JEFFERSON'S LEAP OF FAITH: THE EMBARGO ACTS OF 1807-1809 AS A FAILURE OF JEFFERSONIAN IDEOLOGY

THESIS

Presented to the Graduate Council of the University of North Texas in Partial Fulfillment of the Requirements

For the Degree of

MASTER OF ARTS

By

James M. Hamilton, B.A.

Denton, Texas

December, 1994
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Thomas Jefferson's political ideology centered on the importance of individual liberty and choice for the common person. Activities throughout his career were grounded on this concept. It is interesting, therefore, that events during the final years of his presidency appear to have prompted him to abandon this philosophy in favor of a more pragmatic, less democratic, approach.

The embargo acts which Congress passed at Jefferson's request in between December 1807 and January 1809 outlawed all foreign commercial activities and provided harsh penalties for violations. The president's failure to communicate publicly the reasons he believed these drastic measures were required stand in stark contrast to his political philosophy and left a cloud over his presidency when he left office.
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The public life of Thomas Jefferson stands today as an inspiration to many people throughout the world. Jefferson's life was characterized by tolerance for all, an inquisitive mind that inspired him to invent, design, build, write, and plant, and a compassion which overlooked occupation or background.

Despite the respect Jefferson still commands more than 160 years after his death, contradictions remain in his public life which cannot easily be explained. The man who wrote the Declaration of Independence, for example, which advocated the equality of all men, was a slaveholder. More important to this study, Jefferson was an idealist who believed the American people would trust him to administer the government in their best interest. Periodically, the conviction of his ideals caused him to lose sight of the needs of his countrymen. This fact is often obscured by his contributions to the presidency and the nation.

During Jefferson's first term internal taxes were abolished, the national debt was reduced by half, the armed forces were restructured and a military academy (West Point) was established. The land area of the country was doubled by the purchase of the Louisiana Territory, and the western
frontier was explored. Jefferson congratulated the nation for these successes as he began his second term.\footnote{1}

While his first term was dedicated largely to domestic affairs, American relations with the European nations dominated the last four years of his presidency. As early as the years before the revolution, most colonial leaders realized that the wealth of the colonies depended on the maintenance of commercial relations with the Old World. By 1805, the burgeoning economy of the United States was based almost entirely on trade with the other nations of the world. Finished goods from Europe, for example, came into the country while American raw materials like timber and cotton made their way to European cities and beyond. American merchants also had established an important role in carrying goods from one country to another.

Unwilling to acknowledge defeat in the American Revolution or surrender any of its preeminent trading status, however, Great Britain had developed an elaborate system of policies aimed at keeping the former colonies in a state of economic dependence. At the same time, the favorable relations of the 1770s and 1780s between the French and the Americans withered under the leadership of France's revolutionaries. The French under Napoleon were as eager as the British to keep the United States as the junior partner of Atlantic trade. As president, Jefferson faced
the difficult task of finding an appropriate response to the actions that had plagued Americans for decades.

While Jefferson had great expectations that the embargo acts enacted between December 1807 and January 1809 would address the European neutrality violations, the measure "increasingly claimed [Jefferson's] attention in matters of administration and enforcement and led him to adopt policies of government control inconsistent with his basic philosophy of government." The failure of the measure, which affected over 1,500 American ships, 30,000 seamen and workers in allied trades and $60,000,000 worth of cargo, can be attributed in part to Jefferson's failure to communicate his intentions for the embargo to the American people. Instead of expressing his rationale, which would have been consistent with his belief in a well-informed electorate, the president maintained a public silence on the issue. That silence is the subject of this study.²

Strained relations between Great Britain and France on the eve of the nineteenth century set the tone for trans-Atlantic relations for the next two decades. While Napoleon's 1805 victory over the combined armies of Austria and Russia at Austerlitz gave the French supreme control over the European continent, Lord Horatio Nelson's triumph over the French and Spanish navies at Trafalgar later that year established the English as masters of the oceans. This stalemate prevented either side from securing a significant
advantage over the other and promised to delay a peace settlement for years.

The conflict prevented French merchant ships from leaving the continent safely. Their British counterparts, however, were engaged in maintaining a profitable trade with Africa and the Far East and paid little attention to the Western Hemisphere. American merchants used this opportunity to expand the lucrative carrying trade of transporting goods from the continent to colonies in the West Indies. As neutrals in the European conflict, the Americans could transport goods without fear of molestation from British ships on the high seas. This carrying trade gave the United States a profitable entry into international commercial affairs, but it was not without its risks.

In an attempt to force the French to conciliate, the British issued the Essex decision in 1805. This court ruling declared that the practice of shipping French and Spanish goods through American ports and on American ships did not constitute the transport of neutral goods and actually violated a British law of 1756 which proclaimed that trade closed in time of peace would remain closed in time of war. The transported goods, therefore, would be subject to seizure at any time. To further weaken the French, the king issued a series of Orders in Council in 1806 and 1807 declaring a paper blockade around the continent. Any ship bound for a European port was required
to stop in Great Britain, purchase a license and submit to an inspection of all cargo.

Napoleon responded by implementing his "Continental System". He reasoned that closing access to the European continent would force the British to the bargaining table. In two decrees, the French emperor called for a blockade of the British Isles and declared that any neutral ship which observed the Orders in Council would be subject to seizure when it reached the continent.

American merchants were caught in the middle of the paper war waged by the two nations. They were intensely aware of the dangers their ships might encounter at sea, but few were willing to give up the enormous profits they had come to enjoy. Further complicating matters, the Jay Treaty of 1795, which established the terms of commercial relations between Great Britain and the United States, lapsed in 1807. In the absence of the treaty, British naval officers increased their harassment of American ships, even turning to the practice of impressment to augment their crews.

Impressment originated in British seaport towns in the seventeenth century as a means of supplementing the rosters of the Royal Navy. As American ships appeared with greater frequency in European ports, however, British sailors often deserted to the ships which promised kinder captains and higher pay. While they did not claim the right to take native-born Americans, British officers, in their attempts
to retrieve their men, often stopped American ships on the high seas. Similar dialects and patterns of speech between the Americans and the British resulted in thousands of American citizens being kidnapped and forced into service. One expert on the subject estimated that almost 10,000 Americans were impressed between 1793 and 1812.³

The intensification of harassment from the British and the French combined with the continual threats of seizures and impressment excited national pride in the United States. Merchants tolerated the difficulties as routine dangers of the trade, but the American public demanded satisfaction for the repeated insults to the nation's sovereignty. Anglo-American relations underwent their greatest test since the American Revolution in June 1807 when a British ship attacked an American vessel off the Virginia coast in an attempt to retrieve four deserters.

In mid-June two French merchant vessels entered Chesapeake Bay for repairs and to take on provisions. Several British ships weighed anchor just inside the mouth of the bay in order to capture the French ships as they departed. While at anchor, four seamen fled from the H.M.S. Melampus to the town of Norfolk, Virginia. In Norfolk, the men signed on to work on the American war ship, the U.S.S. Chesapeake. The men all claimed to be citizens of the United States.⁴
Before the ship departed for the Mediterranean the seamen were seen in Norfolk by their former superiors from the Melampus who ascertained the seamen would be leaving on the Chesapeake on 22 June. A few hours after the American ship departed, it was stopped by the British warship H.M.S. Leopard. The officers of the Leopard demanded the return of the four deserters. When the chief officer of the Chesapeake, Captain James Barron, refused to muster his crew the Leopard fired a volley of cannon at the American ship, killing three crew members and wounding eighteen, including Barron. The American captain ordered his ship to surrender, and the British officers boarded it. The four deserters were taken back to the Leopard, and the Chesapeake made its way precariously back to Norfolk.5

American reaction to the Chesapeake Affair was immediate. In Norfolk, two hundred casks of fresh water which were destined for the British ships off the coast were destroyed. From Philadelphia, one John Keehmle confirmed for President Jefferson that the nation was unified as never before. The entire nation condemned the British action.6

"Whether the outrage is a proper cause for war, belonging exclusively to Congress," the president wrote the governor of Virginia, "it is our duty not to commit them by doing anything which would [have] to be retracted." Jefferson recognized, however, the need to take some action to avoid further embarrassment. The British, he believed,
should be shown that "there are peaceable means of repressing injustice by making it the interest of the aggressor to do what is just, and abstain from future wrong." With that in mind, the president called a cabinet meeting for 2 July to discuss the country's alternatives.  

Cabinet members debated calling Congress into special session. It was not scheduled to reconvene until November. After some discussion, Jefferson issued a call for Congress to return on 26 October. The intervening months, it was decided, would allow the British government time to disavow the action of the Leopard and renounce the government's policy of impressment. Jefferson also issued a proclamation ordering all armed British vessels out of American ports and waters and closing these harbors to the future use of all British ships. In addition, the proclamation prohibited any intercourse with British ships in American waters. (British ships could not be re-provisioned in American waters under penalty of prosecution.)

Jefferson could easily have led the United States into war against Great Britain. Instead, he preferred to examine the theory of economic coercion as a weapon against the British. That is, he believed the state of American relations with Great Britain and France gave him the opportunity to test the efficacy of economic rather than traditional warfare. Commercial coercion, "a theory that the need for American produce in England (and elsewhere),
partially shut off from European supply sources, would force the targeted countries to comply with the wishes of the Americans.9

The president was not unmoved by the sentiments of the nation with regard to the assault on the Chesapeake. In July he wrote: "Never since the battle of Lexington have I seen this country in such a state of exasperation as at present. And even that did not produce such unanimity." Despite the intense feelings of national outrage and willingness to go to war, Jefferson resorted to diplomatic persuasion and sent an armed frigate, the Revenge, to Great Britain with special instructions for Monroe. The minister was instructed to demand disavowal of the attack, to ask the British government to give up the right to search neutral vessels and to request the restoration of impressed American seamen. The response of the British government would take time; Jefferson welcomed this "since it would permit American ships and sailors to get home before fighting should begin."10

Jefferson's confidence in a negotiated settlement was voiced in a letter to his son-in-law after the proclamation was announced. "I cannot but believe England will give us satisfaction" because she wanted to avoid war as much as the United States. At no time did Jefferson make a public statement with regard to his intentions concerning the British. Biographer Dumas Malone observed: "As an
experienced diplomat he recognized that premature publicity could easily wreck crucial negotiations. "Unfortunately, he resisted any attempts to inform the American populace throughout the embargo's lifetime."

