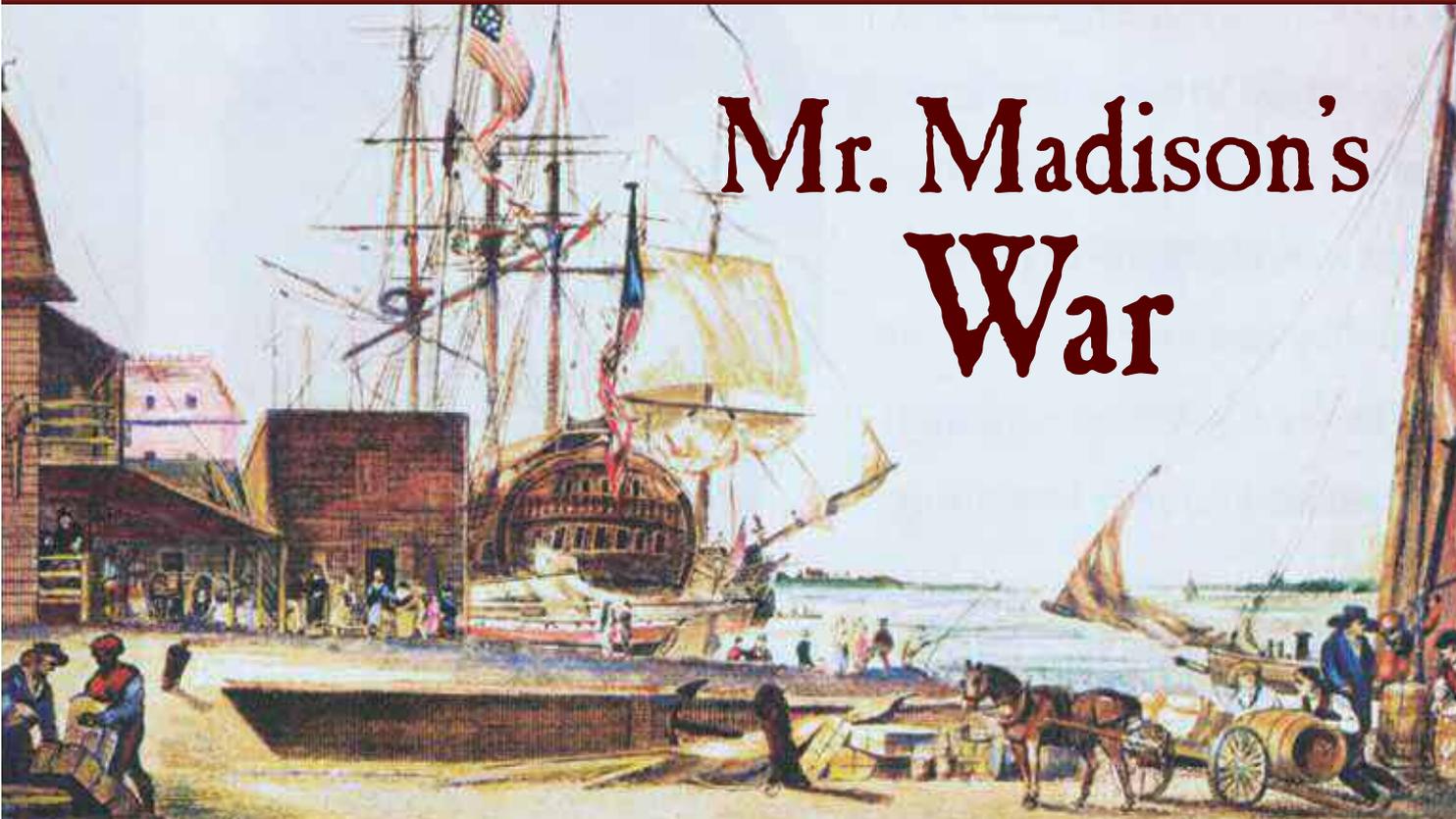


Mr. Madison's War



The War of 1812 serves as an exhibit of proper avoidance of war, a reminder to be militarily ready for war, and an exemplar of political restraint on curtailing freedoms.

by Jack Kenny

A young republic, unprepared and inadequately armed, entered a naval war against the Empress of the Seas and the conqueror of Europe and redeemed itself. It was one thing for the former British colonies to defeat the redcoats in what was in many ways a guerrilla war in their own land against an enemy from across the sea. But the War of 1812 showed the United States was more than a nuisance that couldn't be tamed in its own land.

