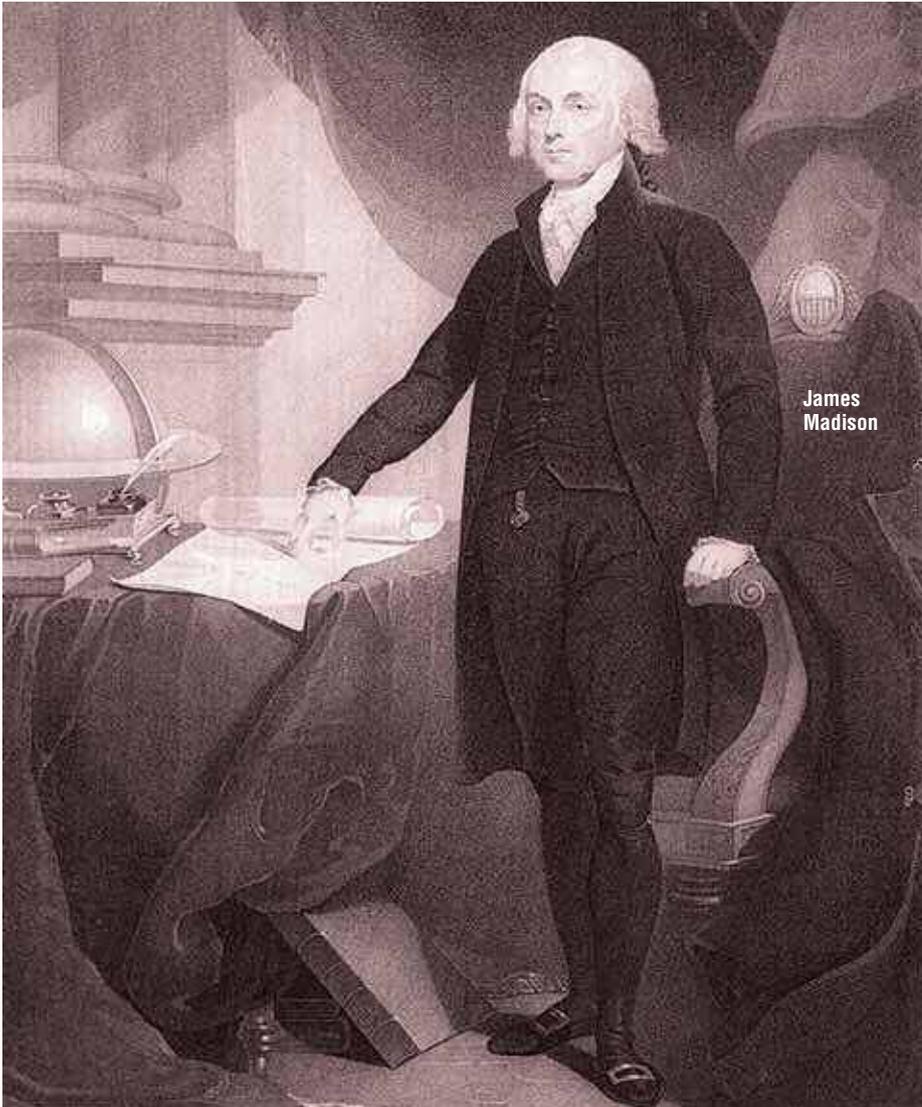


The Hartford Convention



James
Madison

and confusion, and it would not be the last. For it was the War of 1812, and the nation was under attack, facing armed invasion from Great Britain and threatened with dissolution by Northern states in a sectional conflict that foreshadowed in many ways the great Civil War of half a century later. Though the war President James Madison waged against the Red Coats was not nearly as long or costly as the later war against the Confederacy, Madison was, before it ended, nearly as despised in the North as Lincoln would be in Southern states. The claims of state sovereignty and the right to secede made by the Southern states that formed the Confederate States of America in 1861 are familiar to most readers. Lesser known are the similar claims made by the dissidents in the North during the conflict that had become known as “Mr. Madison’s War.” And it was insistence upon states’ rights and the threat of secession in Northern states that led to the Hartford Convention of 1814-15.

