

# Thomas Jefferson, Impressment, and the Rejection of the Monroe- Pinkney Treaty

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Thomas Jefferson faced no more difficult diplomatic problem during his presidency than the British practice of impressment, which Samuel F. Bemis accurately called "the most corrosive issue ever existing between Great Britain and the United States."<sup>1</sup> The satisfactory settlement of this complex question formed the main object of the 1806 London mission of James Monroe and William Pinkney. Their failure to secure a formal stipulation against the practice of impressment was the key element in Jefferson's refusal in March, 1807, to submit their completed treaty to the Senate. Some historians view this decision as an unfortunate retrograde step in Anglo-American relations, one of the first in the long diplomatic descent into the War of 1812. Jefferson and his advisers are charged with narrowness and inflexibility for spurning the "realistic" compromise worked out by Monroe and Pinkney with the British negotiators.<sup>2</sup> Other historians, however, maintain that reasonable accommodation with England on impressment was probably impossible and that Jefferson acted correctly in rejecting a treaty that was highly disadvantageous to American maritime interests.<sup>3</sup> Such disparate judgments prompt this attempt to penetrate the veil of "Jeffersonian mistiness"<sup>4</sup> surrounding the failure of the Monroe-Pinkney mission.

In April, 1806, Jefferson appointed William Pinkney of Maryland to join regular minister James Monroe in London. Their mission was to safeguard by treaty the neutral rights and commerce of the

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1. Samuel F. Bemis, *A Diplomatic History of the United States* (3rd ed.; New York, 1950), 144.

2. Bradford Perkins, *Prologue to War* (Berkeley, 1961), 138-139; A. L. Burt, *The United States, Great Britain, and British North America from the Revolution to the Establishment of Peace after the War of 1812* (New Haven, 1940), 236; Paul A. Varg, *Foreign Policies of the Founding Fathers* (Lansing, Michigan, 1963), 183-186.

3. Henry Adams, *History of the United States of America* (New York, 1891-1896), III, 409-413; Reginald Horsman, *The Causes of the War of 1812* (New York, 1962), 92-95; Lawrence S. Kaplan, *Jefferson and France* (New Haven, 1967), 121-122.

4. Phrase attributed to Edward Channing by Julius W. Pratt, "James Monroe," in Samuel F. Bemis (ed.), *The American Secretaries of State and Their Diplomacy* (New York, 1927), III, 206.



United States. Specifically, they were to require "an effectual remedy" for the practice of impressment as "a necessary preliminary" to any provision for the repeal of the Non-Importation Act slated to go into effect in December against certain British commodities.<sup>5</sup> They were to restore the "broken voyage" carrying trade between France and Spain and their West Indian colonies via American ports on general principles if possible; but "as this may not be attainable and as much ought not to be risked by an inflexible pursuit of abstract rights. . . , you are left at liberty if found necessary to abridge the right in practice." They were to seek indemnity for illegal seizures of "broken voyage" trade under the *Essex* and other decisions of the previous summer, although they were not to insist on this point. The remaining commercial provisions were to be patterned on earlier instructions to Monroe, which had held out for most-favored-nation status and reciprocal removal of legislative discriminations.<sup>6</sup>

On the whole, the instructions of May 17 were moderate in character. Jefferson realized, as he wrote to Barnabas Bidwell, a Republican leader in Congress, that "there must probably be some mutual concession, because we cannot expect to obtain everything and yield nothing. But I hope it will be such an one as may be accepted."<sup>7</sup> His main purpose in the negotiation with England, he wrote to James Bowdoin, American minister to Spain, was to "cut off the resource of impressing our seamen to fight her battles, and establish the inviolability of our flag in its commerce with her enemies. We shall thus become what we sincerely wish to be, honestly neutral, and truly useful to both belligerents."<sup>8</sup>

Jefferson's hopes were not to be fulfilled. Before negotiations could get seriously underway, the sympathetic Whig foreign secretary, Charles James Fox, entered his terminal illness. He appointed Lords Holland and Auckland as British commissioners to carry on with the talks. To Monroe Jefferson wrote of his dismay at the impending death of Fox and of his fear that "one of those appointed to negotiate with you is too much wedded to the antient [*sic*] maritime

5. Secretary of State James Madison to Monroe and Pinkney, May 17, 1806, in Walter Lowrie and Matthew S. Clarke (eds.), *American State Papers, Foreign Relations* (Washington, D. C., 1832), III, 119-124; hereinafter cited as *A.S.P.F.R.*

6. See Madison to Monroe, January 5, 1804, in *ibid.*, 81-83.

7. Jefferson to Bidwell, July 5, 1806, in Andrew A. Lipscomb and Albert E. Bergh (eds.), *The Writings of Thomas Jefferson* (Washington, D. C., 1903), XI, 114-118.

8. Jefferson to Bowdoin, July 10, 1806, in *ibid.*, 118-121.



code and navigation principles of England, too much practiced in the tactics of diplomacy, to expect either an early or a just result."<sup>9</sup>

Jefferson was correct in his estimation of Lord Auckland, president of the Board of Trade. But the obstacles to a satisfactory treaty were larger than mere personalities, as many scholars have pointed out. England's precarious position in the European war, ascendant on the oceans but shut off from the Continent by Napoleon, gave naval and shipping interests a major influence in all governments, even the Whig ministry of Grenville and Fox. They felt an imperative need to preserve the integrity of the British maritime system in order to warn neutrals away from Napoleon's orbit. Impressment was deemed essential to guarantee that the British navy would be adequately manned despite heavy desertions owing to poor pay and miserable conditions aboard ship. The Tory Opposition stood ready to make political capital from any Whig concessions to American "pretensions."<sup>10</sup>

It therefore comes as little surprise to the modern historian that Monroe and Pinkney were unable to negotiate an end to impressment. For a time agreement appeared possible; Holland and Auckland were receptive to the formula on impressment that Secretary of State James Madison had worked out in 1804, and the British commissioners proved willing to come forward with proposals of their own for an American return of deserters. Holland and Auckland sympathized with the American desire to protect its seamen from arbitrary incarceration aboard British men-of-war. But crown and admiralty officials denounced their proposals, forcing them to present to Monroe and Pinkney an unacceptable counter-proposal which threatened for several days to end the negotiations.<sup>11</sup> On November 8 the British produced a note which reserved the right of impressment but which assured the American emissaries that

instructions have been given, and shall be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; and that the strictest care shall be taken to preserve the citizens of the United States from any molestation or injury, and that immediate and

9. Jefferson to Monroe, October 26, 1806, in Paul L. Ford (ed.), *The Works of Thomas Jefferson* (Federal ed.; New York, 1904), X, 251-252.