The British sent a special envoy to the United States to investigate the affair; however, they refused to concede their right to search neutral ships. The British government had never reconciled itself to the realization that the Americans were trying to profit from the war the British were fighting; as a result, the government issued another set of orders-in-council. These orders eliminated neutral trade from all ports from which the British were excluded.

On 16 October King George III issued a proclamation which authorized British sea captains "to seize upon, take, and bring away" all British seamen who were working on foreign vessels. Another part of the proclamation declared that naturalization documents, stating the seaman was a citizen of another country, did not release the sailor from his allegiance to Great Britain.  

Congress convened on 26 October 1807; the House of Representatives meeting for the first time in its newly completed chamber. The lawmakers authorized the construction of an additional 188 gunboats for coastal defenses. These gunboats were small and could capsize quite easily. Historian Henry Adams later remarked that "in the face of a probable war with England, such action was
equivalent to inaction." By mid-December ships arriving from Europe began reporting Napoleon's intention of enforcing the Continental System, which had not been strictly maintained since its announcement. Jefferson realized the United States would be a powerless intermediary unless he took some definite action.\footnote{13}

On 17 December Jefferson met privately with Secretary of State James Madison and Treasury Secretary Albert Gallatin to discuss implementation of an embargo. Gallatin preferred war to a permanent embargo. He stated that if an embargo were to be used, it should have a definite time limit. Madison and the other cabinet members favored the embargo as an effective instrument of economic coercion against Britain and France.\footnote{14}

Later that day, Jefferson sent letters to both houses of Congress indicating that

The communications now made showing the great and increasing danger with which our vessels, seamen and merchandise are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who shall doubtless perceive all the advantage which may be expected from an inhibition of the departure of our vessels from the ports of the United States.\ldots\ Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.\footnote{15}

After four days of debate, Congress passed the first act, banning the clearance of any ship bound for a foreign port. Jefferson signed the bill on 22 December 1807.


5. Ibid.


CHAPTER II

JEFFERSON'S INTENTIONS

The succinct nature of Jefferson's embargo message indicated that the president was confident that Congress would "doubtless perceive all the advantages" of imposing an embargo. His failure to articulate these advantages in a public forum, however, confused the Americans of his day and has since stymied generations of historians. While students of history have generally agreed that, in calling for an embargo, Jefferson was advocating a peaceful alternative to war, like the president himself, they have remained virtually mute in trying to account for his silence.¹

Writing only a few days after Congress passed the embargo, Jefferson responded to his friend John Taylor's questions regarding the measure. The embargo, he explained,

keeping at home our vessels, cargoes & seamen, saves us the necessity of making their capture the cause of immediate war: for if going to England, France has determined to take them, if to any other place, England was to take them. Till they return to some sense of moral duty therefore, we can keep within ourselves. This gives time, time may produce peace in Europe: peace in Europe removes all causes of difference, till another European war: and by that time our debt may be paid, our revenues clear, & our strength increased.²

Written privately, these words offer great insight into Jefferson's intentions in calling for the embargo.
Publicly, however, the president offered no rationale for the most restrictive commercial measure the government had ever adopted to that point. Like the letter to Taylor, the few clues regarding what he hoped the measure would accomplish took the form of private letters to family members and close friends. Because this correspondence did not become available for distribution until after Jefferson's death, few individuals were privy to his goals for the embargo during his lifetime. Additionally, he issued no written proclamations and gave no speeches to rally public support.

As the measure took its toll on pocketbooks across the nation, then, the average American was left to draw his own conclusions regarding the embargo's purpose. This official silence violated one of the president's cardinal principles. Writing to Uriah Forrest from France in 1787, Minister Jefferson stated: "Educate and inform the whole mass of the people. Enable them to see that it is in their interest to preserve peace and order, and they will preserve them."

President Jefferson's failure to communicate his intentions in the case of the embargo is one of the great paradoxes of his career.³

Jefferson's philosophy of government, including the importance of a well-informed electorate, was inconsistent with his public silence. The president's political creed had always emphasized the importance of reason, natural law,
the rights of man, and majority rule. Yet his unwillingness to communicate his goals publicly has prompted generations of historians to resort to speculation as they have tried to assign meaning to his motivations. Despite assurances in his first annual message to Congress that "nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution," Jefferson's failure to present his case to the nation ultimately damaged his reputation as an enlightened democrat.⁴

While many writers have commented on Jefferson's motives, very few have explored the reasons he failed to explain those motives to the American people. Referring to the president's silence, the author of the first monograph on the embargo, Walter Jennings, noted that "Jefferson's real motive in recommending the embargo may never be known." Jefferson's consummate biographer, Dumas Malone, touched on the issue when he noted that "we may never know whether his silence . . . should be attributed to pressure of time, or to his habitual secretiveness with regard to international affairs, or to uncertainties in his own mind."⁵

During the fifteen months of the embargo, Jefferson's private letters indicated that his hopes for the embargo were unbounded. He envisioned a measure which would protect American lives and property, defend American neutrality, avoid another costly war and offer the world a peaceful
alternative to armed conflict. In his message to Congress, however, the only specific goal Jefferson mentioned was the protection of "our vessels, our seamen, and merchandise." Private letters, like the one he sent to the governor of Virginia in the first months of the embargo confirm that protection was Jefferson's chief concern. Writing to William Cabell the president noted that "the great objects of the embargo are keeping our ships and seamen out of harm's way." While Jefferson's immediate aim was to protect seamen and ships, his letters gave evidence of other motives which, in his own mind, were equally important.6

One of Jefferson's other motives was his concern for the status of American neutrality. This concern dated back to his association with President Washington in 1793 when the United States faced the decision of taking sides in the Anglo-French conflict. Washington opted for staying on the sidelines, believing that the United States "should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers." The policy proved so successful that Jefferson and his Republican followers adopted it as an article of political faith.7

During his presidency, Jefferson viewed neutrality as a policy that could be used as a diplomatic weapon against the European powers, specifically Great Britain and France. He did not want to assure either of the nations that American neutrality was guaranteed. Rather, he wanted to leave them
unsure of the results of their actions. Jefferson was convinced that American commerce was so valuable to the Europeans that they would willingly accept any conditions his Administration might demand. Recognition of American neutrality, he reasoned, was a small price to pay for peace in the Western Hemisphere.8

In reality, the United States had little alternative but to maintain neutrality. The nation had no hope of taking on the established powers of Europe in an armed conflict, and most Americans were dependent on finished products made in Europe. Entry into a European war would halt the flow of trade and create hardships throughout the country. Politically and economically, then, neutrality was a vital component of Jefferson's foreign policy, and protecting American neutrality from European encroachments took center stage during the final years of his presidency. Somewhat similar to this concern was his belief that the United States could not afford the costs associated with fighting another war.

While a war would certainly inhibit the growth of the American economy, Jefferson also believed the nation's debt would effectively prohibit any extraordinary military ventures. As early as in his first message to Congress, the president's "sound principles" would not justify taxing Americans to accumulate a war chest that "might itself constitute a temptation to war." Undoubtedly the president
was referring to the doctrine of his own party. Historian Louis Sears noted that Jefferson "abhorred national debts, and regarded the license to pile them up as a prime cause of war." The president even advocated limiting the existence of the public debt, maintaining that "no generation should be permitted to bind its successor by obligations in the incurring of which the latter was not consulted." He noted in his second inaugural address that, should a war occur, increased revenues from tariffs would allow its costs to be met "without encroaching on the rights of future generations by burthening [sic] them with the debts of the past."  

Jefferson's concerns over the public debt were likely prompted by his own personal indebtedness. Historian Reginald Stuart noted that as early as 1787, he believed the nation should avoid any long-range conflicts because "the debts from the last war must be discharged before accepting any new burdens." As president, "Jefferson was consumed with a desire to avoid further debt and his administration became noted for the stringent economic measures designed by Albert Gallatin to balance the budget, especially by reducing military expenditures."  

While he wrote little about avoiding indebtedness during the course of the embargo, he reflected on the economic ravages of war in 1814:

I consider the war [of 1812] then as entirely justifiable on our part, although I am still sensible to the deplorable misfortune to us. It has arrested the course of the most remarkable
tide of prosperity any nation ever experienced, and has closed such prospects of future improvement as were never before in the view of any people. Farewell all hopes of extinguishing public debt. Farewell all visions of applying surpluses of revenue to the improvements of peace rather than the ravages of war.  

As an experienced diplomat, Jefferson had an additional justification for the embargo. By declaring an embargo after the tragedy of the Chesapeake Affair, he attempted to remind the British that American markets were not open simply for the pleasure of Great Britain and that their actions would have definite economic results. In other words, by using economic coercion against the belligerents, he hoped to demonstrate the wisdom of seeking out a peaceful alternative to war.

Jefferson had advocated peaceful solutions to conflict throughout his career. He was only thirty-one, for example, when he formulated his "Resolution of the Freeholders of Albemarle County." Set forth in July 1774, the resolution advocated an embargo against Great Britain which would remove the colonies from trading with any part of the British Empire. The young Jefferson believed the embargo would be a safe but effective means of convincing Britain that its colonial policies were too heavy-handed. This document was Jefferson's first public appeal to the advantages of avoiding war. No action was ever taken on the resolution, but it provides a hint of Jefferson's early thoughts on alternatives to war.
The report on commerce which Secretary of State Jefferson submitted to President Washington in December 1793 offers another example of Jefferson's desire to find a peaceful means of settling international disputes. While it is less specific as to declaring an embargo when confronted by a European power, it contained a recommendation for "counter prohibitions, duties, and resolutions" in the face of the British blockade of France which was then in effect. Writing to Madison earlier that year, Jefferson provided a deeper insight into his views. Congress might choose war, he noted,

But I should hope that war would not be their choice. I think it will furnish us a happy opportunity of setting another example to the world by shewing [sic] that nations may be brought to do justice by appeals to their interests as well as by appeals to arms. I should hope that Congress instead of a denunciation of war, would instantly exclude from our ports all the manufactures, produce, vessels and subjects of the nations committing this aggression, during the continuance of the aggression and till full satisfaction is made for it. This would work well in many ways, safely in all, and introduce between nations another umpire than arms.