Morose Madison

Madison had inherited from his predecessor, fellow Virginian Thomas Jefferson, all the hostility from merchants and shippers that grew out of Jefferson’s response to attacks on U.S. ships and the kidnapping of American seamen by Great Britain. Seeking to maintain neutrality in England’s war with France, Jefferson got Congress to pass the Embargo Act, prohibiting all trade with other nations, later to be replaced by the Non-Intercourse Act, which banned trade only with England and France. Since England, the “Mistress of the Ocean,” had been America’s biggest trading partner and Napoleon’s empire in France held sway over many of the ports of continental Europe, the embargoes dealt a heavy blow to a Northeast region where shipping was paramount. Indeed, the country as a whole suffered, as U.S. exports, having doubled from \$55 million to \$108 million between 1803 and 1807, dwindled to whatever could be smuggled out in 1808. But Southern planters found new outlets in the more than 100 new cot-

In the Civil War, the North put an end to Southern secession, but earlier it was Northerners who wanted out.

by Jack Kenny

In a war that appeared headed to no successful conclusion, the president of the United States, a visitor reported, “looks miserably shattered and woe-begone. In short, he looked heart-broken.” The visitor, Senator Jeremiah Mason of New Hampshire, saw “alarming indications of impending dissolution.... If the war goes on the States will be left in a

great degree to take care of themselves.” He feared the conflict would end in “dissolution of the Union.” Others in the region echoed the sentiment. The president’s struggles with an enemy at arms were magnified by disdain for the war and talk of rebellion among the states in the North. There was open doubt of whether the nation would survive.

It was not the first time the survival of the young republic was a subject of doubt

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ton and wool mills that had sprung up in New England, where capital was being diverted from shipping to manufacturing. The burden fell most heavily on the region's merchants and its ship building and shipping companies. Thousands of sailors were thrown out of work and, according to historian James Ellis, "As many as half of the working men in the New England coastal communities were unemployed. Poor houses were overflowed, banks failed."

When the war with England began, new taxes were levied on a nation noted

for its anti-tax sentiment. For the first time, taxes were imposed on the sale of gold, silverware, jewelry, and watches. New Englanders resented paying more in federal taxes while seeing little in the way of Washington's provisions for the common defense. People and property went largely unprotected in the coastal regions, regularly bombarded and invaded

by British forces.

"In July of 1812," wrote historian Samuel Eliot Morison, "almost every regular unit garrisoning coastal forts marched off to invade Canada, leaving the New England coast defenseless except for the militia." Even after the War Department offered to keep the Massachusetts men within the state if they were placed under the command of Army officers, Governor Caleb Strong refused most presidential requisitions for militia. Every New England governor but John Gilman of New Hampshire took the same stand. Gov. John

Cotton Smith of Connecticut recalled the only state militia detachment in national service on the very day the British burned Washington. But when Governor Martin Chittenden of Vermont attempted to recall his state's militia, some congressmen called for his indictment for treason.

Yet a prominent Virginian wrote in defense of the aggrieved Northerners, while enjoying the irony of welcoming a prominent Northern Federalist rise to the cause of states' rights. Referring to Harrison Gray Otis, a Federalist leader in the Massachusetts Senate, a gloating John Randolph of Roanoke wrote to Massachusetts Congressman Josiah Quincy: "I recollect the time when with Mr. Otis, *States rights* were as nothing in comparison with the proud prerogatives of the Federal government. Then Virginia was building an armory to enable her to resist Federal usurpation. You will not infer that I attach the least blame to Mr. Otis: far from it. I rejoice on the contrary to see him enlisted on the side of the *liberty of the subject and the rights of the States.*"

Nearly broke and vexed by the double burden of paying the federal war taxes while providing for their own defense, some of the states petitioned the federal government for repatriation of their defense costs. Yet they were making their pleas to a government that was itself broke and driven out of its capital by the invading British. In the Massachusetts Senate, Republican leader John Holmes accused Governor Strong and his Federalist allies of disloyalty compounded by hypocrisy.

"You complain that Massachusetts is left defenseless," said Holmes. "You took the State out of the hands of the general government. You would not permit them to decide on the danger. You refused them the means to repel it, and now, forsooth, you complain that you are left defenseless."

Faltering Union

Even before the War of 1812, and apart from the hated embargoes, sectional rivalries were threatening to break up the union. Just as Southern states would later oppose the admission of new Northern states, fearing the increase of the anti-slavery faction in Congress, Northerners feared the growing influence of the South in a country where Jefferson and Madi-



To the "poor house": The embargo on trade with England and France had a devastating effect on New England coastal communities, said historian James Ellis. "Poor houses were overflowed, banks failed."