10. Keen appraisals of British policy may be found in Horsman, *Causes of the War of 1812*, 63-90; and in Perkins, *Prologue to War*, 1-31 *et passim*.

11. James F. Zimmerman, *Impressment of American Seamen* (New York, 1925), 118-122; Anthony Steel, "Impressment in the Monroe-Pinkney Negotiation, 1806-1807," *American Historical Review*, LVII (January, 1952), 352-369.



prompt redress shall be afforded upon any representation of injury sustained by them.<sup>12</sup>

Monroe and Pinkney accepted this pledge as having "a peculiar degree of solemnity and obligation." After making clear verbally that their instructions did not permit such a departure, they agreed to drop their insistence upon a formal treaty article on impressment and proceed to the remaining points at issue. Monroe maintained, both at the time and afterward, that the British note of November 8 put the business of impressment "almost, if not altogether, on as good a footing as we should have done by a treaty, had the project which we offered them been adopted."<sup>13</sup> He held that the British government, while not prepared to give up the principle of impressment, would have so greatly restricted its practice as to remove any cause for complaint by the American government.<sup>14</sup>

British sources contradict Monroe's view. The day after the signing of the treaty, Lord Auckland wrote privately that "in truth we have postponed the principal difficulties to quieter times."<sup>15</sup> Some months later a new Tory foreign secretary, George Canning, called upon the Whig commissioners to explain the extent of the concessions that they had admitted on impressment. To this request Lords Holland and Auckland replied that they had meant only "to pledge the British government to make its cruisers observe the utmost caution, moderation, and forbearance in the exercise of that practice." They had at no time "either expressed or implied" during the negotiations, they wrote, that the British navy was "to desist from taking British seamen from American ships."<sup>16</sup> The possibility cannot entirely be dismissed that the primary purpose of these denials was to avoid giving political ammunition to the Tories. But Holland and Auckland were sufficiently categorical in their explanations to Canning that serious doubt is raised whether Monroe's treaty would have alleviated the problem of impressment.

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12. Enclosed in Monroe and Pinkney to Madison, November 11, 1806, in *A.S.P.F.R.*, III, 137-140.

13. *Ibid.* Monroe wrote all dispatches from the mission.

14. Monroe and Pinkney to Madison, January 3, 1807, in *ibid.*, 142-147. For lengthy reiterations of these views see same to same, April 22, 1807, in *ibid.*, 160-162; Monroe to Madison, February 28, 1808, in *ibid.*, 173-183; and Monroe to Timothy Pickering, April 18, 1808, in James Monroe Papers, Library of Congress.

15. Auckland to Charles Abbot, January 1, 1807, quoted in Horsman, *Causes of the War of 1812*, 90.

16. Holland and Auckland to Canning, August 10, 1807, in *Cobbett's Parliamentary Debates* (London, 1808), X, 596-597.



Word reaching Washington that Monroe and Pinkney intended to negotiate a treaty which would not formally abolish impressment created alarm within the administration. In conversation with British Minister David M. Erskine on February 1, 1807, Secretary of State Madison voiced his confidence "that America would never consent to abandon that Point."<sup>17</sup> Jefferson memoed Madison of his belief that "the *sine qua non* we made is that of the nation, and that they would rather go on without a treaty than with one which does not settle this article."<sup>18</sup> In cabinet on February 2, Jefferson informed the officers of his administration that Monroe and Pinkney would apparently settle all matters but impressment, which "would not be given up by treaty, though moderated in practice."<sup>19</sup> The President then put forward the main question to be decided: whether the administration should "agree to any treaty yielding the principle of our non-importation Act, and not securing us against impressments?" The consensus was unanimously against thus yielding what Jefferson termed "the only peaceable instrument for coercing all our rights." Monroe and Pinkney were to be instructed to adhere to the *sine qua non* on impressment. Great Britain would probably yield; but if not, Jefferson felt, "we had better have no treaty than a bad one. It will not restore friendship, but keep us in a constant state of irritation." The envoys would be instructed not to "draw off in hostile attitude," but instead to seek an informal understanding with Britain to "act in practice on the very principles proposed by the treaty. . . , and we agreeing to recommend to Congress to continue the supervision of the non-importation." Since the administration was determined to uphold the *sine qua non* on impressment, it was the unanimous sentiment of the cabinet that it would be superfluous to consult the Senate.

The instructions which Madison sent to Monroe and Pinkney on February 3 spelled the doom of their treaty, which was even then making its way across the Atlantic after being signed on December 31, 1806. In these instructions, Madison made clear Jefferson's determination never to ratify a treaty with England that did not provide for the entire abolition of impressment. Such a treaty, the President believed, would not comport with the "national sentiment or

17. Erskine to Lord Howick (British Foreign Secretary), February 2, 1807, quoted in Bernard Mayo, *Henry Clay* (Boston, 1937), 290.

