In exploring the origins of the War of 1812, many historians view the 1811 Battle of Tippecanoe as the final breaking point in diplomatic relations between the United States and Great Britain. While the clash at Tippecanoe was a serious blow to peace between the two nations, Anglo-American relations had already been ruptured well before the presidency of James Madison. Indian affairs certainly played a role in starting the war, but it was at sea where the core problems lay. I will argue in this essay that rather than the Battle of Tippecanoe, it was the Chesapeake-Leopard Affair of 1807 that set Great Britain and the United States on the path towards war. The affair signified two of the festering issues facing the British and Americans: impressment and neutral rights. Though President Jefferson was able to prevent war in 1807, his administration’s inept diplomacy widened the existing gap between Britain and America. On both sides of the Atlantic, the inability of leaders such as Secretary of State Madison and the British foreign minister, George Canning to resolve the affair poisoned diplomatic relations for years afterward. To understand the origin of the War of 1812, one must consider how the Chesapeake affair deteriorated Anglo-American relations to a degree that the Battle of Tippecanoe was less important than some have imagined.

The clash at Tippecanoe between Governor William Henry Harrison and the forces of the Shawnee Prophet has usually been seen as the direct catalyst for the war in much of the historiography dealing with the War of 1812. Many historians believe that the battle had a
particularly strong influence on the Twelfth Congress, which had convened only a few days before the battle was fought. The young War Hawks in Congress seized upon the discovery of British-manufactured muskets in the ruins of Prophetstown as evidence that the perfidious British were in league with the Indian confederation formed by the Prophet and his brother Tecumseh. One study of the war in the Old Northwest summarizes this kind of thinking: “Once the twin dangers of Great Britain and the Indians became connected in the minds of Americans, war soon followed. A separate Indian confederation was one thing, but a British-supported confederation was quite another.”¹

Historians of the war like Francis Beirne and biographers of Harrison such as Freeman Cleaves agree that the battle as well as the bloody Indian raids that followed in its aftermath were decisive in influencing Congress to go to war. There are two problems with this thesis. One, Tippecanoe was a victory that had discredited the Prophet in the eyes of many of his followers. If anything, the threat from the Indians had been alleviated after Tippecanoe. Moreover, focusing on Tippecanoe overemphasizes the influence of the sparsely-populated West to an unrealistic degree. Beirne himself points his out in his history of the war, pointing out that as a result of the Embargo Act, most of the specie in America had taken flight from the South and West to the manufacturing centers of New England.² The real underlying issues behind the conflict were maritime, not on the frontier.

Near the end of 1806, Thomas Jefferson reflected on what so far had been a largely successful presidency. In a letter to Treasury Secretary Albert Gallatin, Jefferson believed his administration “will be distinguished as much by having placed itself above all the passions

which could disturb its harmony, as by the great operations by which it will have advanced the well-being of the nation.”  

1807, however, would not be a particularly harmonious year for the Jefferson administration. In June of 1807, an incident between the American frigate *Chesapeake* and the British two-decker warship *Leopard* threatened to spark a war between the two nations. Off the coast of Virginia, the *Leopard* came alongside the *Chesapeake* and demanded to search the American ship for deserters from the British navy. Refusal on the part of the Americans led the *Leopard* to open fire on the unprepared *Chesapeake*. Fifteen minutes later, three Americans were dead, eighteen were wounded, and Commodore James Barron was forced to strike his colors. The British proceeded to board the *Chesapeake* and took off four British deserters, only one of whom was actually of English nationality. Refusing Barron’s surrender, the British left with their prisoners and left the humiliated Americans to limp back to Norfolk.

The resulting outrage among the public united Americans in outrage against a foreign aggressor to an extent perhaps unmatched until the Japanese attack on Pearl Harbor in 1941. Regardless of sectional attachment and political affiliation, Americans everywhere demanded a redress of the insult to national honor and sovereignty. The Royal Navy had clearly been the aggressor, and the attack on the *Chesapeake* was by any definition an act of war. In the summer of 1807, war fever spread throughout the nation. Jefferson, under tremendous pressure, wrote that July that “never since the battle of Lexington have I seen this country in such a state of exasperation as the present, and even that did not produce such unanimity.”

In the heat of the moment, Jefferson could easily have gotten Congressional approval for a war against Britain.

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The Jefferson administration, however, was under constraints that led it away from an overt declaration of war. Gallatin feared that a war would lead to a “necessary increase of executive power and influence, the speculations of contractors and jobbers, and the introduction of permanent military and naval establishments.” The money to wage war was simply not there, and military preparations were woefully inadequate. Practical and philosophical concerns combined to steer Jefferson’s decision-making away from outright war. At the same time, Secretary of State James Madison sent instructions to James Monroe in London not simply to seek reparations for the incident, but to demand “an entire abolition of impressments from vessels under the flag of the United States.” The British simply could not afford to concede the issue of impressment at this point in their nation’s history, as they needed men to man the ships that protected Britain from Napoleon’s armies. Moreover, the British saw impressment as a long-standing right, with no less a legal authority than Sir William Blackstone regarding it as a legal power of the crown.

Diplomatic relations between the two nations only worsened in the aftermath of the incident, which continued to fester. The British Orders-in-Council were met in turn by the Embargo Act of 1807, banning American trade with other nations. This embargo was a failure both at home and abroad. Public unity shattered in the face of economic pressures, while the embargo did not have a significant impact on British trade. This period following the Chesapeake affair would be the rock on which the Jefferson administration ran aground. Meanwhile, diplomacy proved unable to resolve the affair: it would take four years for Britain to pay reparations for the attack. Neither Madison nor George Canning, the British foreign minister,

was willing to compromise on the issue until it was too late. Both sides imposed conditions on
their subsequent negotiations over the affair that made a fair resolution impossible.

The *Chesapeake* affair by itself did not directly cause the War of 1812. Jefferson was
successful in managing events in the summer of 1807 so as to prevent a war. However, the
failure of diplomatic overtures and the Embargo Act damaged presidential prestige (opening the
way for Congressional war hawks later on) and narrowed the range of policy options for
Madison when he succeeded Jefferson in 1809. The affair should be interpreted, as Alfred
Thayer Mahan once put it, as “the turning point in the relations of the two countries.”⁸ Before the
*Chesapeake* affair, the Monroe-Pinkney negotiations had offered a chance for a normalization of
relations. After the June attack, a gap would open between the United States and Great Britain
that would not be closed by diplomacy despite efforts on both sides. When an unknown British
seaman on the *Leopard* lit the first fuse to fire on the *Chesapeake*, he was doing more than
simply carrying out orders: he was lighting the fuse that would ultimately ignite the War of 1812.