On the plantation: The demands of the Hartford Convention were soon forgotten, but sectional rivalries between North and South would later lead to the Civil War and an end to slavery in America.

son's Republican (later called Democratic) Party had already achieved dominance. On January 4, 1811, as debate began in the House of Representatives on statehood for Louisiana, Rep. Quincy warned his colleagues that a favorable vote by the Congress would make it "the duty of some to prepare definitely for a separation — amicably if they can, violently if they must."

As early as 1808, Otis, then president of the Massachusetts Senate, proposed a convention of Northern states to take up their grievances against the national administration. Nothing came of it when the embargo was repealed soon after. At the outset of the war, Gouverneur Morris of New York, who years earlier had signed the U.S. Constitution while representing Pennsylvania, called for a convention to "force the Southern states either [to] submit to what is just or break up the Union." That proposal also went nowhere, since New York at that time was controlled by Republicans.

But in 1813, a new embargo banned fishing outside of harbors and allowed transportation on inland waterways only by permission of the president. The new law inspired angry protests even in Republican Maine, where transportation by water was the only mode of travel in much of the eastern portion of the state. To Deer Isle residents, "Madison's embargo" reeked of "the

utmost stench of despotism," while citizens of Ellsworth likened Madison to Napoleon. People in Goldsborough complained that even sleighs carrying food for their families were being stopped and searched by officials looking for contraband. Federalist Cyrus King ran for Congress and won in 1814 by rousing Maine voters with fiery anti-Madison rhetoric. "If a simple king of England, by his corrupt servants, chastised New England with whips," King declared, "the administration here chastised her with scorpions." In Massachusetts, state Senator Francis Blake of Worcester declared that if the Constitution permitted embargoes, he'd prefer British rule, "monarchy and all."

"Had the President wished to turn New England's disaffection into sedition," wrote Morison, "he could not have chosen a better method; for the very word embargo was a red rag to Massachusetts federalism. It cut off the only legitimate commerce that remained and ended the extensive smuggling over the Canadian frontier, the profits of which had reconciled many a Federalist to the war." When the Massachusetts legislature met in January 1814, petitions from all parts of the commonwealth began pouring in. "The tone of each was ominous," Morison wrote. "There was no trace of animosity against Great Britain, but every sentence

expressed hatred of the administration and a determination to submit to its 'tyranny' no longer."

In Northampton a gathering of Federalists that included lexicographer Noah Webster produced a letter to circulate among the towns, suggesting that the root of the problem was neither the war nor the embargo, but "a perverse construction of the Constitution of the United States" that denied to the Northern states "their due weight and influence in our national councils." Among the problems the Federalists wanted remedied was a compromise essential to the passage of the Constitution in 1787, but one that remained a sore point in the Northern states. For purposes of both taxation and representation, three-fifths of all slaves were counted in the population figures produced by each census, thereby giving the Southern states greater representation in the House of Representatives and the Electoral College.

A committee chaired by Sen. James Lloyd, Jr. reported to the Massachusetts legislature that the best way "to prevent that hostility to the Union" that would "terminate in its downfall" was for "the Wise and Good, of those states which deem themselves oppressed to assemble with delegated authority." The Lloyd Report was adopted by the Massachusetts House of Representatives by a vote of 178 to 43 and by 23 to 8 in the Senate.

President Madison, meanwhile, was desperate for more troops. Early in 1812, Congress authorized the president to augment the regular army with 50,000 volunteers for one year's service. Barely five thousand signed on in the next six months. When authorized to call up 100,000 from the state militias, the president found that few who took up arms would cross the borders of their own states. The United States had 12 times the population of Canada, yet Henry Adams would observe that two months after the declaration of war, "the Canadians outnumbered the Americans at every point of danger on the frontier."

By October of 1814, Madison and Secretary of War James Monroe had turned to military conscription as the answer. Monroe told Congress it had "a right by the Constitution to raise regular armies, and no constraint is imposed on the regular exercise of it." In his recent biography of Madison, Richard Brookhiser described

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the reaction of one of Monroe's fellow Virginians. "John Randolph asked scornfully what Monroe would have said to a similar argument from [previous president] John Adams and answered his own question: Monroe would have urged armed defiance."

Congress rejected the proposed military draft, but by the fall of 1814, the New Englanders were making final preparations for their convention. On December 15, delegates from Massachusetts, Rhode Island, and Connecticut met in Hartford, joined by representatives of a few counties in Vermont and New Hampshire. Seeking to keep the more extreme elements at bay, Massachusetts put at the head of its del-

egation George Cabot, a Federalist leader who came out of retirement, in his words, "to keep the young hotheads from getting into mischief."

