tacitly acknowledge the right of impressment." These arguments amounted to little since the administration as well as many Federalists had avowed support, and after being approved in the House and slightly amended in the Senate, the bill received the President's signature in early March 1813. Although the prohibitory legislation gave substance to the government's desire for peace, congressmen who predicted that it would not be accepted were of course correct. Impressment continued to be the basis for war and an emotionally charged issue in Congress.36

Congress was kept fairly well informed on the progress of the
peace negotiations, but it was not consulted with any regularity on these developments. Congress was told only what the administration thought it should know, and, although two congressmen served as peace envoys, it was not in a representative capacity, for both resigned their seats. The government appeared not to want to throw the making of peace into the political arena, and Congress did practically nothing constructive in terminating the war. Federalists, to be sure, used the Congress as a national forum for urging peace but on the grounds unsatisfactory to the Republicans, and Ezekiel Webster told his brother Daniel that it would be "whenever it does come, the people's peace." He urged Congress to "make peace by speaking through our representatives." But the basis for peace, as the basis for the continuation of hostilities, was clearly formulated by the executive. Many issues of this phase of foreign policy, however, became politically involved and were used by both parties for partisan ends.37

Congress was called into special session in May 1813 to consider the offer of Russian mediation and the confirmation of the peace envoys. The offer had arrived in March, shortly after the Twelfth Congress had adjourned, had been immediately accepted, and, in order to avoid delay, three "citizens" had been sent "to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain." It must be "presumed," Congress was cautioned, that England would accept, but the eventual outcome--"time only can decide."38

The "Madison men" in Congress were "very confident" of peace resulting "from the Russian embassy," wrote Representative Webster,
but he and many others were suspicious. The Senate, nevertheless, approved the executive action, ratified John Quincy Adams and James A. Bayard as peace ministers, but, as was seen, defeated Gallatin. In addition to the Gallatin episode, there were other factors surrounding the Russian mediation which caused considerable disquietude in Congress. The appointment and the departure of the envoys before Congress convened resulted in criticism that they were functioning without the advice and consent of the Senate. The President was denounced for naming a person to an office not yet created by the legislature and for designating one person to hold two "incompatible" offices. Objections were even heard to the great expense of the mission, and Representative Wright wanted it specified in an appropriation bill "that no compensation be made to Adams unless the British government agreed to send a Minister to the mediation of the Russian Emperor" and that the Secretary of the Treasury should receive no "Secretary of the Treasury salary" while absent. 39

Federalist were obviously thrown into a turmoil in regard to the Russian offer. Besides participating in the objections already recited, Representative Pickering, among others, thought that political motives had dictated the quick acceptance of the offer. If England rejected the proposed mediation, as Pickering was positive it would, the Republicans could argue that England did not want peace and consequently could "turn the refusal into an instrument for stirring up resentment against the British and winning support for a more vigorous prosecution of the war." He even expressed fears that a
satisfactory peace might result: "From the information of different gentlemen who conversed with Bayard," he wrote, "I am satisfied that he expected the mission would effect a peace. He particularly said that his instructions were broad enough to render peace practicable."

Hard put to make political hay, Pickering later on prepared and published articles attacking the peace mission on the grounds that the Russian government had not authorized the mediation, that it was a Republican scheme to throw the blame of continuing the war on England, that politics had motivated the administration, and that Madison had changed his mind on impressment.40

Pickering was profoundly wrong on the last point. In a series of instructions to the peace commission in April and May of 1813, the Secretary of State had made the abandonment of impressment a sine qua non of any peace arrangement. "This practice being essentially a cause of war, and the primary object of our negotiation, a treaty of peace leaving in silence and trusting to a mere understanding liable to doubts and different explanations would not be that security which the United States has a right to expect." If a definite provision could not be obtained on the subject, negotiations must stop. Other subjects which might be discussed included: provision for the United States to increase her naval forces on the Lakes, guaranteed neutral commerce, prohibition of British trade with the Indians, regulation of search for contraband, restriction of contraband articles, and claims to Florida.41