**The Affair**

The Napoleonic Wars provided the backdrop for the events that were soon to unfold off
Cape Henry. In September of 1806, the Norfolk *Gazette and Publick Ledger* first reported the
presence of both British and French warships off the coast. Battered by storms, the French
frigates *Cybelle* and *Patriot* sailed to Norfolk and Annapolis respectively for repairs.⁹ After
Horatio Nelson’s 1805 victory at Trafalgar, French warships were relentlessly hounded by the
Royal Navy, and the two frigates in the Chesapeake were no exception. Soon a British squadron

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had the French ships blockaded. The French minister to America complained to Jefferson that the stranded crews were without subsistence. In response, Jefferson ordered Gallatin to pay the French crews’ bills with Treasury money, “to an amount not exceeding sixty thousand dollars.”

This preferential treatment of French interests would be a recurring theme and a sore spot in Anglo-American relations throughout this period.

Over the course of the blockade, numerous chances for desertion presented themselves to sailors of the Royal Navy, and these opportunities were not missed. On the night of March 7, five sailors from the British sloop *Halifax* seized the ship’s jolly boat and managed to escape to shore. The very next day the five deserters enlisted aboard the *Chesapeake*. Upon hearing this news, Captain Lord James Townshend of the *Halifax* endeavored to get his men back. Having no success either with John Hamilton, the British consul at Norfolk, or with Captain Stephen Decatur of the United States Navy, he went into the streets of Norfolk himself. On March 10, Townshend encountered two of the deserters in the city. Townshend asked the two men to return to the *Halifax*. What happened next was instrumental in setting off the affair. One of the deserters was a British former tailor by the name of Jenkin Ratford. Ratford began to swear at his former captain and told him “he was in the land of liberty and would do as he liked.”

Had he realized the repercussions that would ensue from his foul language, Ratford might have been more diplomatic with Captain Townshend. Admiral George Cranfield Berkeley was the commander of the North American station, and when he heard of the desertions from the *Halifax* and other British warships he was furious. Berkeley was not a man of exceptional ability, and in fact owed his command to political connections: he was a Member of Parliament and the

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brother of the Earl of Berkeley. His political clout has to be considered in explaining his actions, as Berkeley felt strong enough in terms of influence to deal with any parliamentary fallout unscathed.\textsuperscript{12} Without consulting London, he would issue the order that led directly to the \textit{Chesapeake} affair. On June 1\textsuperscript{st}, Berkeley ordered his captains “in case of meeting with the United States frigate \textit{Chesapeake}, at sea...to require to search his ship for the deserters from the above mentioned ships.”\textsuperscript{13} At no point in the order did Berkeley explicitly mention the use of force; a point Barron would later bring up in his court-martial.\textsuperscript{14}

Some of the blame for the \textit{Chesapeake} affair has to be put squarely on the shoulders of the Navy Department. The Secretary of the Navy in 1807 was Robert Smith, a Marylander who had served in that post since 1801. Smith, much like Admiral Berkeley, well connected politically, as his brother Samuel was a senator. Not known for his talent, Smith was exactly the type of man Jefferson wanted running the navy. As one historian has put it, “Jefferson sincerely desired to reduce the navy to its lowest practicable limits. A bustling secretary…was the last person he would have appointed. If Smith lacked initiative, so much the better.”\textsuperscript{15} The inefficiency of Smith’s Navy Department can be seen in the sheer amount of time it took to get the frigate ready for sea. Smith had ordered the ship readied for sea in January of 1807, yet the \textit{Chesapeake} would not head to sea until late June. Commodore James Barron, commander of the small squadron of which the \textit{Chesapeake} was the flagship, was under pressure to get to sea as soon as possible to replace the USS \textit{Constitution} in the Mediterranean.

\textsuperscript{13}Emmerson, \textit{The Chesapeake Affair}, 9.
\textsuperscript{14}Emmerson, \textit{The Chesapeake Affair}, 115.
After a mishap-filled trip from Washington (two crewmen died in an accident when a spar fell on them), it took 22 more days to fully prepare the *Chesapeake* for sea. On June 22, with a favorable wind, Barron was finally ready to leave Virginia. His ship was in no way ready to fight any potential adversaries. Luggage belonging to Dr. John Bullus, appointed consul for the Balearic Islands, littered the gun deck. Sick sailors lay in hammocks under the warm summer sun. Further hampering any efficient operation were cables draped over the gun deck. In the haste to leave, many personal articles blocked the ship’s passageways. No one on board expected any trouble from the British, who so far had tried to retrieve their deserters through purely diplomatic means. At his court-martial, Barron would describe the *Chesapeake* as “intended then rather as a store ship, than one which was expected to meet and engage an enemy.”

The officers and crew of the *Chesapeake* had no cause for alarm upon initially leaving Norfolk. At 9:00 in the morning, the American frigate had passed the British 74-gun ship *Bellona* without incident. It would not be until three in the afternoon, as the *Chesapeake* was attempting to get clear of the land, that she encountered the *Leopard*. Captain Humphreys of the *Leopard* hailed the Americans, informing them he had a dispatch for the captain of the *Chesapeake*. This was not an unusual request: in an era of slow transatlantic communications, American ships would frequently carry mail to Europe. Though the *Leopard* had her gun ports open, Barron did not suspect any hostile intentions. The Royal Navy was certainly arrogant (they always took the windward side of any ship they encountered, as to give themselves an advantage), but surely they would not be so bold as to attack an American warship. Sensing no

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16 Testimony of Barron, in *Proceedings of the General Court Martial Convened for the Trial of Commodore James Barron, Captain Charles Gordon, Mr. William Hook, and Captain John Hall, of the United States Ship Chesapeake, in the Month of January 1808*. Published by Order of the Navy Department. (Washington, D.C.: Jacob Gideon, Jr, 1822), 366.
danger, Barron neglected to call his motley crew to quarters. This was against Navy regulations, but it seemed that most captains did not generally observe this rule.

Upon receiving a lieutenant from the *Leopard*, Barron was confronted with Admiral Berkeley’s order regarding the deserters. The commodore was fully aware that there were British deserters serving in his crew, from the *Melampus*. He attempted to wriggle his way out of the situation upon realizing that the *Melampus* was not one of the ships specifically mentioned in the order. Technically, then, Barron was right in denying that deserters from any of those ships were members of his crew. Jenkin Ratford was from the *Halifax*, but enlisted under a different name. It is unlikely, amidst all the trouble of trying to get the *Chesapeake* ready for sea, that Barron had paid very much attention to every member of his crew. Most were new recruits, and even Charles Gordon, captain of the *Chesapeake*, admitted to Barron he was not familiar with the names and origins of his men. Barron flatly refused to allow the British to board and search his ship, writing back to Humphreys that “I know of no such men as you describe…I am also instructed never to permit the crew of any ship I command to be mustered by any other than her own officers.”