18. Jefferson to Madison, February 1, 1807, in Lipscomb and Bergh (eds.), *Writings of Jefferson*, XI, 146.

19. Following account taken from Jefferson's memorandum of February 2, 1807, in Franklin B. Sawvel (ed.), *The Complete Anas of Thomas Jefferson* (New York, 1903), 251-253.



the legislative policy." The informal arrangement that Monroe and Pinkney had accepted was held by Madison to be wholly insufficient. The United States could not rely on an agreement that left with British naval commanders the discretionary power to decide the citizenship of seamen on the spot. In the absence of definite security against this, Madison wrote, British instructions from the government to their commanders might be ignored, as similar instructions had been ignored in the past.<sup>20</sup>

Their uncertainty about when or even whether a treaty had actually been concluded caused the administration to keep strictly confidential the contents of the November 11 letter from Monroe and Pinkney, as well as the nature of the decisions that had proceeded from this letter in cabinet. Jefferson and Madison settled back to await further information from London. Soon they received a brief note from Monroe and Pinkney communicating their intention to sign a treaty with the British "on all the points which have formed the object of our negotiation, and on terms which, we trust, our Government will approve." It would take only a few days, the envoys wrote, to reduce the treaty to form and then dispatch it to Washington by special messenger.<sup>21</sup>

Jefferson transmitted this optimistic note to Congress without qualification, where it stirred hopes for a satisfactory treaty.<sup>22</sup> At last, on the final day of Congress, March 3, British Minister Erskine received a copy of the treaty from his government. He hastened to lay it before Madison, whose first question was what provision it made for impressment. Evidently led by the over-optimism of Monroe and Pinkney in their December 27 note to expect concrete concessions to the American position, Madison expressed "the greatest astonishment and disappointment" when informed by Erskine that the treaty apparently contained nothing on the subject.<sup>23</sup> Late that same night, members of a joint committee of Congress arrived at the executive mansion to apprise Jefferson of the imminent recess and to carry last-minute bills for his signature. Congress had buzzed that day with the news that Erskine had received a copy of the treaty. When one of the

20. Madison to Monroe and Pinkney, February 3, 1807, in *A.S.P.F.R.*, III, 153-156.

21. Monroe and Pinkney to Madison, December 27, 1806, enclosed with Jefferson to Congress, February 19, 1807, in *ibid.*, II, 805.

22. Charles F. Adams (ed.), *Memoirs of John Quincy Adams* (Philadelphia, 1874-1877), I, 458; Everett S. Brown (ed.), *William Plumer's Memorandum of Proceedings in the United States Senate, 1803-1807* (New York, 1923), 613.

23. Erskine to Howick, March 6, 1807, quoted in Adams, *History of the United States*, III, 429-430.



Senators asked whether the President intended to recall the Senate to consider the treaty, Jefferson revealed his exasperation: "Certainly not," he snapped. Instructions had earlier been sent to Monroe and Pinkney that even if they had signed a treaty without an article protecting American seamen from impressment, it would not be ratified. They were so to notify the British government and were to renew the negotiation. In the meantime, the President would continue amicable relations with England and further suspend the Non-Importation Act.<sup>24</sup>

Jefferson's hasty perusal of Erskine's copy of the treaty had left him no less dismayed than Madison at its terms. Either of two deficiencies, he told his visitors from Congress, would prevent him "from troubling the Senate" for its consideration of the treaty. After the omission of an impressment article, the most objectionable feature was a formal cabinet declaration that the British commissioners had insisted on attaching to the treaty at the time of signing. This reservation would make British observance of the terms of the treaty conditional upon evidence of American resistance to the enforcement of Napoleon's Berlin Decree of November 21, 1806, against neutral shipping to the British Isles. He could only account for Monroe's and Pinkney's signing of the treaty with such defects, Jefferson said, "by supposing that in the first panic of the Imperial Decree they had concluded a war would be inevitable, and that we must make common cause with England."<sup>25</sup> While there was as yet no evidence that Napoleon's decree was being enforced against American shipping, Jefferson doubtless feared that the British declaration could well entail a far more serious departure from American neutrality than the administration had intended in a mere adjustment of maritime differences with England.

Why Monroe and Pinkney signed the treaty after this mischievous British reservation is, in the words of Edward Channing, "one of the mysteries of American history; that his action did not put a termination to James Monroe's political career is equally hard to understand."<sup>26</sup> The administration itself was obviously at some loss to account for its emissaries' decision to make such a one-sided treaty.

24. Interview recorded in Charles F. Adams (ed.), *Memoirs of John Quincy Adams*, I, 465-466.

25. *Ibid.* John Quincy Adams, the foremost American diplomat of his time, contended in 1829 that American ratification of the Monroe-Pinkney treaty would have entangled the United States in the European conflict within a year. Samuel F. Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York, 1949), 138.

26. Edward Channing, *The Jeffersonian System, 1801-1811* (New York, 1906), 205.



Senator William B. Giles of Virginia, an intimate of Jefferson, wrote to Monroe the day after reception of the treaty in Washington that

the obvious tendency of the explanatory note [on the Berlin Decree], and the silence respecting seamen, have excited universal disappointment and astonishment. The high and unabated confidence in our commissioners, forbids any conclusive opinion on the subject, until their own inducements for consenting to such a measure shall be known.

. . .<sup>27</sup>

Jefferson and Madison may have wondered whether Monroe's hope was to return such a popular treaty that the administration could not possibly withhold it from the Senate; if so, it must have been immediately apparent to them that Monroe had badly misjudged the public temper. "The only party here in favor of making a common cause with G. B. or taking any part whatever in the war, until absolutely forced to it," Giles wrote pointedly to Monroe,

is the mere Anglican party, accompanied by a few wildly eccentric men, who have no influence whatever, and are considered generally as men of disordered imaginations. They are totally destitute of influence, and destroy every person or object they endeavor to support. It is feared that some of the wild effusions of some of these men, have been mistaken by our commissioners for indications of the public sentiment.<sup>28</sup>

Giles's references were to the Federalist party and to a small group of Republican schismatics led by John Randolph of Roanoke, who had gone into chronic opposition to the administration. This latter group was known to be working to win Monroe to their cause and to make him their candidate for the presidency in 1808 to oppose Madison, Jefferson's heir apparent. Monroe's unsuccessful candidacy in 1808, with the unratified treaty as his platform, would reveal but scant support for his program of Anglo-American *rapprochement*.<sup>29</sup>

<sup>27</sup>. Giles to Monroe, March 4, 1807, in Dice R. Anderson, *William Branch Giles* (Menasha, Wisconsin, 1914), 108.