Jefferson's letters after leaving Washington's cabinet reinforced his peaceful leanings. In a note to his old friend Tench Coxe only a few months after returning to private life, Jefferson declared, "I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than war." Specifically, Jefferson stated: "I love, therefore, . . . [the] proposition of cutting off all
communication with the nation which has conducted itself atrociously." Recognizing that this might lead to war with Great Britain or France, he declared that "we will meet it like men." Jefferson was reasonably confident, however, that an armed conflict would not result. In that case, "the experiment will have been a happy one." 14

Because Jefferson typically chose his words very carefully, this letter provides a hint of the idealism which was ultimately responsible for the embargo. His belief that the young nation was an "experiment" in democracy prompted him to advance many concepts which other, well-established states would have found impossible to implement. Peaceful alternatives were certainly on his mind in early 1796 when he confided to Vice-President John Adams that "this I hope will be an age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force." He believed the United States had a better chance of succeeding in this regard than any other nation "since the days of the Roman republic." Jefferson's idealism and his confidence in the principles of reason and the laws of nature were also apparent the following year when he wrote: "War is not the best engine for us to resort to, nature has given us one in our commerce, which, if properly managed, will be a better instrument for obliging the interested nations of Europe to treat us with justice." 15
Events during his own vice-presidency and his first term in the Executive Mansion only reinforced his desire to avoid war. His remarks to the American minister in France in 1801 indicated that, in his own mind at least, he had found a reasonable alternative to war: "Those peaceable coercions which are in the power of every nation, if undertaken in concert and in time of peace, are more likely to produce the desired effect." Despite the president's preferences for peace, Dumas Malone believed Jefferson was not for "peace at any price during his presidency." He would not have run from a war if armed conflict had been necessary, but "when confronted with a choice between war and a peaceful alternative," the biographer wrote, "he [Jefferson] chose the latter."  

Relations with Europe during Jefferson's second term proved to be more of a challenge than the president could ever have expected. The impressment issue, and the greater question of the rights of neutrals, came to a head with the attack on the Chesapeake in June 1807. Coming as it did on the heels of the conspiracy trial of former Vice-President Burr, the Chesapeake Affair sent a shock through the country. The demand for war was immediate, but Jefferson refused to call Congress into special session for a declaration of war. Writing in honor of the 250th anniversary of Jefferson's birth, Walter LaFeber observed that the president believed the United States had a better
weapon than military force to change British policy: economic sanctions. 17

The president believed that the government of King George III would be forced to change its policies when raw materials from the United States stopped being sent to British factories. Thrown out of work, the British working class and manufacturers would demand that Parliament change its policies toward neutrals. Jefferson recognized that economic coercion in the form of the embargo was the last card he could play short of going to war. At the height of the embargo Jefferson expressed his concerns to Dr. Thomas Leib: "It is true, the time will come when we must abandon [the embargo]. But if this is before the repeal of the orders of council, we must abandon it only for a state of war."

Realizing that the embargo would ultimately prove more harmful than war, Jefferson continued, "The day is not distant, when [war] will be preferable to a longer continuance of the embargo." 18

Writing in The Half-way Pacifist: Thomas Jefferson's View of War, Reginald C. Stuart maintained that Jefferson, "with occasional lapses, was a pacific man throughout his life. He never denied however, that force was a final arbiter, and this belief persisted during his declining years as he reflected on the needs of his country and the condition of man." Stuart believed that Jefferson "retained the view that war was a rational instrument for limited
objectives only after careful consideration." His reluctance to go to war during his second term, however, was based on his fear that the United States would not survive the conflict.  

Regardless of their points of view, most of the scholars who have studied Jefferson and the embargo have agreed that the president was motivated initially by his desire to protect American seamen and property. Because his papers were readily accessible, even the nation's earliest historians were convinced that the president envisioned the embargo primarily as a protective measure. It is extremely surprising, however, that many of these writers failed to address Jefferson's silence.

The views of one of this country's early historians, Henry Adams, were affected dramatically by his ancestors' first-hand dealings with Jefferson throughout his career. Adams cited the deterioration of Anglo-American relations as Jefferson's chief reason in calling for the embargo. The situation "had reached a point where some corrective action must be found; but . . . years of submission [to Great Britain] had broken the national spirit." Because every British outrage since the American Revolution had been met with diplomacy or capitulation, Jefferson and his Cabinet, seeking to maintain American neutrality, "hoped to escape the necessity of fighting under any circumstances whatever, anxiously looking for some expedient, or compromise which
would reconcile a policy of resistance with a policy of peace." Adams maintained that Jefferson and James Madison had worked together to formulate the policy of peaceable coercion and that Jefferson would have felt his administrative career "incomplete" if he had left office without implementing it at least once.20

Adams ascribed this desire to Jefferson's temperament. If reason led Jefferson to believe the embargo could starve Europe into conceding on the impressment issue, then his pacific leanings could take comfort in knowing that no blood would be shed on either side. Adams wrote that For more than six years [Jefferson] had conducted government on the theory of peaceable coercion, and his own friends required that the experiment should be tried. He was more than willing, he was anxious to gratify them; and he believed himself to have solved the difficult problem of stopping his enemy, while running away from him, without loss of dignity and without the appearance of flight.21

Adams referred specifically to Jefferson's refusal to explain his intentions when he observed that "on his mere recommendation, without warning, discussion, or publicity, and in silence as to his true reasons and motives, [he] succeeded in fixing upon the country, . . . the experiment of peaceable coercion."22

Writing a generation later, Walter Jennings was somewhat kinder to Jefferson. Jennings declared that Jefferson's embargo was a sincere attempt "to preserve the peace and protect American shipping, seamen, and products
from foreign depredations." Jefferson had little other choice. "How can a nation unprepared for war force two mighty foes, locked in a life and death struggle, to repeal their obnoxious orders and decrees?" A withdrawal from trade with the belligerents may have seemed the only realistic alternative. Unfortunately, Jennings did not acknowledge Jefferson's silence.23

Another student of the embargo, Louis Sears, seeking to balance Adams's cynicism, wrote that the measure was "the test on a magnificent scale of international law long maturing in the President's mind, and the fitting contribution of a new nation" to the laws governing interactions between modern states. Like Adams, Sears believed the embargo had its genesis long before 1807, but instead of Adams's belief that Jefferson was an opportunist looking for a chance to try his coercive experiment, Sears stressed Jefferson's lifelong commitment to peaceful alternatives to war.

Writing shortly after the atrocities of World War I, Sears hoped Jefferson could provide an example for twentieth century belligerents. Sears declared the embargo to be "the projection into foreign affairs of the peace ideals of democracy, the contribution to international polity of one of the world's greatest democrats." For Sears then, Jefferson's decision to press forward with the embargo was a demonstration of American ingenuity; a sign of a vigorous
foreign policy. He also believed that the president's embargo message to Congress was a masterful document, which sought "to reconcile neutrality and pacifism with dignity and national honor." Like Jennings, Sears did not address the issue of Jefferson's failure to communicate.  

While less forceful, historian Dumas Malone agreed with Sears's positive interpretation of Jefferson's intentions. Calling the president's actions "calculated procrastination", Malone believed Jefferson exercised wisdom and restraint in requesting that Congress lay an embargo.  

Noting the series of events of the Chesapeake summer, Malone believed that Jefferson wanted to give the British every opportunity to disavow the actions of the Leopard before taking aggressive action. He also wanted to give American ships abroad time to get home safely. The documentation the president sent with the embargo message indicated that, instead of disavowing the attack, the British as well as the French were actually planning to toughen their actions against the United States. While Jefferson did not actually send Congress the official correspondence containing this information until early February, the leading newspapers carried the news in December. Malone believed that Jefferson received this information only days before he submitted his embargo message to Congress and that this is what finally prompted Jefferson to suggest an embargo. Jefferson's intention,
then, was clearly to protect American lives and property from further European depredations.\textsuperscript{26}

Malone believed that Jefferson's calculated procrastination had its darker side. While the president was confident the embargo would work, "he greatly underestimated the duration of this conflict, as he overestimated the patience of his own countrymen" to endure it. "At the outset the embargo could be justified as a temporary and tentative protective measure, but as time went on it was viewed increasingly as a form of peaceable coercion, as a positive rather than a negative instrument of nation policy." Thus, Malone was the first to declare that Jefferson's plan evolved during its existence, but like his predecessors, he appeared to find the president's silence generally unremarkable.\textsuperscript{27}

The most negative interpretation yet offered of Jefferson's handling of the embargo came from the pen of Leonard Levy. "The embargo," Levy wrote, "was the plan of an idealist, trapped and bewildered by the foreign situation, who gambled the nation's welfare on the outcome of an unrealistic scheme." This scheme was economic coercion. "Constitutional principles, public understanding, sectional interests, national treasure—all were sacrificed for the policy to which he had overcommitted himself."\textsuperscript{28}

Levy specifically referred to Jefferson's silence when the author observed that Jefferson did not give the nation
"the facts it needed nor the explanations to which it was entitled." Jefferson "did not make the effort of informing the people, of seeking their understanding and cooperation, or of explaining the need for their sacrifices. He treated Congress as he treated the nation, expecting unquestioning obedience based on faith in him as President. He was accustomed to having his mere suggestion command huge majorities in a compliant Congress." Levy viewed Jefferson as a reclusive, confused man who attacked his own people to prevent a war against the Europeans.  

Writing in the late 1970s, Burton Spivak offered a more comprehensive view of the embargo than any of his predecessors. Spivak chose to address the difficult if not illusive question of Jefferson's intentions and captured better than any of the other writers the intricacies of the subject. While many of his predecessors refused to consider the evolution of Jefferson's decision-making, Spivak wrote that the embargo and economic coercion were two separate policies:

An embargo was a defensive precautionary policy. It withheld ships, sailors, and mercantile property from the world's oceans in an attempt to preserve these maritime resources of war. The policy of economic coercion, on the other hand, was an offensive tool of commercial diplomacy. Economic coercion withheld the American market from foreign nations with whom the United States was at economic odds through the medium of a congressional nonimportation law.