It is worth digressing here for a moment to consider the constraints Captain Humphreys was under. The fact that the *Leopard*, a ship of fifty guns, was sent to stop the *Chesapeake* can be seen as a manifestation of the Royal Navy’s arrogance at the time, a point Henry Adams made in his account of the attack. Rather than send in one of the 74-gun ships, against which Barron would have had to submit or be blown out of the water, the British squadron dispatched a ship that was comparable in firepower to the *Chesapeake*. The *Chesapeake* had originally carried 36 guns, but on this voyage it had 40. Technically, the *Chesapeake* could fire a heavier broadside, as twelve of her guns were carronades, short-barreled cannons that fired 32-pound projectiles.

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Humphreys could not be completely confident that in an equal ship-on-ship action, he would emerge victorious. A larger ship would have been able to wait as it would have won any confrontation, regardless of whether the *Chesapeake* was cleared for action or not. Captain Humphreys did not have that luxury and was forced to make an immediate decision: if he did not stop the *Chesapeake* now, it would reach the open sea and be that much more difficult to catch up to.

Onboard the *Chesapeake*, Barron ordered his crew to quarters as quietly as possible. When the ship’s drummer began to call the crew to action, Captain Gordon struck him with his sword, which only threw the American crew into more confusion. From the *Leopard*, Humphreys repeatedly hailed Barron to no avail. Trying to buy time, the American commodore pretended he did not understand Humphreys and kept asking him to repeat himself. This is unlikely, as the seas were calm and the British occupied the windward position. The crew frantically endeavored to clear the ship for action, with the Marine contingent loading its rifles and getting in position. (Interestingly, the Marines would play no part in the ensuing action, as they said they would not fire until Barron ordered them to, which the Commodore failed to do.) All of the crew’s efforts would be in vain, however: the British were literally within pistol range and could see everything that was going onboard the deck of the *Chesapeake*. Humphreys could not allow Barron to meet him on equal terms, and so ordered a warning shot fired across the bow. The British captain would later testify at the trial of Jenkin Ratford that he then hailed Barron again, to no avail.18 Captain Humphreys may have felt he had no other option but to open fire on the Americans. After all, orders were orders.

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18 Testimony of Humphreys, in *The Trial of John Wilson, alias Jenkin Ratford, for Mutiny, Desertion, and Contempt.* (Boston: Snelling and Simons, 1807), 23.
What ensued was a thoroughly one-sided affair. The *Leopard* was firing at point-blank range, and her initial broadside rocked the *Chesapeake*. The ill-trained crew was still trying to clear the cluttered decks and ready the guns, and was in no condition to return fire. Powder and lighted matches were not immediately at hand for the frigate’s cannons, and efforts to obtain these were complicated by the chaos brought about by British gunnery. The magazine itself was in such a state of disarray that the gunner could find nothing he needed. Barron was hit in the leg with wood splinters from the first broadside, but remained at his post exposed to enemy fire. In a desperate effort to gain time for his crew to get ready, he continued to hail the *Leopard*, but to no avail. As the British fire continued to rake his ship, Commodore Barron came to the conclusion that further resistance was pointless. After a single shot fired for honor’s sake (one unverified story had a lieutenant carrying a hot coal from the galley in his bare hands to light the fuse), Barron ordered the colors to be struck.

The damage done that afternoon was not inconsiderable. Three men were dead and eighteen were wounded, including Barron. The rigging and masts had all been considerably damaged, and there were 22 round shot embedded in the hull. But perhaps the most grievous damage that day was not done by cannons. In what must have been a humiliating scene for the officers of the *Chesapeake*, the ship’s crew was mustered on deck by two lieutenants from the *Leopard*. Three American-born deserters from the *Melampus* were taken. Interestingly, the British officers identified at least fifteen other deserters from the Royal Navy, but Humphreys would not take them as he felt it would have been exceeding his orders. Of the five deserters from the *Halifax*, only one would be found: the irascible Jenkin Ratford, who was discovered hiding in the coal-hole. Barron offered to surrender the *Chesapeake*, but Humphreys refused his
sword. After expressing regrets that the affair had ended in violence, the British officers departed with their prisoners, leaving Barron, soon to be court-martialed, to lead the ship back to Norfolk.

**Measures of Defense**

Commodore Barron’s report on the affair did not reach President Jefferson in Washington until June 25, three days after the event. It would spell the end of Barron’s naval career at sea. Considering the crisis at hand, the President moved quickly to assemble his advisers. The Cabinet needed to meet immediately, but two of its most important members were not in Washington. Secretary of War Henry Dearborn was at that moment traveling to Maine, while Gallatin was in New York. On the 25th, Jefferson wrote Gallatin to “hasten your return to this place, & pray that it may be without a moment’s available delay.”19 Gallatin did not receive this letter until the 29th, and did not make it back to Washington until July 1st. In a letter written that same day, Jefferson invited Gallatin to have dinner with him upon his arrival in Washington, though it is unknown if Gallatin made it in time. Dearborn on the other hand returned immediately from New York.20

Enraged at the actions of the British ships, a mob in Norfolk destroyed 200 water casks belonging to the *Melampus*: a not inconsiderable problem for the British squadron, dependent as it was on fresh water. Meanwhile, Governor William H. Cabell of Virginia called out the local militia under the command of Brigadier General Thomas Mathews. By mid-July Mathews had over 1,600 men under his command. Meanwhile, local captains and sailors volunteered to repair Fort Norfolk, for which Jefferson would personally thank them. On the British side, Captain John Erksine Douglas, commander of the British squadron, sent a threatening letter to the mayor

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of Norfolk in response to the water cask incident (illustrating the arrogance of the Royal Navy). He warned that “the British flag has never been insulted, nor will be, with impunity. You must also be aware that it has been, and still is, in my power to obstruct the whole trade of the Chesapeake.”

Douglas moved some of his ships into the Hampton Roads, so as to better blockade the port of Norfolk. His warships went so far as to force ships leaving the Chesapeake to come to by shooting at them. One such incident involved British ships firing at a revenue cutter carrying Vice President George Clinton, who managed to reach New York in one piece.

The deteriorating situation in Norfolk required an immediate response. Meeting with the Cabinet, it was agreed that Madison should draft a public statement on the affair. The original draft contained stronger language than Jefferson would eventually settle on. Jefferson, with his desire not to unduly influence Congress in its decision to potentially declare war, removed most of Madison’s emotionally charged language from his July 2 Chesapeake Proclamation. In the final draft, Jefferson demanded all British armed vessels immediately depart from American harbors and territorial waters. While it could be seen as a retaliatory measure, the Proclamation should also be understood as a precautionary move. The arrogance of the Royal Navy was well-known. Combined with American public rage in a place like Norfolk, the combination of the two was likely to set off an armed clash at an inopportune time for Jefferson’s administration. In demanding British ships leave American waters, Jefferson was lowering the chances of a potentially violent confrontation.