By the time the peace talks had gotten off to a troubled start,
Congress had adjourned in August and reconvened in early December 1813. There had been no significant news from Europe since the envoys had departed, but on January 7 Congress was informed in a presidential message that the British government, though declining the Russian mediation, had consented to direct negotiations. The offer had been immediately accepted. A week later the Senate was requested to advise and consent to the naming of John Quincy Adams, Senator Bayard, Speaker Henry Clay, and Jonathan Russell as peace ministers. Russell's confirmation was considered doubtful by some, but in a few days all were approved without serious controversy. The Senate had decided to forego any further magnification of its prerogatives, and to emphasize this fact, even added Gallatin as a fifth commissioner. The Senate was mildly criticized for its quick approval of the envoys, with one Federalist calling Senators "mere Registers of Executive will" in regard to the Gallatin nomination. "God save the people" he exclaimed, but, for the most part, even Federalists accepted the members of the commission without heated comment. A termination of hostilities, however, was dim. Representative Ingersoll called the hopes of an approaching peace "unreasonable," while Representative Bigelow did not consider the prospect "very flattering."

The Federalists, seizing upon the British negotiations, reviewed their attack on the administration and the war by reopening well-worn issues of foreign policy. "Certain I am, sir," declared Representative Pitkin, "that if a knowledge of the repeal of these
orders had reached us before the declaration of war, that declaration would never have been made." "All this mighty suffering," ranted Representative Shipherd, "is to obtain an object of which you have failed, and to establish the most wild and chimerical of all pretensions—that neutral flags make neutral men and neutral goods."

For days Representative Pickering defended impressments in terms of British maritime history, concluding that the practice was justified. Therefore, no cause for war existed, cried Representative Sheffey; the impressment issue had been manufactured by the Republicans and the war was now being fought for "the protection of traitors."43

Republicans retorted in kind. In answer to the charge that British born naturalized American seamen were traitors to their country of birth, Representative Findley, himself born in Britain seventy years ago, delivered what must have been one of the most emotional speeches of the war Congresses:

I feel myself charged with being a traitor, and, if so, I am a pretty old one, and it is full time I should examine myself, for this is brought home as a core of conscience. When I look around me in this House, or in whatever company I happen to be, I see none but emigrants, or the descendants of emigrants, who, at no very distant period, have expatriated themselves, by their own act, from the country in which they first drew their breath. This renders the new doctrines of treason, recently advocated on this floor, the more extraordinary.

In a more direct refutation of Federalists' contentions, Representative Calhoun charged inconsistency on the subject of impressments. Had not Representative Pickering, when Secretary of State, violently opposed the practice? Pickering offered no explanation.44
Additional news reaching the Congress in January 1814, although not by official communication, gave the Federalists stronger proof of what one congressman called a "perfect understanding" between the administration and France. Napoleon, overwhelmed at Leipzig, was in retreat. Representative Bigelow had already written that there was nothing "which disturbs the feelings of our administration more, than the ill success of the French." Napoleon's defeat assured the opening of European ports to British commerce and her army and navy would now be directed toward America. His fall and that of the present administration, continued Bigelow, "are intimately connected, and fall they both will." Therefore, the acceptance of the British offer to negotiate was prompted only by the French defeat. It was more evidence of "co-operation" between Madison and Napoleon. When the news of the abdication of the French emperor and the restoration of the monarch was heard during the summer of 1814, Federalist criticism knew no bounds. The hated "ally" of the Republicans had fallen.45

Even if the Federalist accusation that France was a Republican ally were unfounded, it is true that events in Europe caused repercussions in administration foreign policy. The news of the abdication of Napoleon had arrived at a crucial hour. In addition to military disaster, men and money were practically exhausted. Bayard and Gallatin had written that England would not budge on impressment and that the "only alternative remains either to resolve on a vigorous prosecution of the war or to forego for the present the assertion of our rights on what was the principal remaining object of the war."
Consequently, the Cabinet decided in late June to abandon impressment as a *sine qua non* of peace, and the Secretary of State instructed the envoys that a treaty silent on that subject would be acceptable. Thus was removed what the Republicans contended and the Federalists came to believe was the last barrier to a termination of the conflict. 46

Congress was not told of this retrogression in government policy when it was called into special session in September 1814 in order that "no delay might happen in providing for the result of negotiations on float with Great Britain, whether it should require arrangements adopted for a return of peace or further and more effective provisions for prosecuting the war." That result was "not yet known." When Congress was informed of the "result" the next month, however, it not only brought forth widespread indignation from the Republicans but it prompted some sober second-thought among Federalists. 47