Spivak believed that most faithful Republicans living in 1807 would have recognized the differences between the
two policies and understood the timing necessary for each to run its course. Sadly, Jefferson's refusal to inform the public of these differences, let alone his intentions in general, left the vast majority of his countrymen in a state of great confusion.\(^3\)

Those who have written about the embargo maintain that the measure was coercive in nature and that it was designed both to protect the lives and property of Americans and to delay the young nation's entry into war. They also believed that the embargo failed. Despite this general agreement among scholars, however, the theories outlined above still fail to capture the essence of Jefferson's motivations in calling for the protective measure. The issue is further complicated because the president's goals evolved as he began to stress the coercive effect the laws might have on the economies of Great Britain and France.\(^3\)

Jefferson's failure to explain to the American people what he hoped to accomplish by having Congress declare an embargo remains a mystery. Malone noted that, as an experienced diplomat, Jefferson "recognized that premature publicity could easily wreck crucial negotiations. He expected to be granted wide discretion believing that in no other way could the diplomacy of the country be conducted." Jefferson confirmed this speculation when he wrote to the Governor James Sullivan of Massachusetts regarding violations of the embargo: "I have no doubt that whilst we
do our duty they [the people] will support us in it. The measure enacted by the general legislature will have made it our duty to have the Embargo strictly observed for the general good; and we are sworn to uphold it." Similarly, the president told the governor of Virginia that "it is our consolation and encouragement that we are serving a just public who will be indulgent to any error committed honestly and relating merely to the means of carrying into effect what they have manifestly willed to be law." Burton Spivak captured the rationale behind Jefferson's silence best when he wrote

Jefferson's understanding of the American people - their attitudes toward law and duty - and the meaning of his own election, [and] a set of beliefs affirmed by the popular response to the traitor Burr, convinced him that in a Republic, only a simple proclamation was necessary. All through the embargo, Jefferson believed that this simple proclamation attracted the support of the overwhelming majority of the American people.33

President Jefferson's comments to Secretary Gallatin in the summer of 1808 that the embargo should continue so that on "future occasions our legislature may know with certainty how far they may count on it as an engine for national purposes", betray the obsession which eventually consumed him. Jefferson overestimated the willingness of his countrymen to endure economic hardship just as he underestimated the ability of Great Britain and France to find alternate sources of raw materials and markets in which to sell their finished products and, for their part, the
American people were not as willing as Jefferson apparently assumed to accept blindly the dictates of the government.
1. Jefferson, Message to Congress, 18 December 1807, Jefferson Papers, (LC). The historians cited in this chapter are those who have either written monographs on the embargo or have devoted their professional life to studying Jefferson's role in the early American period. Henry Adams, Leonard Levy and Burton Spivak refer specifically to Jefferson's silence. Dumas Malone briefly mentions the subject, while Walter Jennings and Louis Sears make no specific references to it at all.


21. Ibid., 140.

22. Ibid.


26. Ibid., 481.

27. Ibid., 483-84.


29. Ibid., 95-96.


31. Ibid.


CHAPTER III

PUBLIC REACTION

Unable to appreciate fully the reason for the embargo or its likely duration, and without any hint of the reasoning of the Jefferson Administration or Congress, the American people were unprepared for the rigors it imposed. Historian Bradford Perkins observed that "the Embargo fell upon the people as a bewildering shock." Having made no attempts to appeal to the nation for support, members of Congress debated throughout the early months of 1808 attempting to clarify the policy. In the President's House, Jefferson refused to issue any form of communication to rally the people behind the measure.¹

In the absence of a substantive explanation, concerned and curious individuals across the nation began sending letters and petitions to their elected officials. As more information became available and economic hardships began in early 1808, voting precincts and entire villages began to contact Congress and the president.

Initially, many of the letters came from those supportive of the embargo. As time passed, however, negative, often desperate, correspondence began to reach the federal city. Accustomed to popular support, Jefferson was overwhelmed by the number of negative petitions. During a
two-week period in August 1808, he personally responded to petitions from thirty-eight towns. By the end of the year, he had received 199 petitions against the embargo and 46 counterpetitions registering support.²

Opposition to the embargo depended almost entirely on sectional and political loyalties, and therefore came first from Federalist New England, with Massachusetts providing the most vocal resistance. Because of the region's dependence on fishing, shipbuilding and the carrying trade, the embargo affected its economy almost instantaneously.  

Shortly after the Congress was called into session in October 1807, and before the first embargo law was enacted, the Vermont House of Representatives passed a resolution of support and forwarded it to President Jefferson. "We . . . declare that, fearless of the dangers to which we may be exposed as a frontier state, we shall be ever ready to obey the call of our common country." However, when "the call" came later that year, a number of Vermon ters and other New Englanders found protecting their livelihoods to be more important than facing the economic dangers of the embargo.³

The bustling seaport of Salem, Massachusetts, offered a prime example of the economic devastation caused by the embargo. In his 1945 study, "Jefferson's Wicked, Tyrannical Embargo", James D. Phillips noted that, as with most Americans, residents of Salem "were far more concerned with the actual results to them of the cessation of trade than
they were interested in the theory on which the embargo was based." Because most of Salem's shipowners were poor men who could not post the necessary bonds which would allow them to leave harbor, many simply moored their ships at the wharves and left them.

Phillips also noted a trend which struck many New England cities. As ships returned from their voyages, sailors were discharged from their duties and became unemployed. With no need for additional vessels, shipbuilding ceased, throwing thousands more out of work. The industries which supported shipbuilding (ropemaking, block-making, sail-making and foundries) were also forced to close. In this way, the embargo threw thousands out of work across the nation.  

In Salem, however, many prosperous residents whose incomes were less dependent on seafaring found ways to assist their unemployed neighbors. Residents of Salem could visit William Hunt, a baker, twice a week to receive a free loaf of bread. Soup kitchens sprang up throughout the community and charitable activities such as concerts were held to raise money to assist the unemployed.  

While many residents endured the hardships to demonstrate their patriotism and teach the European nations a lesson, "it became apparent as the months wore on that the British were benefitted rather than injured by the embargo." To commemorate the first anniversary of their suffering, a
number of Salemites met at the town's North Bridge on 23 December 1808. Guns were fired for thirty minutes "in memory of the decease of . . . commerce." While Phillips declared that Salem suffered more than other communities because its residents failed in large numbers to turn to smuggling, towns along the Canadian border found it to be a very lucrative enterprise.  

The frontier areas of Vermont, Massachusetts and the Great Lakes region offered many unprotected border crossings into Canada. The entire area was dependent on the export of raw materials. Vermont in particular, where one-third of all income was dependent on the shipment of pine planks and potash (made from rendering timber scraps), became a haven for smugglers. This was particularly disappointing to Jefferson, whose only New England stronghold was based there. Because potash was a vital ingredient to the British manufacture of soap, glass and textiles, sneaking it across the border became immensely profitable. The market price of a three-hundred-pound barrel of potash, for example, soared from $25 before the embargo to $300 during its height.  

Most of the smuggling in Vermont was centered in the Lake Champlain region where a thriving trade between the United States and British Canada had existed before the embargo. Made aware of the increase in illegal activities by local customs agents, Jefferson issued a proclamation on 8 May 1808 which warned Vermonters that further trade with
the Canadians would be treated as an insurrection and treason. The state's Republican governor, Israel Smith, ordered a company of militia to the region to enforce to president's decree. Shortly after arriving, the militia received reports that a forty-foot vessel, the Black Snake, was being used to ferry goods from Vermont into Canada. The Black Snake could carry one-hundred barrels and only drew four feet. This made the ship ideal for smuggling because it could carry large quantities of contraband and was easily concealed in small creeks which fed into the lake.  

Informed that the Black Snake was in the area, Lieutenant Daniel Farrington of the Vermont militia and his twelve man crew sailed the Fly out into the lake and up the Winooski River in search of the other vessel. The Black Snake was moored along the shore waiting for a cargo of potash when the crew of the Fly found it. A number of militiamen boarded the ship, cut the mooring lines and began to row the ship toward midriver. The band of smugglers began firing on the ship, killing three soldiers and wounding another. Eight of the smugglers were arrested and tried for treason. One Cyrus B. Dean, who had urged the band to start firing, was sentenced to be hanged for inciting rebellion. The sentence was carried out amidst the protests of thousands of Vermonters who felt the group had acted only in the best economic interest. The next year,
voters in the state threw Republican Smith out of office and elected a Federalist governor.\(^9\)

From Massachusetts, one Charles Connell wrote to Jefferson in September 1808 that the smuggling of British goods into his state from Canada would "destroy all political allegiance and morality." He was convinced that, if the United States should choose to declare war against Great Britain "the people in the states adjoining [Canada] or benefitted by the Canada market would call for town-meetings, to consider which side it would be most in their interest to take."\(^10\)

The Massachusetts Legislature sent instructions to its delegation in Congress complaining that "the sources of our revenue are dried up, and Governments must soon resort to direct taxation" to meet their obligations. Because of the wide-spread evasions of the laws, and since "the embargo laws have been the cause of the public distress, . . . no permanent, or effectual relief can be afforded . . . but by the repeal the laws." Writing again some weeks later, the legislature declared that "when the government of a free people is felt to be oppressive on the community; when its measures appear to originate in imperfect conceptions of the whole" the least that could be expected was a public explanation of the measure.\(^11\)

Individuals throughout the North sent letters and petitions to President Jefferson asking for relief from the
embargo. Animosities continued in New England throughout the duration of the measure and up to the eve of the War of 1812. While Captain Jonathan Hall of Charlestown, New Hampshire, wrote (in halting sentences) in support of the measure, he hoped Jefferson could secure legislation which would permit the payment of debt in some form other than cash, other New Englanders were more direct:

Have agreed to pay four of my friends $400 to shoat you if you dont take off the embargo by the 10th of Oct 1808 which I shall pay them, if I have to work on my hands & nees for it. . . . I wish you could feal as bad as I feal with 6 Children round you crying for vittles & and be half starved yours[elf &] then you woud no how good it felt.¹²

Because of their geographic location, those living in the Middle States were equally divided over the embargo. Louis Sears noted that "their mercantile marine was a link with New England, while their staple crops were a bond with the South." Like many of the state legislatures, those in the Middle States sent letters of support to Jefferson before the embargo was actually declared. The true test of loyalty came later, though, after the states had endured several months of economic deprivation.¹³

Despite widespread smuggling along the Canadian border, the citizens of New York City and other communities in the eastern part of the state were generally supportive of the embargo. Because Republicans enjoyed a comfortable majority in the legislature in Albany as well as the Congress, many New York towns adopted strong resolutions approving the
embargo and promising assistance in its enforcement. New York Republicans adopted several resolutions appealing to their fellow party members throughout the nation to support the president's embargo and oppose the unscrupulous tactics of the Federalist opposition. Indications of the economic devastation of the embargo began to show by the spring of 1808 when voters refused to return former Republican governor Morgan Lewis to the governor's mansion. The following year saw the Federalists recapture the state house for the first time in a decade.  

Pennsylvania enjoyed a boom in economic prosperity during the period. Recognizing the importance of the state, Sears believed Philadelphia, as the largest city in the state, offered important insight into the effects of the embargo. Unlike most of the rest of the country, Philadelphia enjoyed an unprecedented boom. The construction of 1,000 new homes, for example, kept builders occupied for months. One account attributed the construction of a large number of lawyers' homes to the increase in marine lawsuits occasioned by the embargo. Other trades experienced similar growth.  