During this tense period, Jefferson was especially intent on keeping a close eye on developments in Norfolk. To this extent, he accepted the services of Colonel John Tatham, who had been occupied in surveying the coast before the attack on the Chesapeake. On July 6,

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Jefferson would write Tatham, acknowledging that “I would be very glad, as you are on the spot, provided with a proper vessel and men, if you could continue watching their motions constantly, and giving me information of them.” Colonel Tatham was to provide a daily report to the President through the Norfolk post office, and would be compensated through the local Navy agent. If anything, it is impossible to criticize Jefferson for being ill-informed during the summer of the Chesapeake crisis. The proximity of Norfolk to Washington would ensure the President stayed abreast of events and could act quickly in case of an armed clash.

One issue the cabinet was forced to grapple with that fateful summer was the decision of when to call Congress into session. Gallatin and Smith both pressed Jefferson for an immediate summons. For his part, Gallatin viewed the Chesapeake incident as just the beginning of a general British onslaught. The Treasury Secretary voiced his concerns in a letter to the President, fearing that “we must expect an efficient fleet on our coast late this autumn, with perhaps a few thousand land forces, for the purpose of winter operations in the South.” Jefferson would not accede to these demands for a summer session. His motives in doing so were twofold. First, he did not want to unduly prejudice Congress into declaring war before it had time to deliberate. Secondly, Jefferson simply did not want to deal with a hot Washington summer (and the attendant disease) if he did not have to, which annoyed Gallatin. In the end, the Cabinet agreed to call Congress into session on October 26, which was earlier than usual but would give time for the British to make a reply and disavow the attack.

Preparations for a potential war would dominate Cabinet discussions throughout the summer of 1807. Before his return to Washington, Secretary of War Henry Dearborn was

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22 Jefferson to Tatham, 6 July 1807, in The Writings of Thomas Jefferson, 116.
23 Gallatin to Jefferson, 25 July 1807, Writings of Albert Gallatin, 341.
occupied along with Vice President Clinton in laying out a plan of defense for New York. While Dearborn was in New York, Jefferson asked him to see the experiments of Robert Fulton. Fulton, better known for his development of the steamship, had been testing out torpedoes in New York. With his fetish for inventions, Jefferson was eager to test the potential of torpedoes as a means of defense against a superior British naval force. Unfortunately, Fulton never succeeded in perfecting his system and the torpedo experiment came to nothing. The situation in New York in many ways reflects what would happen on a national scale during the embargo of 1808. Just like Fulton’s torpedoes, the embargo was a new and untested weapon that would prove ineffective in practice. As Dearborn would report to Jefferson near the end of 1807, the fortifications fever died down with the hot summer: a precursor of what was to come when popular enthusiasm would prove inadequate to sustain a policy of sacrifice.

More pressing at the moment, however, was the defense of Norfolk. On July 5, Dearborn requested Governor Cabell to have its quota of militia (11,563 men out of a national total of 100,000) organized and ready for action. The Secretary of War did not actually ask for the militia to be called up at this point (no doubt recognizing the difficulty in equipping such a large number of men at once). For his part, Jefferson delegated authority in the region to Governor Cabell, informing him “you are nearer the scene of action, have the necessary powers over the militia, can receive information, & give aid so much more promptly than can be done from this place.”

Cabell was known for his loyalty to the administration: in January of 1807, he had called out the militia in response to Aaron Burr’s conspiracy. Jefferson was comfortable letting Cabell manage the day-to-day affairs during this tense period, as he felt that the Governor would not engage in

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any rash actions. All the same, he maintained a steady correspondence with Cabell throughout the summer.

Had the British actually launched an attack on Norfolk that summer, Commodore Barron would not have been there to redeem himself. On July 1, he had been replaced by Captain Stephen Decatur, a man who desired action against the British. By August, Decatur could write to Secretary of the Navy Smith: “The *Chesapeake* is now in high order and the crew as well acquainted with the use of the guns as I could wish them.”25 While General Matthews worked on the land defenses, Decatur was responsible for any attack by sea. His force consisted of the *Chesapeake*, the French frigate *Cybelle*, and four gunboats. There were also four recently finished gunboats at Hampton, and four more on the stocks in Matthews County, though they would not be immediately ready for action. In response to Captain Douglas’ threatening gestures, Decatur deployed his ships in the narrows between Norfolk harbor itself and the channel, blocking any potential offensive thrust. The fact that Jefferson considered a French warship part of Norfolk’s defenses speaks volumes about his foreign policy. In regards to this policy, the *Virginia Argus* dryly observed: “We had not understood that the ‘La Cybelle’ French frigate was considered a part of the disposable force of the United States.”26

**War Plans and Constraints**

The pecking order in the Jefferson administration becomes apparent when the war plans of 1807 are examined closely. It would be expected that Henry Dearborn, as Secretary of War, would be responsible for drawing up a plan for action, but this was not the case. Rather the more influential (and competent) Gallatin would take up the task, bearing out Henry Adams’ assertion

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26 *Virginia Argus*, 5 August 1807.
that “Gallatin never failed to cover every weak spot in the Administration.” In his July 25 memorandum of predatory measures, Gallatin identified what he felt were the four biggest targets for British attack: New York, Norfolk, Charleston, and New Orleans. His plan did not stop with mere defense precautions, however. The second part of the memorandum detailed a planned offensive into Canada, the only place where the United States could do real damage to the British Empire.

Gallatin’s planned offensive would have been a grand operation indeed. He anticipated attacks on Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Bermuda, New Providence, and Newfoundland. Upper Canada was to be taken as to cover the northern frontier and ruin the British fur trade. One important objective of the American offensive would of course be Quebec. Gallatin estimated that 8,000 men would be sufficient to take and hold the region. The biggest threat, however, came from Nova Scotia, which he considered “the most important colony to occupy, on account of Halifax, and the most difficult to take, on account of its peninsular situation.”

Gallatin, as previously noted, greatly feared attacks from British ships based out of Halifax. His fears were not without foundation, as Admiral Berkeley was keeping busy up north. On July 14, a British officer stationed in Halifax wrote to a gentleman in New York. The officer described the scene in Halifax: “Every thing here is in the most active state of preparation; in the King’s dock yards all the hands work double tides, and every thing that can float is getting ready for sea.”