<sup>28</sup>. *Ibid.*

<sup>29</sup>. Harry Ammon, "James Monroe and the Election of 1808 in Virginia," *William and Mary Quarterly*, 3rd ser., XX (January, 1963), 33-56. See also Irving Brant, *James Madison: Secretary of State, 1800-1809* (Indianapolis, 1953), 420-424; Noble E. Cunningham, Jr., *The Jeffersonian Republicans in Power* (Chapel Hill, 1963), 234-235; and Norman K. Risjord, *The Old Republicans* (New York, 1965), 92-93, for judgments on the significance of the treaty to Monroe's candidacy.



Monroe had arrived at that position through a curious intellectual metamorphosis. Along with most Republicans, Monroe had long deplored American economic subservience to England. He was known, in addition, as the leading Republican partisan of France, more decidedly so than Jefferson himself. For the 1806 negotiation, Monroe received comprehensive instructions from Madison and explicit reminders from Jefferson that the main object of the mission was to secure a British agreement to observe American neutral rights.<sup>30</sup> At the outset of the mission, there was every indication that Monroe agreed with these aims.<sup>31</sup> But a fruitless roving mission on the Continent in 1805 had opened Monroe's eyes to the iniquities of the French and Spanish courts. Returning to London, he was captivated by the warmth and friendliness of the Whig leaders. He began to accept their contention that the British government, beleaguered by its foes on the Continent and assailed by a vocal opposition at home, was in no position to make serious concessions to American grievances. By January, 1807, Monroe was even writing to Jefferson that "in all the points on which we have had to press this govt., interests of the most vital character were involved. . . , at a time too when the very existence of the country depended on an adherence to its maritime pretensions."<sup>32</sup>

On March 15 the American copy of Monroe's treaty arrived in Washington, accompanied by a lengthy letter of explanation.<sup>33</sup> From this letter Madison and Jefferson doubtless gained fresh impressions of Monroe's conversion to the cause of Anglo-American solidarity. They evidently concluded that this was a far more important motive for signing the treaty than his nascent political alienation from the administration. Perhaps because they respected the obvious sincerity of Monroe's new-found convictions, Jefferson and Madison were prepared to conciliate their old Virginia friend, who had helped them

30. See especially Jefferson to Monroe, May 4, 1806, in Ford (ed.), *Works of Jefferson*, X, 259-264.

31. Monroe had earlier advocated a program of commercial coercion combined with armed preparedness to force British recognition of American demands. Monroe to Madison, October 18, December 23, 1805, in *A.S.P.F.R.*, III, 106-108, 109. In March, 1806, he was still expressing doubts that those favorable to America in the British government could make their policies prevail; and he was favoring the suspension of the Non-Importation Act only until the President should be notified "that the negotiation has failed." Monroe to Madison, March 31, 1806, in *ibid.*, 115.

32. Monroe to Jefferson, January 11, 1807, in Thomas Jefferson Papers, Lib. Cong.

33. Monroe and Pinkney to Madison, January 3, 1807, in *A.S.P.F.R.*, III, 142-147.



found the Republican party and who had negotiated the purchase of Louisiana. They may have acted partly also from the apprehension that Monroe's recall would be interpreted by the London government as a hostile step. Whatever their reasons, Monroe got off with the mildest of rebukes. On March 20 Madison wrote to Monroe with notable magnanimity:

The President and all of us are fully impressed with the difficulties which your expectations had to contend with, as well as with the faithfulness and ability with which it was supported, and are as ready to suppose, in as far as there may be variance in our respective views of things, that in your position we should have had yours, or that in our position, you would have ours.<sup>34</sup>

The following day Jefferson wrote more coldly to explain to Monroe that the administration had made public only the deficiencies in the treaty on impressment and the British declaration. "But depend on it, my dear Sir," he wrote, "that it will be considered as a hard treaty when it is known. The British commirs [*sic*] appear to have screwed every article as far as it would bear, to have taken everything, and yielded nothing." Jefferson suggested that Monroe remain in London until he was convinced that "the amendment of the treaty is desperate."<sup>35</sup>

The easy letdown that Jefferson and Madison gave Monroe was matched by their quiet disposal of his unwanted treaty. Their basic aim was to avoid an immediate crisis in Anglo-American relations over rejection of the treaty. That they saved Monroe's political reputation in the process was fortunate for Monroe, but was largely incidental to the need felt by the administration to forestall any displeasure by the London government. The measures adopted were designed to soothe: first, to send the treaty back for renegotiation rather than to recall the mission; second, to withhold the full terms of the treaty from the Senate and public; and third, to further postpone the operation of the Non-Importation Act. These decisions were not made on the spur of the moment, when Jefferson with "fierce intransigence" announced them to the Congressional delegation.<sup>36</sup> Rather, as has been seen, they were products of careful cabinet consultations a full month before the arrival of the treaty, when the administration had

34. Madison to Monroe, March 20, 1807, in James Madison, *Letters and Other Writings of James Madison* (Philadelphia, 1865), II, 223-224.