One might reasonably say the War of 1812 transformed America from a confederation of newly liberated British colonies into a nation in its own right. And yet the fissures of a future division could be seen on the home front, as one section of the country chafed under the domination of the national government by another and began to speak darkly of secession. Ironically, it was the New England states that threatened rebellion and separation. Some of the Southern firebrands of the pre-Civil War era learned of the doctrine of seces-

sion while attending northern universities and law schools — John C. Calhoun at Yale, for example.

And to make a point more directly relevant to our own time, the new republic suffered an invasion of its capital and the burning of the capitol building and the White House. Yet there was no suspension of civil liberties, and the privilege of the Writ of Habeas Corpus was honored. There may be a lesson there for the present Congress and President, who regularly take liberties with our liberties to prevent alleged friends of al-Qaeda from threatening our security.

The young nation, in the first decade of the 19th century, provides a stark contrast to the America we now know, where the United States, now unquestionably the world's reigning superpower, is eager to go to war at the drop of a hat or the tilt of a turban, at the word of an "intelligence" source called "Curveball." Back then the United States was reluctant to go to war, and suffered much indignation at the hands of the former "Mother Country" before finally deciding that we could take no

more. Even after fighting the great British Empire to a stalemate in the War of 1812, the young nation did not idealize its military as we do today. A standing army was regarded not as a defender but as a threat to liberty. Thus the constitutional requirement that appropriations for an army be for no more than two years has remained to this day. The Navy, on the other hand, may be funded for longer periods, since it seems unlikely that a free people could be subdued or tyrannized by its own navy.

The Tolerable and Intolerable

Indeed, the injustices suffered by young America on the high seas, first at the hands of the Barbary pirates and then by the British Empire, were such that the forbearance shown by the offended nation would be regarded as appeasement and outright cowardice today. The new republic was still in the shadow of the Declaration of Independence, wherewith it first threw down the gauntlet to Great Britain. Offering serious reflection on human nature as well as current political conditions, Jefferson's famous document declared that men

are more disposed to suffer abuses, when abuses are sufferable, than to throw off familiar customs and ties. “But when a long train of abuses and usurpations pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security.” And once they have thrown off the government and provided new guards for their security, they must still defend themselves against foreign foes. And once again they were prepared to suffer abuses while tolerable than to go to war needlessly. But when too much became more than could be borne, the United States went to war, and England, already at war with France, found a new enemy it did not need and was foolish to provoke.