In reality, this bold offensive would never get off the ground due to several glaring organizational weaknesses in the American military system. Jefferson did not trust standing

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29 Emmerson, The Chesapeake Affair, 65.
armies and so left the regular army very small. Russell Weigley has argued that Jefferson’s military program was to rely almost wholly on the citizens’ militia and by this means to abolish the distinction between the civil and the military.\(^{30}\) Unfortunately the militia (as the War of 1812 would convincingly demonstrate later) was inadequate as an effective means of attack. Despite repeated attempts, efforts to reform the militia eluded the Jefferson administration. \(^{31}\) By the middle of July, Jefferson would have to address many of the problems caused by his cherished militia system. The President expressed his concerns to Dearborn on the issue. Speaking of the militia, Jefferson observed “They are in great want of artillery, the State possessing none. Their subsistence also, & other necessary expenses, require immediate attention from us, the finances of the State not being at all in a condition to meet these calls.”\(^{32}\)

The British, fearful of an American invasion, began to look for Indian allies in the defense of Canada. In the years following the American Revolution, the British authorities in Canada had neglected their affairs with the Indian tribes along the border. Sir James Craig, Governor-General of Canada, moved to establish good relations with the Indians in a foreshadowing of what would happen a few years down the road with the outbreak of war between Great Britain and the United States. From the end of 1807, the British started to show a marked interest in the activities of the Prophet and his brother Tecumseh.\(^{33}\) The Indians were seen as a means of defense by the British, at least initially. With the war raging in Europe, there was no hope of British regulars being sent over to reinforce the small garrisons in Canada. The Chesapeake crisis brought on a renewal of the old alliance between the British and Indians, an alliance that would bear fruit during the War of 1812.

The deficiencies of the militia brought another realization to the administration, the fact that a war with Britain would not be cheap. During the month of July as the Cabinet continued to meet, Gallatin laid out the costs of a potential war. The picture he painted was not at all a pretty one. Government expenditures for 1808 were estimated at $18 million, while revenues (factoring in the cost of war) were only $11 million. This would leave a $7 million deficit that would have to be covered through loans. And this was only for the first year of the war! Running up such a debt flew in the face of not only Jeffersonian political philosophy, but Jefferson’s confident prediction that “A war need cost us very little; and we can take from them what would be an indemnification for a great deal.”

Gallatin believed the government would have to borrow $10 million annually for every year the war went on, a cost that would become ruinous over time. He was rather cynical about the merits of volunteerism when it came to funds: “People will fight, but they will never give their money for nothing. Patriotic gifts and loyalty cannot be depended upon; we must borrow money at its market price…”

By the end of July, Jefferson felt confident war would not break out in the Chesapeake, and wrote Colonel Tatham that “it is therefore unnecessary for me to ask any longer the continuance of your labors.” Jefferson’s policy at this point was one of patience. In an era of slow trans-Atlantic travel, all Jefferson could do was sit and wait for news from England. The experience of the summer had left the members of the administration sure that a war would not be profitable in 1807. For now, a declaration of war was off the table as a policy option.

Public Outrage

The return of the battered *Chesapeake* to Norfolk on June 23 set off a firestorm of outrage that threatened to consume the entire nation. The anti-administration *Norfolk Gazette & Publick Ledger* told its readers of “a most unexampled outrage, in the perpetuation of which the blood of our countrymen has been shed by the hand of violence, and the honour of our nation insulted beyond possibility of further forbearance.”37 It was in Norfolk that public anger reached its highest crescendo, where Americans could literally see the bloody results of British aggression. On June 24, a town hall meeting was called, at which the people of Norfolk agreed to cut off all communication and assistance to the British warships. The death of a wounded sailor from the *Chesapeake* on June 27 would set off an elaborate funeral that acted as a call to arms against the enemy of liberty, Great Britain. During the summer of 1807, Norfolk had become a powder keg with the potential to blow up in Jefferson’s face.

Public anger quickly spread beyond the state of Virginia, reaching every corner of the nation. One example of this can be found in the papers of a man who would gain national fame for later fighting the British, Andrew Jackson. In June 1807, Jackson had been called as a witness in the trial of the infamous Aaron Burr, and had come to Richmond to give his testimony. In a letter to a friend, Jackson angrily mentioned the attack on the *Chesapeake*, which in his mind “has roused every feeling of the American heart, and war with that nation is inevitable.”38 Back in Nashville near the end of July, Jackson would play a prominent role in a meeting denouncing the attacks and supporting Jefferson’s policies. Old Hickory was then appointed to a committee of correspondence, so as to better keep in touch with other such

37 *Norfolk Gazette & Public Ledger*, 24 June 1807.
committees across the state. In the West at least, Jefferson could count on a high level of popular support.

Meanwhile in Massachusetts, one of Jackson’s future antagonists, John Quincy Adams, was voicing similar sentiments. Boston was of course a hotbed of Federalism, the home of Jefferson’s most inveterate foes. Upon receiving the news of the attack, the Federalists initially saw no reason to call a town meeting, though their opponents decided to hold one at the New State House on July 10. However, they did join in a second meeting on July 16, called after a letter from the citizens of Norfolk arrived detailing their situation. Adams chaired a committee that then drafted several resolutions. These resolutions condemned the attack as “a wanton outrage upon the lives of our fellow citizens, a direct violation of our national honor, and an infringement of our national rights and sovereignty.” The meeting then agreed to support Jefferson’s Chesapeake Proclamation and declared its thanks and appreciation to the people of Norfolk.

The outpouring of public anger represented a very real problem for Jefferson. The danger came from the various committees of correspondence that had popped up around the country, and that they might be able to force Jefferson into a belligerent stance at a delicate time for the nation. An example of this fervor can be seen in the case of Charleston. Enraged at the action, a committee was formed, with its most influential member being the old Federalist Charles Cotesworth Pinckney. The aged Pinckney offered his services in getting the defenses of Charleston in order. Defense was not the only priority for the angry people of Charleston. Ship captains operating out of Charleston offered their services to Jefferson as privateers. This was

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exactly what Jefferson did not need, armed American ships that could set off naval battles with the British. He made sure to “tender for your country the thanks you so justly deserve”, but did not encourage them to go do battle with the Royal Navy.41

The Diplomatic Response

At the same time that measures for defense were being taken along the coast, diplomatic overtures were being made to the British. On July 2, the Cabinet agreed to dispatch a ship (with the ironic name Revenge) to England with news of the affair as well as specific instructions for Monroe. Secretary of State James Madison instructed Monroe to seek a formal disavowal of the attack and restoration of the four seamen to the ship from which they had been taken. Had Madison stopped there, the affair might have been easily resolved. Jefferson and Madison had more ambitious aims than a mere apology. With the nation united behind the administration, Jefferson saw the incident as a chance to settle the festering issue of impressment. The moment was right, and in the President’s mind “now was the time to settle the old and the new.”42 Madison made the abolition of impressments from American ships a non-negotiable condition in the discussions with the British. This was an effort doomed to fail: as A.L. Burt has observed, the United States was trying a game which only powers prepared for war can play successfully.43