On October 10 Congress was given the latest despatches from Ghent "showing the conditions on which alone Great Britain "was willing to put an end to the war." Any peace, the British government demanded, must include the creation of a permanent Indian buffer state comprising parts of Ohio and Indiana and Illinois, Wisconsin, and Michigan, the exclusion of all American armed vessels and fortifications from the Lakes, the termination of fishing rights under the Treaty of 1782, and the cession of Maine between New Brunswick and Quebec. "In Congress the effect was instantaneous and obvious," wrote Representative Ingersoll. The harsh terms of peace "electrified all parties," and Republicans and Federalists alike denounced the British
pretensions as dishonorable and arrogant. One of the most caustic critics of the administration, Representative Hanson, in a speech which must have startled many Republicans, pledged that his party would forget

as far as possible, their objections to the Administration; stifling their complaints as far as might be against the party that supports it; sacrificing all minor considerations; endeavoring to bury in oblivion the numerous wrongs inflicted upon their party; omitting, to every proper extent, a retrospect of the past, and looking to the present and future, for the purpose of staunching the bleeding wounds of their country, they would stand forth in this her hour of peril, in asserting and maintaining her established rights and honor.

Put more simply by Representative Oakley, the British demands were "utterly inadmissible under any circumstances."

The two Federalists had spoken spontaneously without consultation with party leaders. Federalists were not in agreement, it soon appeared, on what position to assume in regard to the British terms. While Representative Pickering called the demands moderate, Senator Wells was urged by a party leader to submit to the ultimatum. To resolve these differences a committee of House and Senate members was appointed to consider what course of action to pursue. After declaring the war unnecessary and "highly inexpedient," the Federalists concluded that since the war had changed from offensive to defensive, "it has become the duty of all to unite in the adoption of vigorous measures to repel the invaders of the country and to protect its essential rights and honor." Representative Pickering, dissenting from this doctrine, insisted that "to effect a peace, our rulers must be changed,"
men less proud and less haters of Great Britain be employed as negotiators." He trusted that "a number of Eastern members, at least of my colleagues," would agree, "unless, on better advice we should think it expedient to adopt the plan of our other Federal brethren." From subsequent events, it became apparent that no consistent Federalist plan concerning foreign policy had been devised, but of course the President had had a plan when he transmitted the Ghent correspondence and the instructions to the peace envoys to Congress. He hoped that publication of the harsh terms would heal the partisan wounds by uniting both parties in a more arduous prosecution of the war. As put by Representative Ingersoll, the "exposure of British demands, by a bold and novel but just and politic innovation on the common routine of international negotiations, was the first great movement" toward the termination of hostilities. Peace, however, was months away, and while the Secretary of State felt that negotiations had closed "without any hope of peace," the President expected the envoys to leave Ghent for home immediately. If the conference was still in progress, however, the envoys were instructed in a letter of October 19 that they were to attempt a treaty on the status quo ante bellum, if agreeable to the British. Congress was not informed that the administration had decided to treat on a basis of the "state before the war," but in early December it was given further despatches from Ghent "explaining the course and actual state of their negotiations with the plenipotentiaries of Great Britain." There was almost no hope that peace would result from the
talks, Congress learned, even though the British sine que non on the Indian dispute had been minimized to only the pacification of the Indians. After insisting on an acceptance of uti possidetis, or state of possession in regard to the boundary question, the British government had relented on this point, and the envoys were hopeful that they would abandon the territorial subject altogether. The threat of losing certain area in New England worried Federalists, but Republicans were indifferent. "We could not possibly lose anything," said Representative Ingersoll, except the "part of Mass. which disgracefully accepted the yoke; and its representative in the House was the only member of Congress having cause for disquiet; that part of his district having been insisted on at Ghent as British, as much as Northamptonshire."51

But as rumors of peace floated into the District of Columbia during February, Congress had little hope for a satisfactory conclusion of the war. The astonishment, therefore, when news of the treaty arrived on February 14 was everywhere evident, for there was no mention of the fisheries and the Mississippi, impressment and blockades, Indians and acquisition of territory except the provision to postpone the title controversy to the islands in Passamaquoddy bay. Everything was to be as it had been when Congress declared war in 1812. The President made haste in submitting the treaty to the Senate for its "advice and approbation," since the "termination of hostilities depends upon the time of ratification of the treaty by both nations."