35. Jefferson to Monroe, March 21, 1807, in Ford (ed.), *Works of Jefferson*, X, 374-377.

36. Nathan Schachner, *Thomas Jefferson* (New York, 1951), 835-836.



first learned of the likelihood that the treaty would contain nothing satisfactory on impressment.<sup>37</sup>

The clearest proof of Jefferson's unwillingness to risk precipitating a crisis in Anglo-American relations over impressment was his handling of the Non-Importation Act of April, 1806.<sup>38</sup> Passed in retaliation against British maritime depredations, the act placed a boycott on British goods that could be obtained from other countries or produced within the United States. The Non-Importation Act was clearly representative of a longstanding Republican dogma that economic coercion would compel Britain to yield if all other pressures failed. Congress deferred the operation of the act until December, 1806, to give American diplomacy a sufficient amount of time to seek a diplomatic solution of grievances against England. On December 3, 1806, Jefferson requested that Congress further postpone the operation of the act in order to await the results of the Monroe-Pinkney mission.<sup>39</sup> The President's message sparked debate in both Houses, mainly on the ground that if a satisfactory treaty should arrive after the March adjournment, it would be embarrassing for the act to take effect with no chance for Congress to rescind it before their next sitting in December. At length it was agreed that the act would go into effect on July 1, 1807, with the stipulation that the President might further delay its operation until the second Monday in December, 1807, "if in his judgment the public service should require it. . . ." <sup>40</sup>

Although Congress clearly anticipated that the need for delay of the act until December would arise only if a satisfactory treaty should arrive, their grant of power to the President was couched in the more general terms quoted. This enabled Jefferson to exercise his option for delay from different motives. Not the prospect of a satisfactory treaty, but of an unsatisfactory one with no provision for impressment, prompted the cabinet decision to call for further delay to accompany an attempt at renegotiation. Jefferson's proclamation of delay came on March 24, 1807, after official American receipt of the treaty.<sup>41</sup> The administration justified this proclamation as a "proof"

37. See above, p. 11.

38. For a history of the operation of the act, see Herbert Heaton, "Non-Importation, 1806-1812," *Journal of Economic History*, I (November, 1941), 178-198.

39. Jefferson to Congress, December 3, 1806, in Ford (ed.), *Works of Jefferson*, X, 320-322.

40. Act of December 16, 1806, in Joseph Gales (comp.), *Annals of Congress* (Washington, D. C., 1834-1856), XVI, 20-22.

41. Printed in Richmond (Virginia) *Enquirer*, March 31, 1807.



to the British government "of the continuance of friendly dispositions."<sup>42</sup>

Jefferson's firm refusal to allow the Senate to debate the treaty exposed his motives to misinterpretation. Members of Congress tended to resent the President's attitude as a slight to the legislative branch, since it had been Senate resolutions calling for a diplomatic solution to problems of neutral rights and commerce that had inspired the special mission of Monroe and Pinkney. The administration answered, logically enough, that it was pointless to spend the Senate's time and the people's money to deliberate a treaty that the President would under no circumstances sign.<sup>43</sup> Federalists complained that Jefferson acted unfairly to preclude the possibility that the Senate would approve the treaty; this they cited as further evidence of his inveterate hatred of England.<sup>44</sup> It seems unlikely, however, that enough votes could have been marshalled for the treaty by its supporters to secure its passage by the necessary two-thirds margin. The administration was secure at that point in its Senate majority. As a Monroe sympathizer, Joseph H. Nicholson, grumbled the following month, "the President's Popularity is unbounded, and his Will is that of the Nation."<sup>45</sup> A full-dress Senate debate, the administration no doubt realized, would have resulted only in a chorus of nationalistic denunciation of the treaty's terms by irate Republicans, and in a resultant hardening of diplomatic positions on both sides of the Atlantic.

As for Jefferson's supposed hatred of England, it needs only be noted that an obvious alternative to the course taken was the immediate recall of Monroe and the institution of the Non-Importation Act against British goods. Such a course of action would probably have stood a greater chance of bringing the British government to terms, although continued British refusals might have built up dangerous momentum toward war. There is little evidence, however, that Jefferson seriously considered such an energetic course. He was painfully aware that the United States was wholly unprepared to

42. Jefferson to Levi Lincoln, March 25, 1807, in Ford (ed.), *Works of Jefferson*, X, 377-378; Madison to Monroe and Pinkney, March 18, 1807, in *A.S.P.F.R.*, III, 156.

43. The best presentation of this argument is by that gentle apologist for Jefferson, Henry S. Randall, *The Life of Thomas Jefferson* (New York, 1858), III, 202.

44. In a considerable overstatement, Henry Adams wrote that "no act of Jefferson's administration exposed him to more misinterpretation, or more stimulated a belief in his hatred of England and of commerce, than his refusal to lay Monroe's treaty before the Senate." *History of the United States*, III, 434-435.

45. Nicholson to Monroe, April 12, 1807, in Monroe Papers, Lib. Cong.



wage war against the world's greatest naval power. His willingness to seek further discussions in London shows an anxiety to give Great Britain every opportunity to reverse its stand on impressment gracefully, rather than a determination to drive the two countries further toward enmity.

It may be argued, in fact, that his anxiety to prevent a deterioration of Anglo-American relations blinded Jefferson to the value of a display of diplomatic muscle to break the deadlock over impressment. To anyone but an inveterate optimist, the studied refusal of the "friendly" Whig ministry to yield on impressment should have indicated the futility of further remonstrance. Even the most favorably disposed British government would never agree to end impressment except from the fear that the United States might otherwise enter the list of Britain's adversaries. Perhaps even this possibility would not have moved them, in view of American unpreparedness for war. But Jefferson's smothering of the treaty successfully precluded any concerted expression of Congressional or public outrage against impressment. British Minister Erskine remained convinced, as he wrote to his government on March 7, that

the power of the dominant party could not engage this country in a war with Great Britain on the grounds of any of the complaints that have been urged, or, for the accomplishment of any of the objects included or omitted in the treaty lately signed by the respective commissioners.<sup>46</sup>

For confirmation of his opinion, Erskine could point only to the "two sessions of Congress *before last*, during which very few of the members. . . most incensed at what they termed the unjust aggressions and insults of Great Britain ever hinted at the idea of going to war."<sup>47</sup> While Erskine consistently advocated a generous treatment of American grievances, a British government thinking mainly in terms of military priorities in the war against Napoleon must have ranked concessions to the United States low on its list.