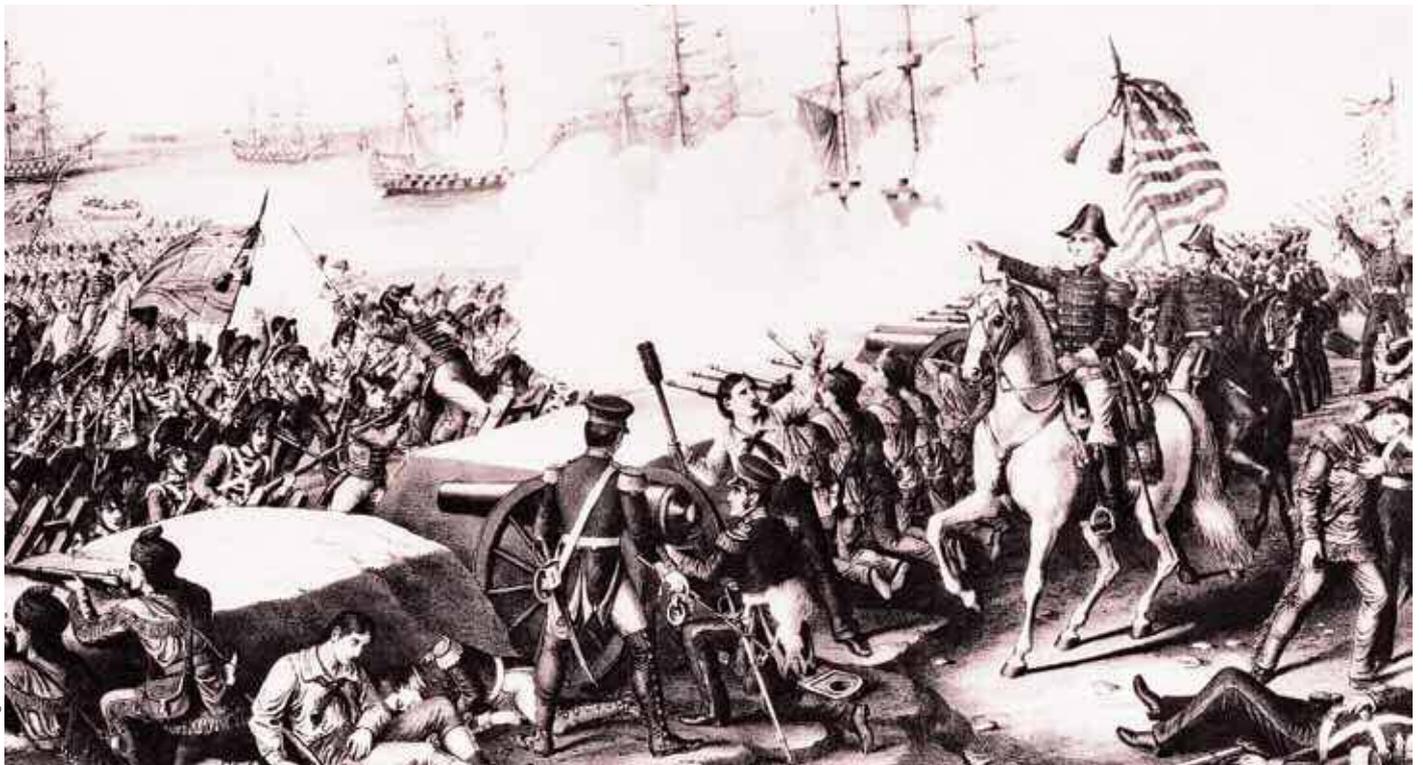
The Hartford Convention

The Hartford Convention followed the colonial tradition of gathering representatives of some or all of the colonies to air grievances, prepare for war, or propose

changes in the structure of government. Prior to the American War for Independence, the Albany Congress of 1754 drew delegates from seven of the 13 colonies to New York to prepare for an anticipated war with France. But the convention also proposed a plan for a federated colonial government that went unratified by any of the colonies and would surely have been vetoed in London if passed. Then came the Stamp Act Congress in 1765 and the first Continental Congress in 1774. That the Hartford conclave was in the American tradition was hardly a comfort to the governing class in 1814, however. For it was a tradition tied to rebellion and se-

cession. They also had the example of the French Revolution and its reign of terror fresh in their memories. Even Jefferson, once an open admirer of revolutionary France, shuddered at the thought of a similar turn of events in America. Yet when the Sage of Monticello denounced the delegates in Hartford as "Marats, Dantons and Robespierres," referring to influential French revolutionaries, his old rival John Adams managed to find something more or less favorable to say about them. They were "intelligent and honest men who had lost touch with reality," Adams replied, while also describing them as "servile mimics" of Jefferson and his Republicans, who had harangued and obstructed the Adams administration.