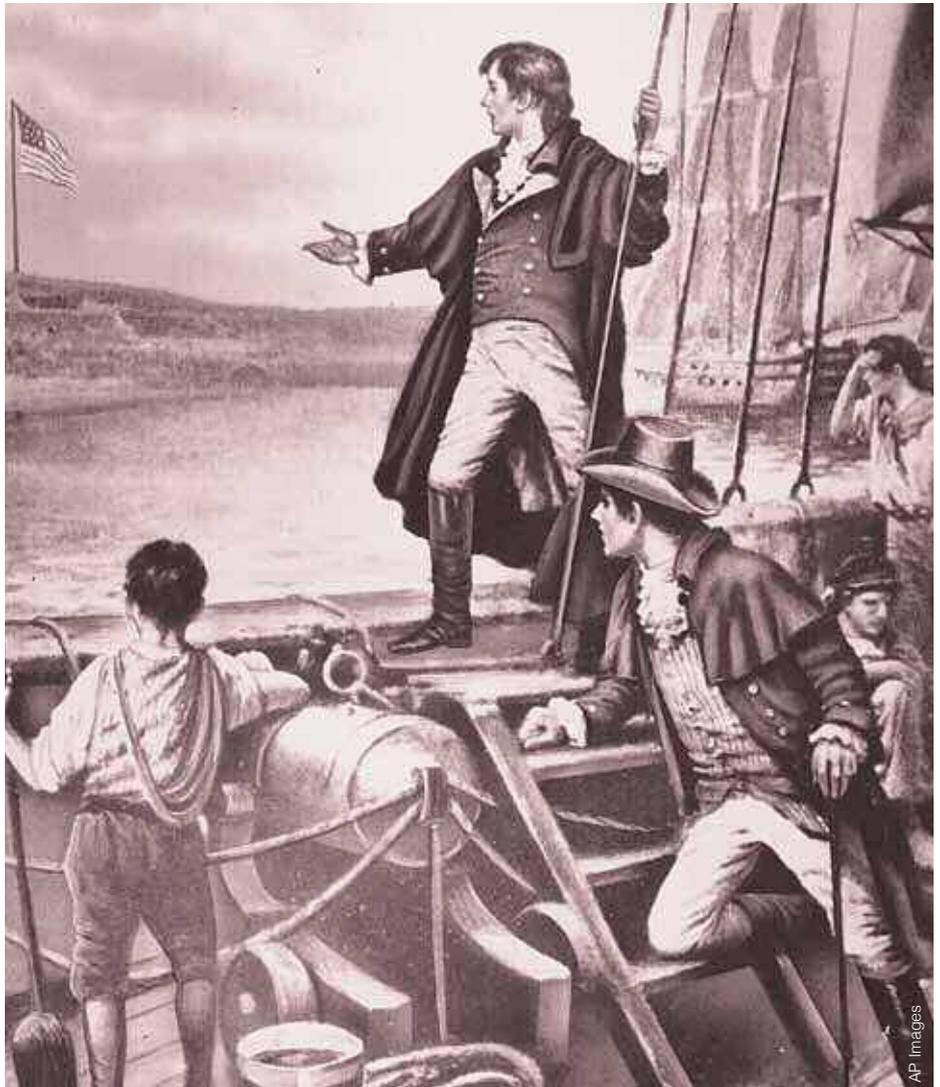
Great Britain, as Queen of the Seas, expected to control the traffic over the waves as a key element of its efforts to subdue the obdurate French. If it could not stop the French from being resupplied, it would lose a major advantage of having the superior navy. The United States was following the Jeffersonian ideal of “peace, commerce, honest friendship with all nations, entangling alliances with none.” Having long endured insult and injury to her commerce before going to war with the Barbary pirates, the United States was not eager to rush into war with Great Britain. To the English practice of interfering with shipping and impressing American sailors into her service, the United States responded not with war, but with an embargo against both England and France, though the potential damage from self-inflicted wounds was enormous, particularly with regards to the Northeast states that depended heavily on shipping and commerce. However, American manufacturers did prosper under the protectionist policy, notwithstanding today’s bipartisan worship at the altar of unlimited “free trade.” But in the days before a personal income tax, government depended heavily on tariffs for revenue, which meant that, with an embargo cutting heavily into imports, government receipts were adversely affected. Fortunately, Presidents Jefferson and Madison were devoted to frugality in government, and the nation was able to scrape by on reduced revenues.

The forbearance was the product of necessity as much as patience. For a nation

that had within the previous generation gone to war with the Great Britain and its renowned naval power, the new nation had made remarkably little preparation for future battles on land as well as at sea. This was particularly true of the Jefferson administration, which was pacific in outlook and frugal in expenditures and, for both reasons, was reluctant to engage in external conflicts. As author of the Declaration of Independence, Jefferson had railed against the British monarch for having “plundered our seas, ravaged our coasts, burnt our towns and destroyed the lives of our people.” Yet as President he had done little to defend the nation’s coasts and towns and its people. As historian Kevin

R. Gutzman has described the comparative state of armaments between the United States and Great Britain, the Americans had the Navy they paid for.

“Of ships of the line, the multi-decked floating fortresses with ranks of cannons made famous by many a Hollywood movie, Britain had 191 and America had ... zero,” wrote Gutzman in *James Madison and the Making of America*. “Of the next class down, frigates (approximately thirty to fifty guns each), Britain had 245 and America had 7, of which 6 would see service in the war. America might have fielded a more imposing naval force,” Gutzman explained, “if not for Jefferson’s infatuation with so-called gunboats — es-



Francis Scott Key, who was on a British ship to negotiate a prisoner release, witnessed the attack on Fort McHenry in 1814. The defense of the fort inspired him to write a hymn that became the U.S. national anthem, the “Star-spangled Banner.”

entially narrow rowboats, each of which had one small cannon mounted in the front. While captains such as Stephen Decatur achieved notable isolated successes, and while the Americans ultimately did clear the Great Lakes of British ships, by war's end the Americans' remaining frigates were forced by the overwhelming British numerical superiority to stay in port."