Jefferson and Madison, unwilling to abandon their stand against impressment, continued to repose confidence in reason alone to bring Britain to terms. Their lingering optimism is seen in the diligent study they gave to the treaty to provide Monroe and Pinkney with new guidelines, as though they really believed an agreement was still obtainable. The President subjected the terms of the treaty to a

<sup>46</sup>. Erskine to Lord Howick, March 7, 1807, quoted in Burt, *The United States, Great Britain, and British North America*, 240.

<sup>47</sup>. *Ibid.*, emphasis added.



searching examination, weighing in his mind its differences from the terms of the expiring Jay Treaty of 1794 and from the situation that would probably result from the regulation of Anglo-American trade by domestic legislation only. He also gave thought to the possibility of British retaliation for American rejection of the treaty. Jefferson perceived numerous deficiencies in the commercial parts of the treaty, which he presented to his cabinet on March 17.<sup>48</sup> There it was again agreed to insist upon the *sine qua non* on impressment and also to demand the withdrawal or substantial alteration of the British declaratory note on Napoleon's Berlin Decree. Other changes in the commercial provisions of the treaty were to be sought if not insisted upon. In the next few days Jefferson gave the treaty more thought and came up with three additional points for revision.<sup>49</sup>

While the administration's study of the treaty continued, its confidence in the generosity of the Whig government suffered a setback. On March 12 Erskine delivered to Madison an Order in Council dated January 7, 1807. Issued in retaliation for Napoleon's Berlin Decree, Lord Howick's Order prohibited neutrals from trading between ports in the hands of the enemy. At first Madison made only a routine objection to this Order on the grounds that it had been issued before the British could know whether the Berlin Decree applied to American shipping. But on March 29 Madison submitted a detailed criticism to Erskine, in which he viewed the legality and timing of the Order with suspicion, as casting doubt on British good faith in the recent treaty negotiations.<sup>50</sup> Madison would have derived slight comfort from the contention of a recent historian that these Orders were mild by comparison to what the United States would have faced from a Tory government.<sup>51</sup>

Madison now began within the administration to urge the need for a new *quid pro quo* on impressment. On April 3 the cabinet heard a proposal by Madison for the non-employment of British seamen serving in the American merchant marine.<sup>52</sup> This plan provided that

48. Draft "Notes," [post March 15, 1807], in Jefferson Papers, Lib. Cong.; Sawvel (ed.), *Anas of Jefferson*, 253-254.

49. Draft "Observations," [March 21, 1807], in Jefferson Papers, Lib. Cong.

50. Erskine to Madison, March 12, 1807; Madison to Erskine, March 20, 1807; same to same, March 29, 1807; in *A.S.P.F.R.*, III, 158-159. Brant, *Madison*, 375-376.

51. Horsman, *Causes of the War of 1812*, 95-98.

52. Madison first suggested this plan to the cabinet on February 2, saying he was "not satisfied" whether it should not be tried. Sawvel (ed.), *Anas of Jefferson*, 252. The plan apparently originated with Speaker of the House Nathaniel Macon of North Carolina in the spring of 1806, during the course of debate over passage of the Non-Importation Act. Zimmerman, *Impressment*, 114-115.



in exchange for the definite abolition of impressment the United States would give up all British seamen employed in American ships for less than two years prior to the exchange of ratifications. The plan went substantially beyond earlier American offers to surrender deserters from the British navy, although it did not anticipate that American captains would actually surrender British sailors to the tender mercies of British press gangs. Instead, it was to be made penal on American commanders to have such seamen in their employ. Madison's proposal found a favorable hearing; it was earmarked for inclusion in the revised instructions to be sent to Monroe and Pinkney.<sup>53</sup>

At this point an additional consideration appeared in the form of a report by Treasury Secretary Albert Gallatin on British seamen in the American merchant marine. This report, which Gallatin delivered to Madison on April 13, revealed that the great increase in American shipping since the resumption of the European war in 1803 had absorbed an estimated 2500 British seamen yearly. The natural increase in native seamen, Gallatin believed, had been largely offset by the increase of whale fisheries and of impressment. The conclusion Gallatin drew was that the adoption of Madison's plan would cost the United States the services of about 5000 seamen. In his opinion this would be a material injury to American navigation, "much more indeed than any restrictions which supposing no treaty to take place they would lay upon our commerce." Even so, Gallatin expressed to Jefferson his willingness to accept such a provision provided Great Britain would relinquish the practice of impressment and agree to other reasonable modifications of the old treaty suggested by the administration.<sup>54</sup>

Gallatin's estimates gave impressive support to a longstanding British contention that the practice of impressment was necessary to offset heavy British desertions to the American merchant marine. Yet his report failed completely to shake the administration's confidence in the rightness of its position on impressment. Instead, Madison cast about for way to retain as many British seamen as possible in American service! Gallatin agreed, but War and Navy Secretaries Henry Dearborn and Robert Smith took exception to any such haggling over British sailors.<sup>55</sup> Jefferson displayed a similar moral blind spot

53. Cabinet meeting, April 3, 1807, in Sawvel (ed.), *Annals of Jefferson*, 254.

54. Gallatin to Jefferson, April 13, 16, 1807, in Henry Adams (ed.), *The Writings of Albert Gallatin* (Philadelphia, 1879), I, 332-336. Gallatin's report to Madison, April 13, 1807, is located in the William C. Rives Collection, Lib. Cong.

55. Madison to Jefferson, April 17, 1807, in Jefferson Papers, Lib. Cong.



in writing to Madison on April 21 that "Mr. Gallatin's estimate of the number of foreign seamen in our employ renders it prudent, I think, to suspend all propositions respecting our non-employment of them." Jefferson feared that "such an addition as this to a treaty already so bad would fill up the measure of public condemnation."<sup>56</sup> The President, it would seem, was having recourse to the same sort of rationalizations in defense of the employment of British seamen that the British had long used in defense of impressment.