Before consideration, however, the Senate requested from the executive
all instructions given to the envoys and all papers connected with the Ghent conference. This was immediately sent, and on February 16, without hesitation and with little criticism, the treaty was unanimously ratified. It was probably, says Henry Adams, "the most popular treaty every negotiated by the United States." 52

All was "hurly burly, congratulation and joy" in the Congress, observed Representative Bigelow, with members of both parties celebrating the return of peace. If Republicans, weary of the military, economic, and political problems which war had brought, were overly exuberant in their rejoicing, Federalists were not entirely silent, for no eastern territory had been lost and economically New England stood to prosper. The Federalists, who had barraged the government with demands to end the war, now bitterly denounced the terms of peace.

Nothing had been gained, said Representative Gaston; in fact, not "one single solitary object for which the war had been professedly declared and prosecuted," added Representative Pearson. "The treaty must be deemed disgraceful to the government who made the war and the peace," wrote Senator Gore, "and will be so adjudged by all, after the first effusions of joy at relief have subsided." 53

That the treaty secured none of the objects which the administration had hoped to derive from the war was obvious to the somewhat humiliated Republicans. Particularly vexatious was the failure to procure any decision on impressment and blockades, but it could be argued that these obnoxious practices had ceased with the pacification in Europe. Ex-Speaker Clay, himself one of the envoys, wrote
that the "terms of this instrument are undoubtedly not such as the country expected at the commencement of the war." Yet, judged "by the actual condition of things, as far as is know to us, they cannot be pronounced very unfavorable," and "judged from the pretensions of the enemy at the opening of the negotiation the conditions of the peace reflect no dishonor on us." The terms were "highly honorable" to the United States, felt Representative Pickens. Not "an inch" had been "ceded or lost" boasted Representative Ingersoll, while Representative Troup, viewing the war as a complete victory, congratulated both parties in the House "on the glorious termination of the most glorious war ever waged by any people."
NOTES TO CHAPTER VII


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23. Tallmadge to McHenry, June 10, 1813, Steiner, Life of McHenry, 599; Bigelow to wife, June 23, 1813, "Letters of Bigelow," 365; Annals, 13 Cong., 1 Sess. (Senate), June 2, 1813, pp. 84-85; Adams, History, VII, 59; ASP, Misc., III, 206.


25. ASP, Misc., II, 209-211, 217; Annals, 13 Cong., 1 Sess. (Senate), June 14, 1813, pp. 86-87, June 16, 1813, p. 87, July 19, 1813, pp. 88-89.

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CHAPTER VIII

CONCLUSIONS

Representative Troup's remark that it had been a glorious war was extravagant of course, but perhaps there was good reason for congratulations. Although the conflict had created a number of serious military, political, and economic problems, Congress had withstood the first test of war. The attempt to evaluate the wartime behavior of Congress suggests several questions: Did Congress understand its role correctly? Did it relinquish its proper legislative functions, did it usurp the powers of the other branches of government, did it hesitate in passing needed legislation? Were the organization and procedures adequate to meet the national emergency? These questions are not easily answered, and to conclude that Congress failed because it did not immediately enact taxes and enlarge sufficiently the armed forces is not to explain why Congress acted the way it did.

As is true of other American wars, Congress' role during the War of 1812 centered around the granting of authorizations, the resolving of clashes between conflicting interests, and the investigation of policy once sanctioned by law. Unlike more recent conflicts, however, there was little disposition to delegate to the executive extensive power. This probably was unnecessary due to the limited character of the war, and, in addition, it would have been unheard-of to allow the President, for example, to step into
the economic life of the country or to permit him to reorganize and to create government agencies. The President and Congress insisted that the war should be conducted in accord with the Constitution, with a minimum of liberal interpretation. But, at the same time, both agreed that whatever extraordinary powers were exercised by the executive should rest on law. Consequently, Congress "recognized the wisdom and necessity of entrusting the President with some statutory authority, which . . . at times amounted to the exercise of a considerable discretionary power." Congress, for instance, permitted the executive to increase the interest rate for the loan of 1813 at will so as to insure the floating of the loan. Also in the appointing of army officers the President was allowed wide latitude. One of the extraordinary grants of power was the bill authorizing the President to retaliate against the enemy. Madison himself requested the legislation which implied that citizens, being imprisoned or impressed, were suffering death, mutilation, and other severities; if this happened, the President was empowered "to cause the most vigorous retaliation to be executed on any subject, officer, soldier, or Indian, in the service or employment of the British Government . . . ."