The manufacture of carpets, calicoes, shawls, and other textiles, earthenware, glassware, soap, lead and shot, chemical and iron products "all were contributing to American self-sufficiency and the enrichment of their entrepreneurs. One William Short referred to the
availability of investment funds and party affiliation in a letter to the president during the summer of 1808

I have more than once heard it affirmed . . . that if the merchants of [Philadelphia] were assembled, confined to Federalists alone, nine out of ten of them would approve the embargo, and of the Tenth disapproving, most of them would be men without capital. 16

More than any other factor, the availability of capital in Philadelphia allowed the city to prosper while other cities floundered, prompting the editor of the Philadelphia Price Current to observe that "by the President's originating partial deprivations, he has ultimately bestowed on his country immense and imperishable benefits."

Philadelphia's success allowed Jefferson the opportunity to bask in the wisdom of the embargo. While other communities across the country struggled under its burden, Jefferson could rightfully observe that the measure was a godsend to the inhabitants of the city of brotherly love. 17

Just across Pennsylvania's borders in New Jersey and Delaware, residents protested the injustices of the measure but, like their Pennsylvania neighbors, seemed less bothered by its inconveniences than the New Englanders. While Delaware was the most hostile of the Middle States to the embargo, Republican citizens of Wilmington wrote Jefferson to advise that "had such honorable principles [as theirs] universally predominated the shackles imposed upon our commerce would before this . . . have been removed." 18
Circumstances in Maryland were similar to those in Pennsylvania, although the state probably prospered less. Like conditions in Pennsylvania, manufacturing increased throughout the state. Shoemaking and wool carding, for example, became profitable. In Baltimore, one William Patterson invited all persons in the area who had a working knowledge of cotton or woolen manufactures to join with him in a commercial venture. Patterson reminded Congressman Wilson Cary Nicholas of Virginia that regardless of the intellectual support for the measure, economic hardships sometimes outweighed the political benefits.

Every thinking man in the community, be him Republican or Federalist sees and knows the propriety and necessity of the embargo, yet all will not give it their support and many will try to mislead the ignorant in order to give ground to the Federal party, it is very desirable that it should be continued until the powers at war shall feel the necessity of changing their conduct towards us, but I have my doubts and fears that the people of this country have not sufficient virtue and perseverance to wait this event.  

Baltimore's port registered 1,001 seamen in 1806, second only to Boston. With these sailors out of work, a phenomenon similar to that of Salem, Massachusetts, began to work its way through the community. While the city's exports had amounted to more than $10 million in 1806-07, the following year they were down to just under $2 million, a loss of over eighty percent. Despite the depression precipitated by the embargo in Baltimore and the entry of an entire slate of candidates on an "Anti-Embargo" ticket, the
Republicans of Maryland never experienced the political setbacks witnessed in Massachusetts and Vermont.  

Like their neighbors in New England, many in the Middle States wrote to President Jefferson to complain about the effects of the embargo acts. Sailors in large numbers sent letters to the President's Mansion. One Thomas Freeman from Philadelphia asked Jefferson for a new job for himself and 200 other out-of-work seamen in the city. Thomas Selby went further. Selby, also an out of work seaman, threatened to join the British Navy and fight against Jefferson and the embargo. Regardless of Jefferson's belief that he was keeping commerce and seamen out of British hands, thousands of American sailors followed Selby's advice and enlisted in the Royal service.  

Sentiment in the Southern and Western states echoed the concerns of the rest of the country. Their agricultural base, however, prompted the regions to give Jefferson their whole-hearted support. Like the other states, Jefferson's home state of Virginia offered its endorsement of the president's policies. Because the Chesapeake affair had taken place just off the Virginia coast, residents of the Old Dominion State felt an obligation to avenge the act. Captain Maurice Miller of Cumberland County contacted Jefferson to state that "since the outrage committed on our frigate ..., I have recruited a company of Riflemen."
And in support of the rights and liberties of their country the[y] solemnly pledge their lives and honor."

As the embargo continued many Virginians, like the residents of other states, found compliance with the embargo laws to be too demanding. One measurable indicator of the state's sentiment was the election of a strong minority of Federalists to the legislature in 1808. Editor Thomas Rathke of the Richmond Enquirer, a Jefferson loyalist, noted that "the people of Virginia are not insensible of the pressure of the embargo, but they will most cheerfully submit to any sacrifices which may preserve the rights and honor of their country." Another striking example of the Virginians' growing displeasure with measures was the efforts of Republican dissidents to nominate James Monroe for the presidency in 1808 rather than throwing their support to Madison. Monroe in the Executive Mansion would mean a break with the strict Jeffersonian Republicanism which Madison was sure to continue.

Residents of the Carolinas and Georgia were initially supportive of the embargo, with only token opposition concentrated along the coast and border areas. After several months, though, anti-embargo resolutions in the legislatures of North and South Carolina received substantial support. Like many other port cities, Charleston reeled under the strains of the embargo. The
city faced an ever-widening band of unemployment and hunger like other cities up and down the coast.\textsuperscript{24}

One Mary Underwood, scrawling a letter from Alexandria, Virginia sought some personal relief from the president which Jefferson dismissed as "beggary".\textsuperscript{25}

\begin{quote}
I have for about 3 years past supported myself \\
& two Children by working in mens Clothing from \\
the Tailors. But sense your honours have Been \\
pleased to Lay on the embargo theyr has Been noo \\
work too doo which has destrest mee & Brought mee \\
too want Bread after seling what Littele I had \\
Round mee hopeing it wod Bee taken of[f].
\end{quote}

The sparsely populated Western states, dependent on the sale of their agricultural goods but fiercely loyal to Jefferson, were torn in their decision to support the embargo. Opposition grew in the region as the hardships became more difficult to endure. Ohioan Thomas Worthington, writing to Jefferson during the late summer of 1807 declared that "the general opinion with us is that we have war with England." These sentiments were shared by thousands of individuals across the country. Louisiana Governor William Claiborne informed Jefferson that his territory would gladly support war with Great Britain. Late in the embargo, however, while few openly hostile letters reached Washington, a groups of Ohio farmers sought began seeking extensions of the time for completing land payments because of the hardships incurred by the measure.\textsuperscript{26}

Shortly after the measure was enacted, the editor of the \textit{Louisiana Gazette} accused Jefferson of waging war
against his own country. "Surely the majority who voted for it could not realize the awful consequence of putting an entire stop to trade, the effects of which would fall hardest on the laboring classes." He went on to claim that the embargo was the "favorite measure of those who favor the views of Bonaparte." Like the Federalist partisans of New England, partisan criticism was present on the frontier.27

Writing in his Prologue to War, Bradford Perkins noted that "it took no particular wisdom to predict that the farmer and merchant would suffer blows so deeply that only a sparkling diplomatic triumph could compensate for them." As the embargo progressed, Jefferson was unable to claim any stunning victories to raise American morale. As a result, his fellow citizens found few reasons to offer him their moral support.28

The embargo paralyzed the country. The number of soup kitchens increased, and prices dropped. Five hundred ships were docked at New York and another 200 were left at the wharves in Savannah. Unemployed seamen flocked to the British navy and merchant marine, "reducing the incidence of impressments in a way Jefferson had never intended." While Jefferson could claim the increase in domestic manufactures as a victory, few Americans could afford to invest the necessary capital to enjoy similar success. Jobs in these factories were equally difficult to secure even in the few areas where they existed. Economic losses were not the only
cost. The embargo destroyed national unity far more effectively than the actual war did a few years later.29

A common enemy unites. Faced with the oppressive actions of the government, and in the absence of a central foe, the American people turned on their government. Jefferson's failure to lead the nation into war when it was prepared to go, combined with his failure to articulate the embargo's purpose, only worsened the severity of the criticism leveled at him. As the criticism and evasions increased, the president turned a deaf ear to the complaints and asked Congress to strengthen the embargo. His apparent callousness won few converts to his cause.

In late 1808, President Jefferson noted that "while the opposition to the late laws of Embargo has in one quarter amounted almost to rebellion and treason, it is pleasing to know that all the rest of the nation has approved of the proceedings of the constituted authorities." While he gained some comfort from this, economic depression had already begun to spread from the small agrarian communities of the South and West and the wharves of New England to urban areas like New York City where hundreds of debtors were jailed, "half of them owing less than a week's wages of ten dollars." With this in mind, Jefferson began to contemplate the coming elections.50

In August 1808, Gallatin wrote Jefferson from New York warning that only Virginia, South Carolina, Georgia and the
western states could be considered safely in the Republican camp. He feared the party could lose the presidency and its preeminence in Congress if the embargo continued, observing that "there is not patriotism & union sufficient to bear with patience, where there is no stimulus." In the subsequent elections, using the embargo as their only real issue, the Federalists tripled their electoral vote of 1804 (from fourteen to forty-seven) and doubled their number in the House of Representatives.31


5. Ibid., 472

6. Ibid., 469, 473.


8. Ibid., 581

9. Ibid., 582.


18. Citizens of Wilmington to Jefferson, 2 February 1809, Jefferson Papers, (LC); Sears, Middle States, 162.


24. Ibid.


27. Abernethy, South in the New Nation, 322.

28. Perkins, Prologue to War, 171.

29. Ibid.


31. Gallatin to Jefferson, 5 August 1808, Jefferson Papers, (LC); Perkins, Prologue to War, 158.
CHAPTER IV

ENFORCEMENT

President Jefferson's personal triumph in securing the embargo act of December 1807 was tempered by the almost immediate problem of enforcing the measure. During the embargo's fifteen months, profit-minded Americans found ways to evade the law, while the protective measures Jefferson and his cabinet had first envisioned evolved into a system of coercive searches and seizures. Combined with the administration's refusal to explain its actions and the president's ability to influence the votes of Republican members of Congress, the government's tendency toward ever stronger enforcement measures caused the embargo to become, in the words of one historian, "the most politically explosive issue since the Alien and Sedition Acts."¹

Most of the political successes Jefferson enjoyed during the embargo can be attributed to relationships with his Republican colleagues in Congress. Indeed, the actions of the legislature so closely paralleled the desires of the executive so as to make the two virtually indistinguishable. A noted political scientist summarized the relationship, observing that President Jefferson "worked closely with congressional leaders, . . . meeting with them often to discuss policy, analyze problems, and mobilize support among
state party leaders." Jefferson's refusal to veto a "single congressional measure reflected not only his distaste for this kind of authority but his close collaboration with congressional Republicans in the bill-writing process."