More consideration of the subject preceded Madison's issuance of instructions to Monroe and Pinkney on May 20, however, for his proposal found its way into them. It was to be an ultimatum: only after all other proposals and expedients had failed to secure the abolition of impressment was Madison's two-year rule for the non-employment of British seamen to be brought forward. The British government was to be given to understand that American principles forbade the United States to deliver British sailors up to their mother country in addition to excluding them from service.<sup>57</sup> Because the renewed negotiations never progressed beyond tentative American proposals, Madison's provision on British seamen regrettably remained a dead letter. His was the only fresh substantive approach made by either side during the Monroe-Pinkney negotiations to the knotty problem of impressment.

Part of Jefferson's reluctance to advance the proposal on British seamen doubtless came from his growing awareness that Monroe's treaty provided a very shaky platform for further negotiations. Throughout April, as Jefferson repaired to Monticello for the summer, the administration continued to study the treaty. More deficiencies in the commercial parts were ferretted out by an inquiry that Madison had initiated in March among such prominent merchants and experts on commercial policy as Samuel Smith, William Jones, Tench Coxe, and David Gelston. Disturbed by a letter from Senator Samuel Smith questioning whether the treaty should not be accepted despite its failure to provide for impressment, Madison had sent parts of the treaty to these men with the request that they render their opinions.<sup>58</sup> The replies, received in April, were uni-

56. Jefferson to Madison, April 21, 1807, in Lipscomb and Bergh (eds.), *Writings of Jefferson*, XI, 192-193.

57. Madison to Monroe and Pinkney, May 20, 1807, in *A.S.P.F.R.*, III, 166-173.

58. Samuel Smith to Madison, March 14, 1807, in Samuel Smith Papers, Lib. Cong. Madison to Smith, Coxe, Jones and Gelston, March 27, 1807, in James Madison Papers, Lib. Cong. The time consumed by this exchange was the main reason that new instructions were not sent to London until May.



formly unfavorable. Although Coxe of Philadelphia did not venture to comment on impressment, he expressed strong disapproval of the commercial provisions, and recommended the adoption of an embargo or the total non-importation of British goods.<sup>59</sup>

From Senator Smith came the most scathing indictment of the treaty. His initial criticism of administration policy had come not only from conviction but also from a political position somewhat at odds with the administration. Smith had hoped for the London appointment which Jefferson had given to Pinkney, an implicit rebuke for Smith's support of the wayward John Randolph.<sup>60</sup> His personal letters on Jefferson's rejection of Monroe's treaty show that much rancor still existed on Smith's part.<sup>61</sup> Yet when Madison sent the treaty to him, Smith returned a blanket condemnation. He spared not even Monroe's most cherished achievement, the reopening of French and Spanish West Indian trade to American "broken voyage" shipping. On the whole, Smith concluded, the treaty did nothing but "prostrate our trade at the feet of G.B. . . . At no time have the British enforced a system so completely injurious to the U.S. . . . We ought to risque every consequence. . . , even war rather than commit ourselves to such an instrument."<sup>62</sup>

Jefferson's view of the treaty became all the more unfavorable as criticism continued to pour in and as he gave the document his continued study. To Madison he complained that "the more it is developed the worse it appears."<sup>63</sup> The President now doubted that any treaty at all could or should be salvaged. "I am more and more convinced," he wrote to Madison, "that our best course is, to let the negotiation take a friendly nap, and endeavor in the meantime to practice on such of its principles as are mutually acceptable."<sup>64</sup> At last Jefferson was even ceasing to trust to the beneficence of the Whig leadership for an agreement. "Time strengthens my belief," he observed to Gallatin with more than a little hindsight, "that no equal treaty will be obtained from such a higgler as Lord Auckland, or

59. See Harold Hutcheson, *Tench Coxe* (Baltimore, 1938), 128-131, for a discussion of Coxe's views on the treaty.

60. Adams, *History of the United States*, III, 168-171; John S. Pancake, "The General from Baltimore: A Biography of Samuel Smith" (Ph. D. Dissertation, University of Virginia, 1949), 66-70.

61. Smith to Wilson Cary Nicholas, March 4, 1807 (two letters), quoted in Adams, *History of the United States*, III, 431-432, 433-434.

62. Smith to Madison, April 3, 18, 1807, in Smith Papers, Lib. Cong.

63. Jefferson to Madison, April 25, 1807, in Ford (ed.), *Works of Jefferson*, X, 390-391.

64. Jefferson to Madison, April 21, 1807, in *ibid.*, 388-390.



from the present ministry, Fox being no longer with them, and that we shall be better without any treaty than an unequal one." <sup>65</sup>

The final blow to the administration's hopes for a successful renewal of negotiations was the news of a change in British governments that had taken place in March and early April. The Whig ministry of Grenville was turned out of office over a Catholic question and replaced by a Tory ministry of no particular distinction, with George Canning as foreign secretary. Madison suggested wistfully that the new ministry, despite its Tory predisposition to hostility toward the United States, was so "feeble and tottering" that "the force of their ousted rivals, who will probably be more explicit in maintaining the value of a good understanding with this country, cannot fail to inspire caution." It might even happen, Madison wrote, "that the new Cabinet will be less averse to a *tabula rasa* for a new adjustment than those who formed the instrument to be superseded." <sup>66</sup> But Jefferson was not encouraged to learn of the change. The new group were "true Pittites," he replied to Madison, "and anti-American. From them we have nothing to hope but that they will readily let us back out." <sup>67</sup> Jefferson's main concern now was to allow the dust to settle from the demolition of Monroe's treaty.