And, in fact, Federalists in Massachusetts as early as 1811 were espousing doctrines that Jefferson and Madison had championed by their authorship of the Kentucky and Virginia resolutions of 1798, documents written to argue that the states could nullify the federal Alien and Sedition laws enacted by Adams and his Federalists. In the fall of 1814, anti-Madison dissidents in New England were speaking openly of nullification and inter-



General Andrew Jackson's rout of the British in the Battle of New Orleans on January 8, 1815, happened nearly two weeks after the signing of the treaty to end the fighting in the War of 1812.

position — the right to declare void within their borders federal laws a state or group of states declare unconstitutional — and even secession. In a crisis spurred in no small measure by sectional rivalries, some Northerners nonetheless both echoed Jefferson's and Madison's earlier arguments that the federal government must not be the final arbiter of its own powers, and foreshadowed the later claims by Southern statesmen that the states that formed the union and joined it by exercise of their sovereign authority could, by that same authority, leave it.

An editorial appearing on November 1 of that year vehemently denied that any one state or section of the country could, of its own accord, withdraw from the Union:

No man, no association of men, no state or set of states has a right to withdraw itself from the Union of its own accord. The same power which knit us together can only unknit. The same formality which forged the links of the Union, is necessary to dissolve it. The majority of states which form the Union must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union, or to obstruct the efficacy of its constitutional laws is Treason — Treason to all intents and purposes.

The argument became Abraham Lincoln's 47 years later, but in 1814 it was the judgment of the *Enquirer* of Richmond, Virginia. The editors of that publication unwittingly indicted future generations of Virginians and the secessionists of other Southern states of "Treason to all intents and purposes."

The decision in Hartford to deliberate in closed session further fueled speculation that the convention was plotting secession and/or armed rebellion against the Union. There was indeed talk of secession and other radical proposals at the convention, including a plan to kick the Western states out of the Union and return the government to the original 13. But the conven-



The Treaty of Ghent, signed December 24, 1814, in the Flemish city in present-day Belgium, brought an end to the War of 1812, but did not resolve any of the disputes that led to it.

tion's moderates, under the leadership of Cabot and Otis, kept control of the deliberations and produced a document calling for less drastic changes to the nation's Constitution. One proposed amendment would have eliminated the "three-fifths" clause to deprive the South of the portion of its representation based on slaves. Another would have prohibited the election of two presidents from the same state in consecutive elections, an obvious rebuke to the administrations of Virginians Jefferson and Madison. Other amendments recommended by the convention included the requirement of a two-thirds vote in each house of Congress for the admission of new states, for the "interdiction of commercial intercourse" (with a 60-day limit on embargoes), and for declarations of war. The convention adjourned on January 5, promising that if their demands were not met they would meet again in June to decide what "a crisis so momentous might require." Wrote Brookhiser: "The threat was obvious: give us what we want or we will secede."

Some of the would-be rebels wanted secession and the making of a separate peace with England, a course seemingly made more plausible by the widespread expectation of a British victory over the badly outmanned and outgunned forces of

Andrew Jackson by the British at New Orleans. A defeat there might well have led to a breakup of the Union. But Jackson's rout of the invaders demonstrated that England's efforts to subdue her former colonies were fruitless and the men and firepower spent in North America would be better used in Europe against the French. Unknown to the delegates in Hartford, both nations agreed to end the fighting when they signed the largely inconclusive Treaty of Ghent on December 24. "The Peace of Christmas Eve" was also unknown to the combatants in New Orleans, who fought the famous battle in early January, after the treaty had been signed but before news of it had crossed the Atlantic.

The demands made by the Hartford Convention were quickly forgotten. By the time the delegation from New England arrived in Washington, news of the peace had preceded it, and the delegates went into hiding to avoid the laughter and derision from Republicans in the nation's capital.

Wars eventually end, but sectional conflicts and the ideas that animate them live on. The battle for states' rights and nullification, along with threats of secession, would soon fall out of favor in the North. But they would move to the South and ignite a conflagration far greater than the War of 1812. ■