Despite their general Anglophobia, Jefferson and his cabinet members did not believe Admiral Berkeley had acted with the blessing of his government (as in fact, he had not). Sending the Revenge would give the British government a chance to show that it had not ordered the attack, and was a sign that the administration was not bent on immediate war. In a letter to his

42 Jefferson to William Duane, 20 July 1807, The Writings of Thomas Jefferson, 139.
43 Alfred LeRoy 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, CT: Yale University Press, 1940), 244.
wife, Gallatin stated “It is probable that the attack on our frigate was not directly authorized by the British government; it is certain that the subsequent acts of the commodore in the vicinity of Norfolk were without any order even from the admiral.” Jeffer son considered himself to be in the driver’s seat: if the British admitted wrongdoing, he could use it as leverage to better protect American sailors and ships. If they refused to apologize, he had a valid pretext for war when Congress came into session.

Monroe would not help affairs with his somewhat clumsy diplomacy. He was a noted Anglophobe, and admitted in his autobiography that his appointment “might have excited a suspicion in the British government of his partiality for one to the prejudice of the other nation.” The partiality he spoke of referred to France. The British Foreign Minister, George Canning, received news of the Chesapeake affair before the Revenge arrived in England. He immediately informed Monroe of the event and assured him “that, if the British officers should prove to have been culpable, the most prompt and effectual reparation shall be afforded to the Government of the United States.” This led Monroe to take a step that would have negative repercussions. Before he had received his instructions, and despite the conciliatory tone of Canning’s note, Monroe decided to vent his anger on Canning, calling the attack an attempt to assert the “unfounded and most unjustifiable pretention to search for deserters.” Not satisfied with this rebuke, Monroe went on to complain of “other examples of great indignity and outrage” and demand the British government’s “assurance that the officer who is responsible for it shall

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suffer the punishment which so unexampled an aggression on the sovereignty of a neutral nation justly deserves.”

The British government was under pressures of its own, however, that made it unreceptive to Madison and Monroe’s demands. In March 1807, the pro-American Ministry of All the Talents fell from power, replaced by a tougher bunch that was less inclined to listen to America. Under the nominal leadership of the Duke of Portland, this ministry would be the one to carry the war with France to its conclusion. The most influential minister in the government was Spencer Percival, Chancellor of the Exchequer. His top priority was the defeat of Napoleon, and so he had little time for the complaints of a weak neutral like the United States. Besides, it would be politically difficult to punish Admiral Berkeley, as his brother commanded a number of votes that marched into the ministerial lobby at division time. As it was, the government did disavow Berkeley and remove him from his command of the North American station. This was a short-lived punishment, and Berkeley was soon reassigned to the important Mediterranean command.

Moreover, in offering reparations for the attack, Canning was acting contrary to popular opinion in England. Almost every important organ of opinion in England defended the attack upon the Chesapeake and proclaimed its support for the right of search, even if it included neutral warships. Considering that the current ministry had not been in power for very long, it would have been natural for them to ride this wave of public opinion. There were powerful elements in England that did not shrink from a war with the United States. In particular, Monroe

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47 Monroe to Canning, 29 July 1807, American State Papers: Foreign Affairs 3: 187
observed that the ship owners, the navy, the East and West India merchants, and “certain political characters of great consideration in the state” were all for teaching the upstart Americans a lesson.\(^5^0\) Monroe warned Madison in October 1807 “from the feverish state of the publick mind here in regard to us, that a tone of conciliation that should not weaken the pressure, would be more likely to succeed in obtaining the reparation desired, than an official and peremptory demand.”\(^5^1\) Canning’s willingness to apologize and offer reparations was actually a concession and was politically risky considering British public opinion.

Under the combined pressure of Jefferson’s proclamation, Madison’s conditions, and Monroe’s fury, it is not surprising that Foreign Minister Canning’s replies became increasingly evasive and sarcastic. Canning’s response to Monroe’s angry note of July 29 expressed readiness to offer reparation “for any alleged injury to the sovereignty of the United States, whenever it should be clearly shown that such injury has been actually sustained, and that such reparation is really due.”\(^5^2\) It is not difficult to read between the lines of Canning’s statement: he was already beginning to back away from concessions. Canning was stuck between a rock and a hard place, being pressed from an angry British public on one side and an aggrieved American leadership on the other. Upon discovering the news of Jefferson’s Chesapeake Proclamation, Canning immediately characterized it as a hostile act towards Britain, quite separate from the Chesapeake incident. He justified his attitude by saying the British government had offered reparations, but Jefferson’s proclamation was an affront that would impede these efforts.

At the same time, Madison’s insistence that an abolishment of impressment be included in any settlement was an additional stumbling block and led Canning to cut off negotiations all

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\(^5^0\) Monroe to Madison, 4 August 1807, American State Papers: Foreign Affairs 3: 186.
\(^5^2\) Canning to Monroe, 3 August 1807, American State Papers: Foreign Affairs 3: 188.
together. This state of affairs in London dragged on into October. Meanwhile the Baltimore lawyer William Pinkney was dispatched to England to assist and then replace the by now thoroughly discredited Monroe. The future president would sail for America on October 29, after five years of “being insulted by every Foreign Secretary in France, Spain, and England.” The only exception to this rule had been the British liberal Charles James Fox, who had still stalled and temporized with the unhappy Virginian. Monroe felt like he had been hung out to dry by Jefferson and Madison, and his return to the United States would cause some political trouble (Monroe did not discourage his supporters in Virginia from nominating him for President) that would divert Jefferson’s attention during 1808. At the same time Monroe was leaving England, the British government agreed to send a special minister, George H. Rose, to Washington specifically to resolve the Chesapeake affair. This satisfied Madison, who had expressed misgivings that the British would “attempt to abridge or disguise the satisfaction rendered, by the mode and circumstances of rendering it.”

Madison’s assumptions about Rose’s mission were to be proved naïve once the British negotiator had crossed the Atlantic. For one thing, Canning made it explicit that Rose’s mission “will certainly be limited in the first instance to the discussion of the question of the Chesapeake.” Jefferson’s Chesapeake Proclamation was still in force, banning armed British ships from American waters. Disregarding the fact that British warships were flagrantly violating the Proclamation, Canning and Rose both used its existence as an excuse to employ stalling tactics when it came to reaching a settlement. Because of the proclamation, Rose refused to leave his ship for two weeks, waiting until Norfolk officials got written guarantees from Madison and

Gallatin that no restrictions would be laid on his vessel. The British minister was formally introduced to President Jefferson on January 16, and began a round of negotiations with Madison that would prove to be fruitless. Much like Monroe’s instructions on the opposite side, Rose had conditions not to discuss impressment despite prodding from Madison. These negotiations would end in a complete failure and Rose would eventually be recalled, having achieved absolutely nothing.