Moreover, because Jefferson's party had little formal organization outside the capital city, most Republicans in Washington took their cues from him. As such, the president came to expect legislative success. The ease with which the embargo and its subsequent measures passed through Congress demonstrates the nature of this relationship.²

"Being only vaguely understood, and with no terminal date indicated," historian Bradford Perkins wrote, "the Embargo could appeal to many factions." Members of Congress who wanted war supported the measure "as an indispensable prelude; those who wanted peace approved it either as an escape from harsher anti-British action or as a potentially powerful economic weapon" that could bring Europe to the bargaining table. Regardless, Jefferson had secured an embargo. Unfortunately, congressional debate throughout the winter failed to clarify how long the embargo would last, or even the reason it had been enacted in the first place. Federalist pleas that the president issue a manifesto justifying the embargo went unanswered. Jefferson's silence was a harbinger of what the country would endure until he left office in March 1809.³
Historian Dumas Malone observed that "in conversation with congressional leaders, [Jefferson] and his lieutenants doubtless gave reasons for the choice of this course among their shrunken options, but there had been no public discussion of possible alternatives." Over the protests of Federalists and conservative Republicans in Congress, a willing legislature continually "responded to the administration's requests to strengthen [the embargo's] enforcement by giving the president unprecedented powers to exercise control over the economic affairs of individual Americans." Whenever the president asked for additional authority, or when new loopholes were perceived, supplementary laws were added. The Republican-controlled Executive and Legislative branches' high-handed actions, despite letters of protest and petition from across the country, served to further alienate an already bewildered American people.

For its part, the predominantly Federalist judiciary arbitrated violations of the embargo in a relatively nonpartisan fashion and, as such, helped the administration very little. Writing to Jefferson from New York, Treasury Secretary Gallatin went so far as to comment that "I find it difficult to have the necessary prosecutions instituted in the northern part of this state." Cases involving embargo violations made their way to the federal circuit courts
throughout the nation. A number eventually reached the Supreme Court, where the defendants generally triumphed.\(^5\)

Debate on the subsequent embargo laws received coverage in the media. Without any debate in the Senate and only fleeting discussion in the House, Congress passed the second embargo law (9 January 1808) to close loopholes in the first act. This statute was passed to address specifically the American coasting trade with Canada and the West Indies. Under this law, coasting vessels had to pay high bonds in order to leave American waters; an indirect way of restricting the vessels from foreign ports. Fishing and whaling ships were put under bond to steer clear of foreign places and to unload their catches in American ports. Another section set heavy fines for American sea captains whose vessels came into contact with foreign ships. Violations of this act were punishable by seizure of the vessel and its cargo and additional fines of up to $20,000.\(^6\)

By this time, letters and petitions were beginning to reach Washington from the parts of the country most immediately affected by the first act. Members of Congress were initially overwhelmed by the volume of mail they received, but they were mindful of the importance of being accessible to their constituents. Historian Noble Cunningham observed that while "Congress could find support in the petitions and resolutions laid before it for whatever course it might take in regard to the embargo, it could not
but sense the nation's concern and the distress" at being uninformed as to the goals of the embargo. 7

In February 1808 when the House received a petition from a group of Philadelphia merchants asking that their ships, which had been loaded before the embargo law went into effect, be allowed to depart, an argument broke out in the chamber over whether the document should it referred to the appropriate committee or ignored. Representative Thomas Newton of Virginia stated that any consideration of the petition would be perceived as if the House members were already deliberating the embargo's repeal; therefore, this petition and others should be ignored. John Taylor of South Carolina said that Congress should not treat "with disrespect petitions from any portion of the people." The House seemed to realize that it should not cut itself off completely from the people, and a motion to refer the petition to the House Committee on Commerce and Manufactures passed 91-16.8

The third embargo law (12 March 1808) corrected certain hardship cases created by the first two acts. Like the second, the Senate passed the measure without debate. The law exempted domestic vessels carrying potatoes, fish, baskets, firewood, woodwork, and other such items used in daily life. This was the first truly compassionate law of the series of embargoes; sadly, the exemptions lasted only six weeks before they were "corrected" by the next law. The
act authorized the president to allow certain ships which were empty to sail to foreign ports to retrieve goods previously purchased by American citizens. The export, by land or sea, of any goods, wares, or merchandise was outlawed. Violators of this provision were subject to a maximum $10,000 fine and forfeiture of the goods.⁹

In the debate preceding the act's passage, Representative Barent Gardenier, a Federalist from New York, rose to make an observation which many Americans were beginning to contemplate.

> It has struck me, . . . that the more we legislate on this subject, the worse we legislate—the more we legislate, the more we legislate to the destruction of the country. Why we passed the [first] law itself, I have always been unable to tell. Why we have passed the subsequent laws for the purpose of rendering the original evil more perfect and more universal, God only knows. . . . But, sir, we are kept in total darkness. We are treated as the enemies of our country. We are permitted to know nothing, and execrated because we do not approve of measures the origin and tendency of which are hidden from us. We are denounced because we have no confidence in the Executive, at the moment the Executive refuses to discover to us—even this House, nay, sir, this nation, its actual condition.¹⁰

Gardenier's remarks were ultimately proven correct. The president had indeed pressured Congress into passage of the [original] act without revealing his own motives. But coming as they did in February, the measures had scarcely had time to take effect. Republican members were so stunned by their New York colleague's late Saturday afternoon
remarks that they asked for an adjournment until Monday to prepare their rebuttal.  

Jefferson's Republican colleagues in the House responded with vigor to defend the measure and their president. John Rhea of Tennessee asked Gardenier to consider what would have happened if the embargo had not been passed. "Our commerce would have been swept from the ocean, and scarce a vessel left; and therefore a system was adopted to retain the property of the United States at home, and preserve it from capture on the ocean." Other representatives were less temperate. Another Tennessean, George W. Campbell, claimed that the reasons for declaring an embargo were "so strong, so self-evident, that they must produce conviction without argument; and to discuss a measure under such circumstances appeared like a useless waste of time, and, as it were, admitting a doubt where none existed."  

Words, however, were not enough for Campbell. The congressman challenged his colleague from New York to a duel. Gardenier was severely wounded and remained incapacitated for weeks.  

Federalists were joined by a number of conservative Republicans in opposing the additional embargo acts. Even though he supported the original measure, Virginia Republican John Taylor, for example, had serious misgivings about "a lengthy experiment in coercion" because he believed
it "would squander public approval, encourage smuggling, and produce enough domestic suffering to threaten the Republican ascendancy." Writing to his friend Wilson Cary Nicholas, Taylor confided that the embargo "would impoverish the agriculturalists, enrich the lawless, drive our seamen and shipping into foreign service, drain the treasury, expel our money, break our banks, and fail to achieve a better treaty" with Great Britain. "Was it prudent", Taylor asked rhetorically, to wager so much on a policy that was going to "lose"? Despite such queries, the majority Republicans in Congress continued their policy of closing loopholes.

Still loyal to the president, Congress passed the first enforcement act on 25 April 1808. Under this statute, all ships in American bays, sounds, rivers, and lakes were required to produce a manifest upon demand. The act also gave American warship commanders the right to search any ship on suspicion of violating the embargo. This provision was later found unconstitutional—a violation of the Fourth Amendment's prohibition of unlawful searches and seizures. Fearing that foreign vessels might attempt to smuggle goods out of the country, the enforcement measure banned all foreign vessels from the coasting trade.

Once again, after suspending normal rules of procedure and forgoing any debate, the Senate passed the enforcement measure in a single day. In the House, Massachusetts Congressman Josiah Quincy protested that the "bill could not
be understood . . . and the operation of each section could not be distinctly seen." Republicans called the question and passed the bill 74-20 without any further discussion. Of this action, historian Leonard Levy noted that "simple respect for the electorate and for the Constitution, indeed, considerations of sheer political expediency, should have persuaded Jefferson [and Congress] to explain and demonstrate the need for such drastic legislation."  

After passing the enforcement measure and making provisions for the president to rescind the embargo laws if either Great Britain or France ceased their hostilities toward the United States, Congress adjourned for the summer. Jefferson was delighted by the enforcement act. "Congress has just passed an additional embargo law," he wrote to Attorney General Caesar Rodney, "on which if we act as I am disposed to do, we can make it effectual." As his power to enforce and control the embargo expanded, the president became convinced the embargo would ultimately work.  

In the absence of Congress, Jefferson and his cabinet were given complete jurisdiction over the embargo's enforcement. During the summer of 1808 Gallatin wrote to Jefferson suggesting two additional tactics the administration could use to stop embargo violations. Gallatin proposed that no vessel anywhere be allowed to move without express permission of the president and that port supervisors and collectors be allowed to remove the rudders
of ships in their harbors to prevent them from leaving
without permission. The secretary added: "Congress must
invest the Executive with the most arbitrary powers and
sufficient force to carry the embargo into effect, or give
it up altogether." Jefferson agreed. Unless Congress
legalized every means by which the embargo could be
enforced, the measure would fail and violations would
continue. The president's notion of shielding American
lives and property from European aggressions had evolved
into one of coercing the very ones he sought to protect. 18

His amazement upon learning of the myriad evasions
during the summer of 1808 betrayed an aloofness
uncharacteristic of Jefferson. Having never communicated
his goals to the American people, however, he was genuinely
surprised when he found them unwilling to continue the
embargo. The president's surprise as well as his
determination were apparent in an August letter to Gallatin:

This Embargo law is certainly the most
embarrassing one we ever had to execute. I did
not expect a crop of so sudden and rank growth of
fraud and open opposition by force could have
grown up in the United States. I am satisfied
with you, that if [British] Orders and [French]
Decrees are not repealed, and a continuance of the
Embargo is preferred to war, which sentiment is
universal here, Congress must legalize all means
which may be necessary to obtain its end. 19

Jefferson displayed an additional quality, naivete, in
a letter to the governor of Massachusetts the following day.
"I have no doubt that whilst we do our duty [the people]
will support us in it. The laws enacted by [Congress] will have made it our duty to have the Embargo strictly observed for the general good; and we are sworn to execute the laws."