The first attempt at passage failed, largely because many Republicans claimed that the executive already possessed such authority. But after army officers verified the outrages to individual members, Congress reversed itself and in March 1813 the retaliatory measure became law.¹

Although these powers delegated to the President seem
inconsequential today, they were not considered so by many congressmen. Representative Lovett attacked the retaliatory law as "notorious and lamentable," while Representative Milnor viewed the terms of the loan authorization as "dangerous discretion" and another example of Congress' disposition to increase the President's power "constantly by our acts, while the immense enlargement of this sphere of patronage and other circumstances arising out of a state of war, are of themselves calculated to do it most dangerously without our aid."

Milnor's observation was correct, for unquestionably war heightened the President's prestige considerably, and to Madison, as the first constitutional war leader, fell the unprecedented responsibility of initiating necessary military measures and of conducting the war.²

While it must be concluded that the most significant war legislation emanated from the executive, Congress did not uncritically and passively accept all that was recommended. Its task consisted of reviewing, amending, and substituting; since alternatives were always possible, political controversy resulted with members of both parties insisting on specific proposals on the basis of different appeals and judgments. Complicating the legislative process was a hostile Federalist minority which practically uniformly opposed all effective war measures. Many members recognized the necessity of unity during the crisis, but all such attempts ended in failure. As the war continued, it became difficult for Congress to decide to what extent opposition might be carried. One standard advanced by Representative Grundy was that of moral treason. Those, Grundy insisted, "who combine and
conspire together to prevent the filling of the loans and the ranks of the Army" had overstepped the bounds of acceptable opposition and were "guilty of treason in a moral point of view." But Representative Culpeper knew of "no unending rule of morality" except the "rule of right," that which was "given by God" and which emphasized: "Thou shalt not kill, thou shalt not steal, thou shalt not covet anything that is thy neighbor's, etc." The idea was a "new fangled offence, without body or soul, without any resting place on this earth," continued Representative Sheffey, who agreed that union "in promoting our country's good is highly desirable, but union in accelerating its ruin is worse than any disunion." He invited the Republicans to "come over to us, and with us travel the path that leads to peace and national prosperity . . ." "How far the minority in a state of war may justly oppose the measures of Government," said Representative Calhoun, is a "question of the greatest delicacy." "Among ourselves at home," Calhoun felt that contention might exist, but "whatever is requisite to give the reputation and the army of the Republic a superiority over its enemy, it is the duty of all, the minority no less than the majority, to support." In relation to other nations, "there ought to be only the American people." These calm words made no impression on those who opposed the war. Although this question remained unresolved, it is to the credit of Congress and to the Republican majority that no attempt was made to silence the invective of the Federalists.3

Bitter partisanship, then, lasted throughout the war. With few
exceptions, congressional issues were decided along partisan lines, the conduct of the war and even the question of victory becoming politically involved. Although partisanship hampered the war effort, it must not be forgotten that party politics continued as the grounds upon which the struggle for elective office was waged. Constitutionally it was impossible to postpone elections, and during the war, a presidential and two congressional elections took place. That congressional activities would remain immune from this political competition could not be expected. In addition, in a democratic representative assembly, partisanship is the accustomed method of conducting debate and arriving at decisions. Party battles, however, during the War of 1812, were carried to extreme lengths. Perhaps it is surprising, therefore, that Congress, in this emotionally charged political atmosphere, acquitted itself as well as it did.

On the other hand, in developing wartime policies, Congress sometimes faltered and refused to act quickly and decisively; although, in assaying the success or failure in specific areas of legislation, factors other than congressional activity must be considered. This was particularly true of finance, an area where almost insurmountable difficulties were confronted. Secret of the Treasury Gallatin's plan for financing the war, which relied on loans for extraordinary expenses and on current revenue for normal expenditures and interest on new and old debts, was probably sound. If Congress had followed these ideas, perhaps the financing of the war would have been more successful. Yet Gallatin did not seriously recommend implementation
of the plan until shortly before war was declared, he overestimated
the current revenue recurring from import duties, and he and the ad-
ministration agreed with certain Republican congressmen that for po-
litical reasons taxes should not be imposed in 1812. Tax legislation
was strongly urged by some congressmen, who, as members of the party
traditionally opposed to taxes, certainly placed their careers in
jeopardy, and it is regrettable that the administration did not agree.
Since a sufficient revenue was not provided early enough, confidence
in the government's ability to redeem loans was weakened, and it be-
came almost impossible to rely on future borrowings. Federalist
opposition to the war was an additional decisive factor, because with
party leaders like Representatives Pickering and Quincy declaring
financial support of the war unpatriotic, New England subscribed but
little. A majority of Congress no doubt was pleased by the tax post-
ponement and would have been willing to rely entirely on loans. In
fact, when Congress resorted to taxes in the summer of 1813, it was
probably with the idea of procuring additional revenue and was not
intended as support of government credit. In other words, Congress
did not follow Gallatin's plan of war finance.