Diplomatic relations would not succeed in resolving the issue for several more years. David Erskine, the British minister to America when the Chesapeake crisis had occurred, had at least tried to reach an accommodation with his hosts. With the failure of George Rose’s mission, a new British diplomat appeared on the scene. Francis James Jackson’s arrival in Washington in October 1809 was an illustration of how low Foreign Minister Canning’s estimate of the Americans truly was. In 1807, Jackson had been sent to Copenhagen to demand the surrender of the Danish fleet. An overbearing and obnoxious man, he framed the demands in terms so insulting that the Danish government refused. In response, the British fleet ruthlessly bombarded Copenhagen for three days and nights until the Danes gave in. For the rest of his career, Francis would be known as “Copenhagen” Jackson. He was so obnoxious in Washington that he was recalled after a year and a half, and not replaced until June 1811. It would fall to Augustus J. Foster to finish the job: by then larger issues had emerged and war was close on the horizon.

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57 Adams, *History of the United States* 64.
Congress and the Embargo Act

From June to October 1807, policy had been entirely in the hands of the executive branch. Jefferson and his cabinet had not had to deal with Congressional interference or pressure. With the convening of the Tenth Congress in October, however, the question arose: what was the United States going to do in response to the predatory policies of Great Britain? After the tense summer, passions had cooled somewhat. Despite this, the President aimed to revive anger against Britain from the earliest possible opportunity. Jefferson struck a more belligerent tone in his Seventh Annual Message to Congress on October 27. His original draft had been extremely harsh towards the British, consisting of a litany of British insults and aggressions against the United States. Notably, France and Spain were barely mentioned. To Gallatin, Jefferson’s draft seemed to “be rather in the shape of a manifesto issued against Great Britain on the eve of a war, than such as the existing undecided state of affairs seems to require.” 58 The Treasury Secretary managed to convince Jefferson to modify his language, which remained anti-British but less warlike in its tone.

Jefferson had the luxury of a Congress that was receptive to his initiatives and willing to follow his lead. In 1807, Jefferson was at the peak of his power. There were a mere five senators who would oppose Jefferson on foreign policy: Timothy Pickering of Massachusetts, James Millhouse and Chauncey Goodrich of Connecticut, and then finally James Bayard and Samuel White of Delaware. It would be impossible for five senators to accomplish much against a compact majority of twenty-nine. 59 This was also the case in the House, where Jefferson’s foes controlled barely thirty votes. Jefferson was helped by the replacement of the eccentric and

58 Gallatin to Jefferson, 21 October 1807, Writings of Albert Gallatin, 358.
59 Adams, History of the United States 147.
unreliable John Randolph as chairman of the Ways and Means Committee by George Campbell of Tennessee, an administration loyalist who would guide the President’s policies through Congress. (In fact, Campbell would actually fight in a duel in 1808 with a Federalist congressman who had dared to criticize the embargo.) The newly elected Speaker of the House was Joseph Varnum of Massachusetts, another man who would follow the administration’s lead. In the opinion of the Massachusetts Federalist Josiah Quincy, Varnum was one of the most “obsequious tools of the administration, elected through the influence of Jefferson, who courted with the most extreme assiduity the leaders of the democracy of Massachusetts.”

The problem confronting Jefferson was how to deal with British aggressions like that of the *Chesapeake*. Canning had steadfastly refused to discuss the matter of impressment (which had caused the whole affair in the first place), and the negotiations with Rose were going nowhere. The United States was clearly not ready for war. There were, however, other potential means of coercion that Jefferson was eager to try. This led him to propose a bold move in response to British policy: a commercial embargo. Madison had supported the idea of an embargo against the British as early as 1794. In 1805, he suggested its potential benefits to Jefferson: “Indeed, if a commercial weapon can be properly shaped for the Executive hand, it is more and more apparent to me that it can force all the nations having colonies in this quarter of the globe to respect our rights.” An embargo would do damage to Britain in the one place where it would really hurt that nation of shopkeepers, right in the pocketbook. War was not an option, and diplomacy had been a failure so far. Economic warfare provided a happy medium between the two extremes.

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61 Brant, *James Madison* 399.
A total embargo was an untried policy, and not everyone in the administration agreed on what the embargo’s purpose was. Madison clearly saw it as a coercive measure aimed at forcing the British to moderate their policy. Gallatin did not share Madison’s confidence in the power of an embargo. Anticipating the economic privation that would be brought on, he told Jefferson he would prefer war to a permanent embargo. Gallatin also appealed to Republican political philosophy: “Governmental prohibitions do always more mischief than had been calculated; and it is without much hesitation that a statesman should hazard to regulate the concerns of individuals as if he could do it better than themselves.” Despite his misgivings, Gallatin supported the proposed embargo for another, more practical reason: protecting American merchant ships. Once again the communications of the era come into play, as it would have been impossible to notify the far-flung American merchant fleet that war had broken out in time for them to avoid roving British warships.

During the years following the Revolution, the American merchant marine had swelled in size. On the eve of the Embargo Act, the size of the foreign trade fleet was 848,306 gross tons. Foreign trade dominated the merchant marine, as well as providing a large amount of the government’s revenues. If a war was in fact going to happen between the United States and Great Britain, these far-flung trade ships would be at risk from British warships. Jefferson echoed this sentiment in a letter to the faithful Governor Cabell of Virginia, when he referred to “the great object of the embargo in keeping our ships and seamen out of harm’s way.” This line of reasoning presumed that the embargo would be a temporary defensive measure, not an offensive economic weapon. It was this confusion that would help to undo his policy in the long

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run, and has confused later historians. For example, one historian, writing in the 1920s, characterized the embargo policy as essentially pacifist in nature. A closer reading of Jefferson’s correspondence shows that this was not the face. The embargo was a weapon of its own, and the President was entirely willing to go to war after a period of time if it proved to be ineffective. Over the objections of merchants, a long-delayed Non-Importation Act came into effect on December 14, 1807. Jefferson would not be content with this measure and soon pressed for more stringent laws.