Over the next few months, Jefferson gained additional first-hand knowledge of the embargo's domestic impact. Between August and the end of the year, Jefferson received 199 petitions against the embargo and 46 counterpetitions. Historian Noble Cunningham commented that Jefferson's papers "not only reveal the volume of the petitions directed to [him] but also show the attention he gave to them." The president continued "the practice that he had followed since taking office of responding to all addresses and petitions sent to him."²⁰

Upon Congress's return, Jefferson indicated his willingness to suspend the embargo if France and Great Britain would cease their hostilities toward the United States and stop impressing American sailors. In his eighth annual message to Congress (8 November 1808) the president stated that if either of the belligerents would indicate a willingness to resume commercial relations, the United States would restore trade with that nation. At that time, however, neither of the countries was convinced of the need to change its current actions. Jefferson reflected that, regardless of the status of its trade, the United States had the satisfaction of knowing "that in return for the privations imposed by the measure, and which our fellow-
citizens in general have borne with patriotism," the embargo had saved sailors and merchandise, had allowed time for the country to prepare itself militarily if necessary, had taught the European nations the value of moderation and firmness in decision-making, and had taught Americans the importance of uniting in support of their government's law. Despite Jefferson's praise for the measures, Congress passed one additional enforcement act.21

The second enforcement act (9 January 1809), also known as the Giles's force bill because Senator William Giles of Virginia guided it through Congress, prohibited the loading of a vessel or vehicle with the intent to evade the embargo. Port authorities "were authorized to take into custody any cargo when there was reason to suspect an intention to export" it. Federal district courts were granted the authority to make summary judgments in cases arising from embargo evasions. The act also gave the president the authority to call out state militias in order to enforce the acts. Marshall Smelser noted that "Congress made it clear that the whole military establishment, the Army and Navy as well as the militia, was to be used if necessary to enforce the embargo laws." Given this authority, Jefferson sent circular letters to each of the governors asking that an officer of the militia be stationed at each port of entry. The officer would be charged with the duty of assembling and employing the militia upon the call of the collector of the
district. Because of its severity, Smelser wrote "Giles's enforcement act made enforcement possible, but enforcement made the embargo too obnoxious for congressional waverers." Less than two months later, the embargo was lifted.\textsuperscript{22}

For its part, the federal court system processed a number of cases arising from embargo violations. Because of appointments made by Jefferson's predecessors, the federal bench was dominated by Federalist judges with no great love for Jefferson. Surprisingly though, the vast majority of the cases were decided in a relatively non-partisan fashion; the only partisan activity being prompted by President Jefferson himself.

The embargo measures were attacked on many different fronts. Serious cases centered on the power of Congress to regulate commerce, questions of what constituted treason and the issue of the limitations of executive authority. However, some individuals, like Massachusetts Chief Justice Theophilus Parsons, based their opposition on the supposed absence of a delegated embargo power in the Constitution, and others attacked the embargo simply because it caused hardship, deciding, as Marshall Smelser noted, "that what they disliked must be unconstitutional."\textsuperscript{23}

In \textit{United States v. The William} Judge John Davis, of the Federal District Court of Massachusetts, declared that Congress had the power to regulate commerce, "qualified by the limitations and restrictions expressed in the
Constitution." That power, Davis said, "is sovereign, and may be used not only for the advancement of commerce, but for the promotion of other objects of national concern" as well. The Federalist judge even delineated other powers of Congress when he wrote that "if an embargo, or suspension of commerce, of any description be within the powers of Congress, the terms and modifications of the measure must also be within their discretion." More important, however, was Judge Davis's observation that "Congress has power to declare war. It, of course, has the power to prepare for war; and the time, the manner, and the measure, in the application of constitutional means, seem to be left to its wisdom and discretion."24

Concluding his remarks, Davis wrote that "I lament the privations, the interruption of profitable pursuits and manly enterprize [sic], to which it has been thought necessary to subject the citizens of this great community." While the case could have been appealed to the Supreme Court, attorneys for The William realized that Chief Justice John Marshall "would doubtless agree that the commerce power was fully relegated." Despite his personal misgivings, Davis had given the Republicans a crucial victory.25

In his charge to the jury in United States v. Hoxie, Circuit Justice Brockholst Livingston encouraged the panel to take a narrow view of treason. "The opposition to the [embargo] law was feeble, transitory, free from traitorous
intention, and conducted for the purpose of private gain. This was not an act of levying war." The jury acquitted Frederick Hoxie of charges of treason for his part in resisting the customs collector of Vermont.  

Livingston believed that things would have been different if Hoxie and his followers had tried to overthrow or blackmail the government into submission. The justice asked:

Whence is it collected that their intention was to intimidate Congress into a repeal of the embargo laws, or to resist their execution generally? If Congress were in session, which was not the case, can gentlemen seriously believe, that means so inadequate would have been employed for purposes which and organized, numerous, and well disciplined army would have found difficult to accomplish?

Despite tendencies to the contrary, Jefferson did not comment on this. The decision, however, forced him, in the words of one historian, "to acquiesce in the belief . . . that the numerous incidents of law violation did not amount to treason."  

In Gilchrest et al. v. Collector of Charleston, Jefferson and the congressional Republicans suffered another setback at the hands of the president's first Supreme Court appointee, William Johnson. Johnson declared that a circuit court had power to issue a writ of mandamus to a port collector. "All instructions from the executive [president] which are not supported by law are illegal, and no inferior officer is bound to obey them."
A minor confrontation over the ruling peaked when Attorney General Caesar Rodney issued a contrary opinion, which Jefferson had published in regional newspapers. Rodney's brief instructed port authorities to follow the president's directions and not those of the court. Not to be outdone, Johnson published a letter criticizing the administration for violating a court order. Congress later passed a supplementary law which granted the president authority for general detentions.30

Jefferson's actions during the embargo were consistent with the goals he had first articulated: protecting American lives and property. Believing that any voyage put Americans in potential danger, Jefferson convinced Congress that all voyages should be prohibited. As evasions increased, the president focused on closing the borders and ports rather than on the financial problems the measures engendered. The president seemed unaware that a public proclamation could have alleviated the difficulties.

Seemingly oblivious of his failure to articulate his goals, Jefferson wrote to Dr. William Eustis less than two months before leaving Washington that "the absurd opinion has been propagated, that this temporary and necessary arrangement was to be a permanent system, and was intended for [the nation's] destruction." He was persuaded that the people would understand what he hoped to accomplish "whenever truth can reach them." Had Jefferson been more
practical and less of an ideologue, he would have taken time to spread the "truth" himself.\textsuperscript{31}


6. 8 Statutes at Large of the United States. 453 (1808).


9. 33 Statutes at Large of the United States. 473 (1808).


15. 66 Statutes at Large of the United States. 499 (1808).

17. *52 Statutes at Large of the United States*. 496 (1808); Jefferson to Rodney, 24 April 1808, Jefferson Papers, (LC).


27. Ibid., 400.


30. Smelser, *Democratic Republic*, 166.

When they convened on 7 November 1808, members of Congress began to reconsider the embargo. With little proof that it was affecting Great Britain and France, public opposition to the measure was growing. Petitions and letters, which had been trickling in from the northern states before the recess were reaching Washington in larger numbers from all over the country by the Fall. The president, for example, recorded the receipt of almost 200 petitions against the embargo between August and the end of the year. Many congressional Republicans were beginning to question the embargo's effectiveness by December, but they were reluctant to speak out publicly against their president's pet project.  

For his part, Jefferson was beginning to feel the pressure on his own. Commenting to Albert Gallatin in August, the president wrote that the embargo law was "the most embarrassing one we ever had to execute. I did not expect a crop of so sudden and rank growth of fraud and open opposition by force could have grown up in the United States." U.S. Minister John Armstrong, writing from his outpost in Paris, added "We have somewhat overrated our means of coercing the two great belligerents to a cause of
justice. The embargo is a measure, ... to keep us whole and to keep us in peace; but, beyond this, you must not count upon it. Here it is not felt, and in England . . . it is forgotten."

Because of these developments, the president began to reassess what he had hoped to accomplish by that time. As historian Reginald Horsman noted:

Jefferson now hoped that while British factories cried out for American cotton, British manufacturers and exporters would press the British government to open the American market that had been partly closed to them."

Unfortunately for Jefferson, the royal government cared little for the British merchants and workers who were most directly involved in the American trade. Additionally, the impact of the American embargo was minimized by the opening of South American markets to the British. Late in 1807, the trade of Brazil became available when the Portuguese royal family fled there to escape a French invasion. In 1808, the rest of Latin America was opened up when the Spanish rose in revolt against French troops and sided with the British.

Developments such as these prompted Jefferson and others in his party to fear defeat in the November elections, but they need not have worried. Madison won handily with 122 electoral votes to Federalist candidate Charles C. Pinckney's 47 votes and Vice-President George Clinton's 6. Explaining the results, a recent biographer of Madison's observed that "seven years of Republican rule
before the embargo had reduced the Federalists to a disorganized opposition with only scattered strength outside New England." The Federalists gained only 24 seats in Congress, holding a total of 34 percent of that body.4

Satisfied with these results and content that his policies would continue, President Jefferson effectively ceased making policy decisions. With his handpicked successor awaiting inauguration, the president made few official decisions, unwilling to commit his friend Madison to any specific course of action. "On this occasion, I think it is fair to leave to those who are to act on them, the decisions they prefer, being to myself but a spectator. I should not feel justified in directing measures which those who are to execute them would disapprove." His decision proved to be less than a success. The cabinet was rudderless and appealed to the president to give Congress direction. "Both Mr. Madison and myself concur in opinion," Gallatin wrote the president, "that considering the temper of the Legislature, or rather of its members, it would be eligible to point out to them some precise and distinct course. . . . I think that we must decide the question absolutely, so that we may point out a decisive course either way to our friends."5

Jefferson remained immovable. "I think it fair that my successor should now originate those measures of which he will charged with the execution and responsibility, and that
it is my duty to clothe them with the forms of authority," he told Monroe in late January 1809. Jefferson's inaction prompted harsh criticism from his contemporary enemies and has given anti-Jeffersonian historians reason to speculate that he was so dejected by the embargo's apparent failure that he simply quit governing and began to long for the comforts of Monticello. Writing to John Adams, Federalist Congressman Josiah Quincy observed of Jefferson that "Fear of responsibility and love of popularity are now master-passions and regulate all movements. The policy is to keep things as they are" until 4 March 1809. "The Presidential term will have expired, and then -- away to Monticello, and the Devil take the hindmost! I do believe that not a whit deeper project fills the august mind of your successor."