While Congress can be only partially blamed for the desperate
financial situation, it must bear the responsibility for the failure
to create a government bank. The actions of the Federalists, in
particular, proved detrimental to the administration's request for a
bank designed to alleviate financial stress. Perhaps the President
should have accepted the bank bill passed by Congress; yet, his veto
resulted in Congress reconsidering his recommendation, and the administration bank bill would probably have been enacted had the war continued.

The war provided the first practical test of a manpower policy which characterized military thinking for a century: a reliance on state militia and a drawing from these reserves of temporary regular troops to reinforce the small national army in time of crisis. To a large degree, the system proved inadequate. Congress was not responsible for the constitutional division of authority between the state and national governments over the military, but members generally accepted the system, and, with few exceptions, agreed that it should not be violated. Neither was Congress, at least early in the war, cognizant of how complicated the arrangement would prove in operation, and it ignored executive requests for a small regular army and for the appointment by the national government of volunteer officers. Rather, it sanctioned a large regular force incapable of being raised in the time demanded and denied the President the commissioning of the officers, actions which undoubtedly hampered speedy mobilization. Although the latter mistake was soon rectified, it took time and experience plus military defeats to prove the impotency of militia and volunteer armies officered by the states. It would have been difficult to coerce certain New England governors who refused to furnish militia for national service, but perhaps some pronouncement could have been made concerning executive employment of volunteers and militia and legalization of militia enlistees in the
regular army. With the unsettled military organization, however, this would have been difficult. In any case, Congress followed without much dissent the administration's shift in 1813 to the utilization of a volunteer regular army. Executive views on increased pay, higher bounties in land and money, pensions, enlistment of minors, reorganization of the recruiting service, and other means of filling the ranks were accepted by Congress but often hesitantly, grudgingly, and partially. Congress, for example consistently refused to authorize the requested number of officers, to raise bounties to the level recommended, or to adopt conscription. Had the war continued, Congress would probably have resorted to the latter, and under consideration when news of peace arrived, was an unusual plan for a draft. The ill-success of the manpower policy was due, in Walter Millis' words, to the military system "inherited from the compromises of 1789— with its dual national and state control, with its dichotomy of a mass popular base (the militia) and a volunteer, professional service which actually carried the military burden... ."

Congress also failed at times to act immediately and vigorously. But permeating every problem of an adequate manpower supply was the lack of a "fanatic" and enthusiastic national unity.

One of the most contentious issues faced by Congress was the continuation of commercial restrictions. Neither party was consistent nor united on this matter, which came to involve questions of finance, protection for infant manufacturing, and illicit trade with the enemy. In regard to the latter, Congress evidenced an unbecoming
indifference, and it was only with extreme difficulty that an administra-
ination embargo on such commerce was enacted. Once determined, however, Congress was reluctant to alter the policy of strict enforce-
ment, although certain areas were in distress as a result. The repeal of both nonimportation and the embargo displeased some groups in Con-
gress.

Congressional interest in policy was conditioned, in part, by the none too extensive powers delegated to government administrators. Nevertheless, Congress showed concern over administrative decisions, and at times evidence a lack of restraint in attacking and criticiz-
ing officials, particularly the secretaries of war and navy, military leaders, and sometimes the President. On occasion the bureaucrats had to patronize and pacify different segments in Congress to win sup-
port for specific proposals. Congress wielded its power over appro-
priations, called for detailed information, and utilized committees of investigation to keep departments in check.