In a special message to Congress on December 18, Jefferson recommended an embargo be put into place. The degree to which Jefferson controlled Congress is evident in the speed with which his supporters sprung into action. Senator Samuel Smith acted as the floor leader for the bill in the Senate and chaired a special committee that handled Jefferson’s request. Speed was of the essence here. John Quincy Adams later reflected on the bill’s quick passage: “Every hour of debate tended to defeat the object of the message. For the instant it should be known in the commercial cities that an embargo was pending, the spirit of desperate adventure would have been rushed to sea…” Despite impassioned oratory from John Randolph against the bill, Jefferson got his way with surprising speed. The usual rules of debate were suspended and the Senate passed the Embargo Act on December 18 by a 22 to 6 vote. The bill then moved to the House. An amendment limiting the embargo to two months was voted down 82 to 46, as Jefferson did not want a time limit. On December 21, by a margin of 82 to 44, the House passed the Embargo Act. Jefferson characterized the bill’s opponents as “Federalists, members of John Randolph’s little band, and republicans happening to take up misguided views of the subject.”

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67 Malone, *Jefferson the President* 487.
The law declared that an embargo would be laid on all ships in the ports of the United States bound for any foreign port.

The embargo was not simply an untested experiment; it was, as Gallatin had already pointed out, completely against Republican political philosophy. Jefferson had opposed the use of force during the Whiskey Rebellion of 1794, but the steps he would take during the embargo would be considerably more coercive. The President faced opposition within his own cabinet, with Robert Smith calling the embargo “this mischief-making busybody.”68 Vice President Clinton shared Smith’s disdain for the law. Ships engaged in the coastal trade had not been covered under the Embargo Act and began engaging in smuggling with Canada. This required additions to the Act that would cover these ships, going so far as to take riverboats. Gallatin had not been exaggerating when he referred to the unintended consequences of government prohibitions. Yet another modification required shipowners to post a bond consisting of twice the value of the ship’s cargo. The advocates of limited government action were thus forced into the worst excesses of government bureaucracy.

Throughout 1808, Jefferson saw the unity that had prevailed during the summer of 1807 vanish before his eyes. Robert Smith began to publicly state he had never supported the government’s policy. In Virginia, James Monroe emerged as a potential opponent for Jefferson’s designated successor, Madison. Jefferson, concerned, wrote to Monroe in February, warning the former diplomat: “I see with infinite grief a contest arising between yourself and another, who have been very dear to each other, and equally so to me.”69 The President was able to pacify Monroe, but the whole affair provided an unnecessary distraction during a tense time for the

administration. Jefferson was beginning to show signs of fatigue after two terms, and began to speak longingly of retirement. His alternative to war was rapidly proving to be a failure despite Gallatin’s best efforts at enforcement. In desperation Jefferson dispatched regular army units to the Canadian border in an attempt to stop smuggling. At Sackets Harbor on Lake Ontario, American troops found their boats cut loose from their moorings, sails destroyed, and timber burned that had been collected for building barracks.\textsuperscript{70}

In England, the Embargo did not come close to having the desired effect. The merchants and ship owners who had desired war welcomed the embargo, as it removed their main competitor from the high seas. The rise of the American merchant fleet had come as a rude shock to the British shipping industry. In the years before the War of 1812, American shipbuilding had emerged as a powerhouse, with the New England yards holding a competitive advantage over their European counterparts.\textsuperscript{71} Unfortunately for Jefferson, world events conspired to allow the British to avoid the worst effects of the embargo. Napoleon’s invasion of Spain in 1808 had the beneficial effect of opening up the markets of Spanish America to British merchants, somewhat offsetting losses from the United States.\textsuperscript{72} Certainly it caused hardship among the working classes, in particular the makers of cotton cloth. Unfortunately for the United States, these groups had no real political representation and had little influence on the British government.

As his term came to a close, Jefferson had essentially abdicated leadership. None of the members of his cabinet had the prestige he possessed, and the power and influence of the executive branch suffered as a result. Congress, without a firm hand, was thrown into confusion.

Nathaniel Macon, a Republican congressman from North Carolina, acknowledged that “the war men in the House of Representatives are, I conceive, gaining strength, and I should not be surprised if we should not be at war with both Great Britain and France before the 4th of March.”\(^{73}\) Congress, which in 1807 had been under the heel of the administration, began to revolt against Jefferson’s policy. The administration majority in the House of Representatives broke with Jefferson and Madison and forced a repeal of the embargo, effective March 15, 1809. Humiliated, Jefferson was forced to sign the bill repealing the embargo three days before the end of his presidency. One of the few bright spots in these days for Jefferson was Madison’s election as President. But the situation Madison would inherit was not pretty. George Herring is absolutely correct when he states “Madison inherited a policy in shambles, a divided party, and an increasingly unruly Congress.”\(^{74}\) The weakness of the executive can be seen by the fact that the Senate would not confirm the appointment of Albert Gallatin as the new Secretary of State. Instead, Madison would be obliged to take on Robert Smith, a man of far inferior ability.

It would not be until 1811 that an agreement was reached over the *Chesapeake* affair. War had already been declared when on July 12, 1812, under a flag of truce, the two surviving men taken from the *Chesapeake* were returned to the deck of their ship. It was a classic case of too little, too late. With the return of the men and the advent of the war, the *Chesapeake* affair would soon fade from memory, relegated to a mere paragraph or so in histories of the United States’ foreign relations. It cannot be underestimated how close the two countries were to fighting a war in the summer of 1807. Jefferson was not engaging in rhetorical flourishes when


he wrote “Blows may be hourly possible.” Credit should be given to the President in not caving to public outrage for a war, instead seeking a diplomatic solution. Throughout 1807, Jefferson, primarily assisted by James Madison and Albert Gallatin, managed the crisis in a way that allowed the British to disavow Admiral Berkeley and maintain peace between the two countries despite the pressures of public opinion on both sides of the Atlantic.

Where Jefferson stumbled was in the second phase of the crisis, in his handling of the diplomatic response and his stubborn insistence on the Embargo Act of 1807. By making the abolition of impressment (a right the British steadfastly refused to grant, and frankly could not concede considering their crucial struggle with Napoleon’s empire) a precondition to any settlement, Jefferson had made a fair resolution practically impossible. The policy of embargo, designed as an alternative to war, ultimately backfired on Jefferson. The failure of embargo to have any effect on British policy removed it as an instrument of foreign policy. Madison would be confronted with the same problems as his predecessor, but would have fewer options and less room to maneuver. He would also be much weaker, with the administration’s formerly solid majority fragmenting. The confidence with which Jefferson had spoken of his government in 1806 was gone: in a March 1809 letter to the new President, he confessed: “I know no government which would be so embarrassing in war as ours.” Yet it had been Jefferson’s own policies that had put his successor in such an embarrassing position.

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75 Jefferson to Dearborn, 7 July 1807, The Writings of Thomas Jefferson, 117.
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