Such was the lack of preparedness that President James Madison inherited from his fellow Virginian and immediate predecessor in the White House, Thomas Jefferson. Jefferson was nearing the end of his second term when the incident occurred that foreshadowed the coming of war. In the spring of 1807, a British warship, the *HMS Leopard*, intercepted the American frigate, the *Chesapeake*, where the Chesapeake Bay meets the Atlantic Ocean. When the *Chesapeake* crew refused to let the British seamen aboard, the English ship fired on the American vessel as spectators watched from the shore. Twenty-one Americans were killed or wounded and three Americans were impressed into the service of the British navy. Prepared or not, the American people responded to the incident with a demand for war. As Madison, who was Secretary of State at the time, observed, "the spirit excited throughout our nation, by the gross attack on its sovereignty, is that of the most ardent and determined patriotism."

Awhile to War

Yet the war was still five years and many negotiations away. The embargo adopted by Jefferson and the Non-Intercourse Act were aimed at preventing further incidents, but it was a vain and futile wish. For

one thing, enforcement was extremely difficult. From the shore and the first few miles out, U.S. ships bound for other states were indistinguishable from those bound for foreign ports. And there were those, including some of Jefferson's own Republican Party (not to be confused with the modern Republican Party founded in 1854), who railed against the laws as unconstitutional. To regulate commerce with foreign nations, as authorized by Article I, Section 8 of the Constitution, was not a license to destroy it, argued John Randolph of Roanoke, Virginia, a cousin of President Jefferson. Not surprisingly, opposition among the Federalists, particularly those of the Northeast, was even more shrill. As Henry Adams, historian and direct descendant of the nation's second and sixth Presidents noted, the embargoes had the effect of creating a British party within the United States.

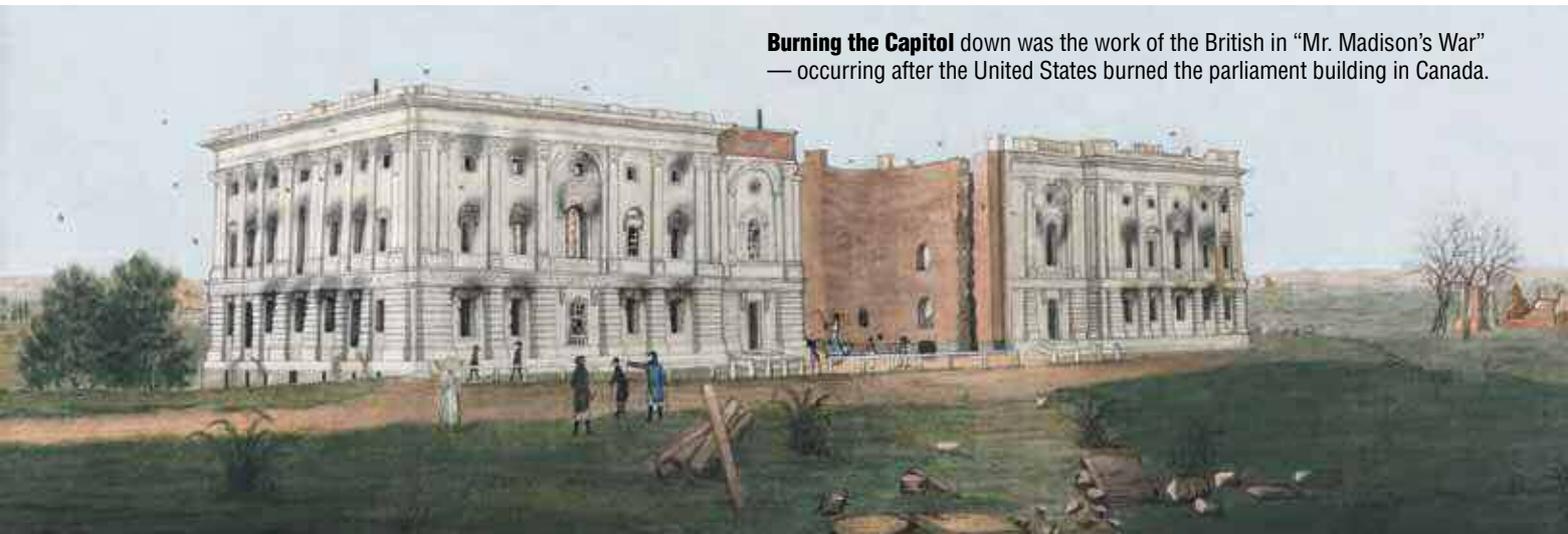
The decline in revenues also forced the Republicans to reconsider their opposition to reauthorizing the Bank of the United States, an institution Jefferson and his party fought going back to the early days of the first President, the inestimable George Washington. Loans were needed to keep the nation and its war going. Republicans had to choose between Republican adherence to principle versus Hamiltonian pragmatism.