Although Congress did not undertake any investigation of the government comparable to that instigated during the Civil War, there were movements in this direction. The attempt to create a Public De-
fense Committee prior to the opening of hostilities and Representative Bradley's motion to delve into the conduct of the war, both of which were defeated, may be viewed in this light. There were, however, investigations of specific military events, disregard of congressional policy by military personnel, and operation of certain government de-
partments, as well as a host of other subjects related to the war
Partisanship and party factionalism inspired the desire for some investigations, which the exigencies of war probably did not require. Others were necessary, and on occasion Republican opposition put the majority party in a precarious position. The use of investigating committees was one of the most significant characteristics of Congress during the war.

In the areas of military and diplomatic affairs, Congress' record was not overly commendable. It is questionable if the relationships between the two policies were really understood, and there was no hesitancy by some members to vent their prejudices and interests in regard to both. The debates on foreign affairs often revealed the suspicion that the executive had ignored congressional authority as in the case of certain diplomatic appointments. Also evident was the fear that the President had committed the United States to secret foreign policies without its knowledge or advice. This fear was perverted into a political issue by the Federalists, but the hysteria engulfed even some of the majority. Both parties should have known better, for the President, in most respects, was careful to keep Congress informed as to the course of diplomatic events.

In dealing with matters of military policy, Congress at times showed impatience and mistrust of those administrators charged with the responsibility for the conduct of the war. There was no hesitation in denouncing military leaders and there were absurd attempts to change war strategy through legislation. The President himself
unwisely threw the Florida question into the congressional arena. Congress was particularly interested in the reasons for military defeats, and there were extended debates on the over-all strategy of the war, an area where it was impossible to reach an agreement through discussion. Both the strategy and the diplomacy of war were almost entirely executive in origin and direction, and problems relative to each became the basis for political appeals.

Before hostilities began, some congressmen expressed the fear that the organization of the government was suited only for times of peace; others retorted that the Constitution had been designed for the making of war as well. It is relevant, then, to ask how the structure and procedures of Congress worked and to inquire into the relationship between Congress and the executive. Since the Constitution makes no provision for the internal organization of Congress, the committee system, which is an integral part of the legislative process today, has been a product of evolutionary growth. Designed during years of peace, by 1812 the role of the committee was fairly well understood and stabilized but still evolving. During the war, committees played an active role in considering legislation and in investigating various problems arising from the conflict. In fact, the war certainly resulted in a strengthening of individual committees, which were beginning to report bills without prior action of the committee of the whole house. A specialized committee was "better able than the entire legislature to modify, reject, or substitute for the policies proposed by the executive. This development
gave no positive assurance that the executive branch would exercise less control. Being less public, it might actually be more effective. On the other hand, when disagreement occurred between Congress and the President under a well-organized committee system, "opposition could make more headway." Both of these factors characterized the relationship of Congress with the executive.

The President's position was unprecedented. As the first wartime executive, he was responsible for the prosecution and conduct of the war, and as leader of his party, he was interested in maintaining its political ascendancy. How to assure military victory and political success when it meant requesting unpopular legislation which would further alienate certain segments of a nation already void of unity was difficult. Madison was not consistent. At times politics dictated, which was true of the decision to postpone taxes; on other occasions Madison's actions involved considerable political risk, as when he urged conscription.

Executive leadership, if evaluated in terms of congressional acceptance of recommendations, was also uneven. The war furthered the trend, already in evidence, of co-operation—through correspondence, hearings, and personal contact—between executive departments and committees. The powerful House Foreign Relations Committee of the Twelfth Congress functioned as an arm of the executive, the Ways and Means Committee relied to a great extent on the Treasury Department, and James Monroe, as acting Secretary of War, frequently consulted with the appropriate House and Senate committees. Through
these channels executive requests reached Congress. When there was substantial agreement between the executive and the committee, chances were that the recommendation would be enacted into law, but when the two were out of harmony, as in regard to conscription, merchant bonds, a bank, and other issues, trouble ensued. The procedure was complicated by the President's personality, the lack of vigorous and consistent administration spokesmen in Congress, the coalition existing at times between Federalists and Republican dissidents, and the ever-apparent disunity. On the whole, the committee apparatus perhaps worked as well as could be expected.
NOTES TO CHAPTER VIII


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I, William Ray Barlow, was born at Senecaville, Ohio, November 17, 1930. I received my secondary-school education in the public schools of Senecaville and my undergraduate training at George Washington University and Ohio University. From the latter institution, I received the Master of Arts degree in 1957. While completing the requirements for the Doctor of Philosophy degree at The Ohio State University, where I specialized in the Department of History, I served as graduate assistant and held a University Fellowship.