So Madison prepared and sent his detailed instructions to London on May 20 with only a modest hope, expressed in a covering letter to Monroe, "that your further efforts aided by the new proposition which is authorized [non-employment of British seamen], may yet close our common labors, with success and satisfaction." <sup>68</sup> In these instructions the Secretary of State reiterated that the President would accept no arrangement, formal or informal, that did not prohibit impressment on the high seas. With precision Madison pinpointed the deficiencies in the December document respecting American commerce and neutral rights, and he specified the steps that the administration wished taken to remedy them. On the whole, however, revisions in these areas were not to be insisted on at the expense of an article on impressment. If the negotiators found too great a difficulty in readjusting commercial provisions, Madison even suggested that they should adopt those that could be readily agreed upon, and bring the others within the scope of a general article based on the

65. Jefferson to Gallatin, April 21, 1807, in Lipscomb and Bergh (eds.), *Writings of Jefferson*, XI, 194-195.

66. Madison to Jefferson, April 24, 1807, in Jefferson Papers, Lib. Cong.

67. Jefferson to Madison, May 1, 1807, in Lipscomb and Bergh (eds.), *Writings of Jefferson*, XI, 198-199.

68. Madison to Monroe, May 25, 1807, in Madison, *Letters and Other Writings*, II, 406-407.



most-favored-nation concept. If no headway could be made toward a treaty, Monroe and Pinkney were still not to break off the negotiation, but were to transmit to the American government any proposals the British might choose to make toward a final accommodation.<sup>69</sup>

In London, the hapless Monroe presided over his own undoing. Unaccountably remaining until after the change in British governments, Monroe found himself faced with explaining to Foreign Secretary Canning why Jefferson had not accepted the treaty, and trying to revive negotiations on the basis of modifications in the rejected treaty. He made a reasonably good start with Canning, who had not yet become the *bête noire* of Jeffersonian diplomacy. Far from taking offense at Jefferson's non-ratification of the treaty, Canning appears to have been rather indifferent to the desirability of an agreement with the United States. Although unwilling immediately to reopen discussions on the treaty, Canning on July 24 asked Monroe and Pinkney for a *projet* of the changes that the President desired. Monroe thereupon pencilled onto a copy of the old treaty the changes that Madison called for in his May 20 instructions.<sup>70</sup> The provision on impressment followed verbatim that in Madison's original instructions to Monroe of January 5, 1804.<sup>71</sup> Thus the impressment controversy had gone full circle through four successive British ministries and was no closer to solution than before.

In the wanton attack of June 22, 1807, by the British frigate *Leopard* on the American frigate *Chesapeake*, Jefferson thought he saw a final chance to break the deadlock over impressments. The British attack, he wrote to editor William Duane, had "touched a chord which vibrates in every heart. Now then is the time to settle the old and the new."<sup>72</sup> To the instructions requiring a disavowal of the *Chesapeake* incident, the administration added a demand for the abolition of impressment as a *sine qua non*.<sup>73</sup> This step pushed Canning too far. He interpreted as signs of weakness Jefferson's efforts to quiet popular clamor for war, and with "brutal directness," as Henry Adams wrote, "kicked Mr. Jefferson's diplomacy out of his path. . . ." <sup>74</sup> The British foreign secretary notified Monroe and

69. Madison to Monroe and Pinkney, May 20, 1807, in *A.S.P.F.R.*, III, 166-173.

70. Monroe and Pinkney to Canning, July 24, 1807, in *ibid.*, 194-195.

71. This provision is not to be found in *ibid.* It appears in *Cobbett's Parliamentary Debates*, X, 585.

72. Jefferson to Duane, July 20, 1807, in Ford (ed.), *Works of Jefferson*, X, 470-472.

73. Madison to Monroe, July 6, 1807, in Gaillard Hunt (ed.), *The Writings of James Madison* (New York, 1900-1910), VII, 454-460.

74. Henry Adams, *The Life of Albert Gallatin* (New York, 1943; originally published 1879), 356.



Pinkney that under no circumstances would he link the general question of impressment with the particular case of the *Chesapeake*; instead he would send a special negotiator to Washington empowered to discuss only the latter.<sup>75</sup> To emphasize Canning's position, a royal proclamation vigorously reasserted Britain's right of impressment from foreign merchant vessels.<sup>76</sup> On October 22 Canning assumed the position that Jefferson's refusal to ratify the Monroe-Pinkney treaty removed that instrument as a basis for further discussions.<sup>77</sup> The joint mission of Monroe and Pinkney was dissolved.

Learning of these developments in early December, President Jefferson was unable entirely to contain his frustration. "Certain it is," he reflected to himself,

there never can be friendship, nor even a continuance of peace with England so long as no American citizen can leave his own shores without danger of being seized by the first British officer he meets and made to serve as a common seaman on board their ships of war. . . .<sup>78</sup>

Through their conduct of the Monroe-Pinkney mission, Jefferson and Madison had made the issue of impressment a central one in Anglo-American relations. Their position on impressment was reasonable and moderate; hence, their refusal to submit Monroe's unsatisfactory treaty to the Senate is understandable. In his excessive caution to avoid a decisive diplomatic confrontation, however, Jefferson lost the initiative on impressment. Then, if ever, was the time to put into operation the administration's cherished policy of non-importation, when it could be linked to popular resentment against impressment. Economic coercion could later be tightened if Britain remained recalcitrant. Instead, Jefferson would only resort belatedly to embargo and non-importation measures in late December, 1807, in alarmed reaction against stringent new British and French commercial restrictions on American trade. The impressment issue would remain just below the surface as an irritant in Anglo-American relations, defying persistent American efforts lasting into the 1840s to remove it.

75. Monroe to Madison, October 10, 1807, in *A.S.P.F.R.*, III, 191-193.

76. Royal Proclamation, October 17, 1807, in *ibid.*, 25-26.

77. Canning to Monroe and Pinkney, October 22, 1807, in *ibid.*, 198-199.

78. Notes for a confidential message to Congress, [December, 1807], in Jefferson Papers, Lib. Cong. Characteristically, Jefferson omitted this statement of personal opinion from the noncommittal message conveyed to Congress December 8, 1807, in *A.S.P.F.R.*, III, 24.