In the midst of all that uncertainty, Madison won the 1808 election, the third straight for the Republicans and the third in a row

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for Virginians. (Such was the pull of state loyalties and regional ties at the time that a proposed constitutional amendment would have barred two consecutive Presidents from the same state.) With a long lame-duck period, Jefferson, from November 1808 to Madison's inauguration on March 4, 1809, provided little in the way of executive leadership. The lame-duck Congress was similarly inert. The situation continued to slide through Madison's first three years plus. Madison did his best to enunciate and defend the rights of neutrals, but neutrality became increasingly difficult to maintain. Neither Britain nor France wished to see her enemy strengthened by ships sailing unmolested to bring much-needed supplies to the foe. Madison at one point rescinded the Non-Intercourse Act against Great Britain when the Crown relented in its policy of harassing and attacking American ships. But later, when the inconstant "Brits" went back to their aggressive ways, Madison, not finding the consensus he needed in Congress, unilaterally reimposed the embargo. Again, the question of constitutionality arose, again to no avail.

Burning the Capitol down was the work of the British in "Mr. Madison's War" — occurring after the United States burned the parliament building in Canada.



Meanwhile, the controversy over a new charter for the Bank of the United States came to a head in the Congress in 1811. The bill for the charter lost by one vote in each house, with Vice President George Clinton casting the deciding vote in the Senate. Madison was for the new charter, but was for it tepidly and not very visibly. Consistency of principle mattered to men like Madison, and even in those days long before the 30-second or one-minute political ad, Madison was not eager to be a candidate for reelection in 1812 as the President who was against the bank before he was for it, or for it after he had opposed it. Those who knew “little Jimmy” Madison (5' 4" in his stocking feet) would have known he was no John Kerry.

But there was other business demanding attention of the young nation and its beleaguered chief executive. America still had a largely unsettled frontier and the Indians, or the “savages” as they were then called, were also waging war with the round-eyed, pale-faced interlopers on the continent the natives had to themselves until the European discovery and conquest. William Henry Harrison, Governor of the Indiana territory, crushed the forces of Shawnee leader Tecumseh at the battle of Tippecanoe, and the hero's mantle followed him all the way to the White House a generation later. Americans resented what they saw as a manipulation of the natives against the white settlers by the English in an effort to distract their foes and weaken opposition to Britain's dominance at sea. It may have called to mind Jefferson's charge against the British in the Declaration, claiming the English monarch had aroused against the colonists the “merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction, of all ages, sexes and conditions.”

The redcoats exacted their revenge when they invaded poorly defended Washington and burned the White House and the Capitol. The intrepid “presidentress,” Dolley Madison, managed to save valuable documents before fleeing the White House.



Fateful: The Battle of New Orleans proved fateful: It was a decisive British defeat, took place after a peace treaty had been signed, and made U.S. General Andrew Jackson into an American icon.

Madison knew the nation was unprepared to take on the naval might of the British Empire, but he was faced with a dilemma. It had been summed up centuries earlier on another continent. “If the trumpet gives an uncertain sound,” wrote the Apostle Paul to the Corinthians, “who shall prepare himself for battle?” Madison said essentially the same thing when he noted: “It had become impossible to avoid or even delay war, at a moment when we were not prepared for it, and when it was certain that effective preparation would not take place, whilst the question of war was undecided.” To paraphrase a popular saying of our own day, if you wage war, they will arm. Madison decided, “It would be best to open the war with a force of a kind and amount that would soon be procured & that might strike an important blow, before the Enemy ... could be reinforced.” Tracing British perfidy back to 1783, or only two years after the Treaty of Paris had recognized America's independence and ended the war that had begun in 1775, Madison, ever the rationalist, told Congress of American efforts at friendship and reconciliation with the sceptered isle in contrast to the latter's “spirit of

hostility to commercial rights and prosperity of the United States.” He noted that England was thwarting her own self-interest by forgoing with its continued hostility access to “the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.”