While his imminent retirement certainly gave him cause for relief, his reluctance to make policy decisions Madison would be required to enforce did not come from a desire to abdicate power, as some have charged, but from his experiences with his predecessor, John Adams. 6

The second president had taken great pains to extend the life of the Federalist Party by appointing loyal party members to government positions and signing legislation, such as the Judiciary Act of 1801, he knew the Republicans opposed. Adams's appointments left Jefferson, a new president who had a clear mandate for change, with the unpleasant task of replacing the employees with loyal
Republicans. At the end of his administration, Jefferson simply wanted to avoid giving Madison any unwanted legacies. Madison, who was reluctant to begin his official duties before his March inauguration, had more than enough to keep him busy at the State Department. Republicans in Congress, accustomed to receiving instructions from the Executive branch, were left to decide the embargo's fate on their own. "The President gives no opinion as to the measures that ought to be adopted," Congressman Nathaniel Macon protested. "It is not known whether he be for war or peace."!

Throughout November and December, fear of war with Great Britain and France kept critics of the embargo silent. Jefferson's unwillingness to make any substantive comments on the embargo and the negligible effects it was producing in Europe only served to exacerbate that fear. By late December, however, Republican Congressman Wilson Cary Nicholas, one of Jefferson's fellow Virginians, openly began to express concern about the negative effects of the embargo. Writing to Jefferson, Nicholas urged the president to comment publicly about the embargo and to enforce it rigorously. "Unless this can be done, I see no remedy" but to remove it. Jefferson did not respond.8

Without guidance from the executive branch, Nicholas introduced a resolution on 24 January 1809 that began the process of removing the embargo. The Virginia representative preferred a June repeal date, and he
expressed hope that the added time might be enough to convince the Europeans to end their hostilities toward the United States. Nicholas's plan also included a provision for arming merchant ships and the granting of letters of marque and reprisal that would give private ships the authority to capture British or French vessels. Nicholas hoped to preserve peace but, in granting American ships the right to plunder enemy ships, his plan would increase the likelihood of war. Indeed, between the enactment date and 1 June, the nation would be encouraged to ready itself for armed conflict. British or French resumption of hostilities toward American ships would be met with a declaration of war. In wording the resolution, Nicholas hoped to avoid any hint that the Republicans favored only a partial repeal of the embargo. After thirteen months of hardship, the nation wanted a definite change in foreign policy. The people would not be content with only half a measure.  

Other members of Congress suggested a variety of solutions. John Randolph favored immediate repeal and opposed any continuation of economic coercion. Many other southerners preferred Tennessee Congressman John Rhea's proposal to repeal the embargo on 4 March and replaced it with a nonintercourse act aimed exclusively at Great Britain and France. Rhea chose to forego any type of legislation that would encourage military action. Another southerner, David R. Williams of South Carolina surprised his colleagues
by declaring for a 15 February total repeal. Until that
time, Williams had been an avid supporter of the measure.
Northerners in Congress, because their region's economy was
based almost entirely on trade, favored nonintercourse
because it would allow relations with non-belligerents.¹⁰

On 1 February, the House of Representatives voted down
a measure proclaiming 1 June to be the repeal date.
Opposition to Nicholas's war preparation provision killed
the measure. Because there would be no time to adequately
inform customs collectors and port authorities by 15
February, attention became focused on 4 March and this date
was established as the repeal date by a House vote on 3
February. Members, however, were left with the dilemma of
deciding an appropriate course of action against Great
Britain and France.¹¹

Conflict became apparent along sectional lines. On 31
January Senator John Quincy Adams observed that:

The south say embargo or war, and the North and
East say, no embargo, no war. . . . I lament that
this difference of opinion exists; yet, as it does
exist, we must take things as they are, and
legislate accordingly. The genius and duty of
Republican Governments is to make laws to suit the
people, and not attempt to make the people suit
the laws.¹²

By 4 February the Republican party was beginning to
experience divisions of its own. Southern Republicans urged
their northern counterparts to revisit the June deadline
issue and allow the embargo a few more months to work. If
by that time the embargo had failed to cause the desired
circumstances, the southerners would move for a declaration of war. Northern Republicans moved to continue the embargo but refused to consider any warlike legislation. The issue was resolved when Virginia Republicans agreed to this demand. Northern Federalists delighted in the Republicans' schism but could offer no other alternative than nonintercourse. By 6 February the House Foreign Affairs Committee had reached a tentative agreement to lift the embargo on all nations except the two main belligerents: Great Britain and France. This measure, if approved, would go into effect on 4 March.\(^{13}\)

The day after the Foreign Affairs Committee met, Jefferson reacted in surprise in a letter to his son-in-law, Thomas Mann Randolph:

I thought Congress had taken their ground firmly for continuing their embargo till June, and then war. But a sudden and unaccountable revolution of opinion took place the last week, chiefly among the New England and New York members, and in a kind of panic they voted the 4th of March for removing the embargo, and by such a majority as gave all reason to believe they would not agree either to war or non-intercourse. . . .\(^{14}\)

Debate raged in both houses of Congress as regional concerns continued to be voiced. Resolving the differences by compromise, members of the House settled on imposing nonintercourse on Great Britain and France and giving the president the authority to reestablish trade relations with the nations should either of them rescind their offensive policies. The Senate passed the measure on 26 February; the
House approved the act the following day. President Jefferson signed the bill on 1 March.

Historian Burton Spivak captured the difficulties facing Congress when he wrote:

On the one hand, coercion had failed, continued economic isolation risked massive popular disobedience, and the nation was ill-prepared, both militarily and psychologically, for war. But on the other, simple repeal disguised in nonintercourse addressed none of the foreign issues, squandered what the embargo had already accomplished, and seemingly ensured future European harassment with America's commercial wealth spread dangerously across the oceans. That Congress chose simple repeal from these competing realities merely underscored its concern with constituent pressures, the weakness of the country, and its own antiwar sentiments.

On 4 March 1809 Jefferson rode to the Capitol for Madison's inauguration. Accompanied only by his grandson, the president entered the hall of the House of Representatives and took his place beside the Madison family on the dais. Surrounded by dignitaries for the last time, Jefferson may have remembered the words he wrote to Dupont de Nemours only two days before:

After using every effort which could prevent or delay our being entangled in the war in Europe, that seems now our only resource. The edicts of the two belligerents, forbidding us to be seen on the ocean, we have met by an embargo. This gave us time to call home our seamen, ships and property, to levy men and put our seaports into a certain state of defence [sic]. We now have taken off the embargo, except as to France and England and their territories, because fifty millions of exports, annually sacrificed are the treble what war would cost us; besides, that by war we should take something and lose less than at present.
It took a week for Jefferson to pack. Despite the drudgeries of preparing to leave, Historian Dumas Malone believed Jefferson was beginning to behave "like a boy out of school." Jefferson had observed to Dupont de Nemours during the previous week that he was looking forward to "my family, my books and farms. . . . Never did a prisoner, released from his chains, feel such relief as I shall on shaking off the shackles of power." As he was preparing to leave the President's House, Jefferson reflected on the embargo and made a prediction for the future in a letter to William Short. "Our embargo has worked hard. It has in fact federalized three of the New England States. Connecticut you know was before. . . . It is probable the belligerents will take our vessels under their edicts, in which case we shall probably declare war against them."


10. Ibid.

11. Ibid.


CHAPTER VI

CONCLUSION

Writing on his last Christmas Day in Washington, Jefferson expressed disappointment that the end of the embargo seemed near. "I feel extreme regret," he wrote to Judge St. George Tucker, "that an effort, made on motives which all mankind must approve, has failed in an object so much desired. I spared nothing to promote it." In these candid remarks, the president offered Tucker a significant clue to better understanding his public silence on the embargo: He firmly believed he had done everything within his power to assure its success. Apparently the need to inform the masses never crossed his mind.¹

Historians Robert Tucker and David Hendrickson observed that the policies Jefferson adopted were often lost in a fog of idealism. They noted that

His deepest tendency was to convert questions of interest into matters of right and wrong, which then assumed a kind of independent character and became inseparably annexed to the honor and independence of the country. His tendency to do so is the measure of his moralism; his moralism, in turn, not only constituted the central aspect of his diplomatic outlook but it is also identifiable as the primary corrupting factor within it.²

If Jefferson had made a public proclamation regarding the measure, he might have found the American people more
receptive to a cessation of trade. Usually supportive of Jefferson, even Malone believed that the president was "so obsessed with the immediate problem of making the embargo work as to be unmindful of republican theory and also of certain aspects of human nature."³

By removing American products from international trade, Jefferson believed he could teach Great Britain and the other European nations a lesson in the virtues of peace. When the belligerents turned to markets elsewhere and a great number of Americans began smuggling goods into Canada and Florida, the president seemed unable to comprehend that a simple explanation from him likely would have prevented this state of affairs. Historian Marshall Smelser observed "that the embargo required the invisible heroism of self-denial. Jefferson probably overestimated the patience of his fellow citizens" to endure such an oppressive measure without explanation.⁴

Historian Doron Ben-Atar noted that the president "sacrificed many of his cherished beliefs on the altar of commercial coercion." During the embargo, Ben-Atar observed, "he disregarded strict construction, states rights, and the separation of powers. When it came to enforcing this measure, the champion of inalienable rights wholly ignored the Bill of Rights." Ben-Atar believed the embargo not only "discredited [Jefferson's] commercial
policy diplomacy and ideology, but [it] left his presidency in shambles."

If Jefferson failed to issue a "clarion call" to rally public support for the embargo, perhaps it was simply because he felt no pressing need to do so. Jefferson had been convinced by the presidential electors in 1800 and again in 1804 that the American people valued his leadership and that they trusted him to guide the nation regardless of the circumstances. Additionally, because he had not faced direct election by the people, he may have felt that the representatives of the people, the members of the House of Representatives, had the responsibility for keeping their constituents informed.

Malone observed that "no President can do much in either the foreign or the domestic field without popular support." While Jefferson "perceived this more clearly than either of his predecessors had done," his failure to rally the support of the people when he could have taken steps to do so remains a mystery. Finding no workable alternatives war, the nation drifted closer and closer to armed conflict with Great Britain as one diplomatic measure after another failed. The issues which Jefferson had hope to address around a bargaining table (impressment, the rights of neutrals) were finally resolved by the War of 1812."

Throughout the rest of his life, Jefferson maintained the wisdom of resorting to the embargo. He never
acknowledged his failure to communicate his intentions, believing simply that the measure would have worked if only it had been "persevered in a little longer." Writing in 1817 to creditor Archibald Robertson, Jefferson noted:

No debt of mine gives me more anxiety than that to yourself, in which I have had great indulgence. Two years of embargo and non-intercourse, 3 of war, and 2 of disastrous drought have successively baffled my wishes to be reducing it.

The embargo, which had proven so destructive to the American economy during the latter part of his presidency, finally caught up with the champion of economic coercion.


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