To that point, Madison said, Great Britain was in “a state of war against the United States,” while the United States had remained “in a state of peace towards Great Britain.” France had been equally belligerent and offensive, but with Napoleon's army preoccupied with the struggles against the Russian army and the Russian winter, Madison wisely decided against asking for a declaration of war against both countries, something contrary to both the nation's need of trade with the continent and the ability of its revenue base to support a war against two great powers.

War Declared

The House passed a declaration of war on June 4, 1812, and the Senate, after two full days of debate, voted 19-13 for war. Several Republican Senators voted against the declaration. For the North American challengers to the mighty empire, with little naval armament of its own, the obvious and tempting targets were the British

provinces in Canada. Somehow the United States leaders, themselves former colonists of rather recent time, thought their northern neighbors would be an easy mark. The Governor of Kentucky boasted to Madison that his state's militia alone would be sufficient to lay Montreal and other parts of Canada at the President's feet. In fact, the United States managed to do to Canada what the "mother country" would do to her former colonists. The United States managed to invade the Canadian capital and burn the parliament building, but did not capture and annex the vast territories of proud Canada.

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It is a credit to the Republican administration of James Madison and the Jefferson administration that preceded it that the nation at war and under siege by an invading army did not restrict or suspend the liberties of its inhabitants. That is in marked contrast not only to our own time, but also to the administration in charge of the Union half a century later during the Civil

War, when the sainted Abraham Lincoln suspended the Writ of Habeas Corpus and arrested and imprisoned without trial thousands of civilians in the Union, including hundreds of newspaper editors and publishers, whose crime was alleged sympathy for the rebel cause, earning the epithet "copperheads," which President Franklin Roosevelt also hurled at opponents of his run-up to America's entrance into the global slaughterhouse known as World War II. There was no enemy invasion of the United States proper during World War II, but the mere possibility prompted federal and state officials on the West Coast to round up and imprison without charge or trial some 100,000 residents of Japanese descent, many of them American citizens. During World War I, dissenters were imprisoned for speaking and writing against military conscription. One might well wonder how dissenters in the war of 1812 would have fared if it had been the Federalist administration of John Adams waging the war against the "Brits." Adams, remember, was the President under whose regime the notorious Alien and Sedition Acts were passed. They expired when the Jefferson administration came into power and the new President granted clemency to both the accused and convicted.

The War of 1812 was also notable for at least a couple of ironies resulting from the time delay in the early 19th century between a government action and news of it reaching distant capitals. As the United States was declaring war in Washington against Great Britain, the chief cause of strife between the empire and its former colonies was being withdrawn in London. The Orders in Council that authorized the interfering with American shipping and capture of sailors on the high seas were formally withdrawn on June 17, 1812. Meanwhile, Napoleon was on the brink of his fateful Russian campaign. It seemed events were in the saddle, riding herd on men and nations.

Also, the most famous battle of the campaign, the storied Battle of New Orleans, which made the reputation of a backwoodsman named Andrew Jackson, actually took place after the two nations had agreed to terms of peace embodied in the Treaty of Ghent. The unnecessary battle has nonetheless been celebrated in story and song and helped propel Colonel Jackson up the ranks to general and, later, seventh President of the United States.

England was preoccupied with its war with France, and her former colonists discovered it was easier driving the redcoats off the land than to defeat them at sea. Both sides had grown weary of the war when they signed a treaty that conceded nothing to either side. Basically, the war settled nothing, though it did serve notice to the world that the newly independent power in the Americas was not going to have its shipping or other rights lightly trampled upon.

When it was over, the United States was a more united nation than before, despite the fact that a major section of the country, New England, was in rebellion against "Mr. Madison's War," with delegates to the Hartford Convention of 1815 hinting darkly at secession, 35 years before South Carolina voted to leave a union led by Abraham Lincoln of Illinois. The War of 1812 brought invasion, dissent, and the preservation and defense of liberty and sovereignty.

As Daniel Webster would later declare in another sectional crisis, with war looming among the states themselves, the War of 1812 ended with "Liberty and Union, one and inseparable, now and forever!" ■



AP Images

Hesitant no longer: Before again going to war with Britain in 1812, American politicians heavily weighed the benefits and consequences. Nowadays the United States seemingly goes to war at the drop of a hat, even when — as in Iraq — the goals are dubious and the costs great.