

1812: Congress's First Declaration of War Under the Constitution

Handout 1:

President James Madison's Third Annual Message to Congress (excerpt)

November 5, 1811; Records of the United States Senate,
National Archives Building, Washington, D.C.

Full online transcript: <http://millercenter.org/president/speeches/detail/3613>

In calling you together sooner than a separation from your homes would otherwise have been required I yielded to considerations drawn from the posture of our foreign affairs, and...to the probability of further developments of the policy of the belligerent powers toward this country which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress it was hoped that the Government of Great Britain [would] repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution...

In the unfriendly spirit of those disclosures indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexation to the regular course of our trade.

Under the ominous indications which commanded attention it became a duty to exert the means committed to the executive department in providing for the general security...In this disposition is included a force consisting of regulars and militia, embodied in the Indiana Territory and marched toward our northwestern frontier. This measure was made requisite by several murders and depredations committed by Indians....

I must now add that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations....

I can not close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my cooperating duties will be discharged, invoking at the same time the blessing of Heaven on our beloved country and on all the means that may be employed in vindicating its rights and advancing its welfare.

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Handout 2: Congressional Debate on Declaring War in 1812

A.	REPORT OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS: To sum up, in a word, the great causes of complaint against Great Britain, your committee need only say—That the United States as a sovereign & independent power, claim the right to use the ocean, which is the common & acknowledged highway of nations, for the purposes of transporting, in their own vessels, the products of their own soil, and the acquisitions of their own industry, to a market in the ports of friendly nations: and to bring home, in return, such articles as their necessities or convenience may require—always regarding the rights of belligerents, as defined by the established laws of nations. Great Britain, in defiance of this incontestable right, captures every American vessel bound to, or returning from, a port where her commerce is not favoured; enslaves our seamen; and, in spite of our remonstrances, perseveres in these aggressions. November 29, 1811
B.	REP. PETER PORTER: "We were a young nation, and he hoped we cherished a little pride and spirit, as well as a great deal of justice and moderation. Our situation was not unlike that of a young man just entering into life, and who, if he tamely submitted to one cool, deliberate, intentional indignity, might safely calculate to be kicked and cuffed for the whole of the remainder of his life; or, if he should afterwards undertake to retrieve his character, must do it at ten times the expense which it would have cost him at first to support. We should clearly understand and define those rights which as a nation we ought to support, and we should support them at every hazard. <i>Annals of Congress</i> , December 6, 1811
C.	REP. JOHN RANDOLPH: "If you go to war it will not be for the protection of, or defense of your maritime rights. Gentlemen from the North have been taken up some high mountain and shown all the kingdoms of the earth; and Canada seems tempting to their sights...Agrarian cupidity, not maritime rights, urges the war. Ever since the report of the Committee on Foreign Relations came into the House, we have heard but one word like the whip-poor-will, but one eternal monotonous tone—Canada! Canada! Canada!...It is to acquire a prepondering northern influence that you are to launch into war." <i>Annals of Congress</i> , December 16, 1811
D.	CITIZENS OF ANNE ARUNDEL COUNTY, MD: To the Honorable The Congress of the United States ...It is urged, that war is the only recourse now remaining to vindicate our national honor and restore our national rights. Honor is an indefinite term: applied to individuals it is frequently considered as paramount to the duties of religion morality and law...If such is its meaning when applied to nations, we protest against it; the United States are, in the aggregate, a moral and religious people; they have not made honor an object of their federal compact; it is a term nowhere found in the instrument; the constitution speaks of common defense and repelling invasions, but offensive war, or the invasion of other countries never, we believe, was contemplated by those who framed or ratified it... Signed by Charles Carroll of Carrollton and 41 others, June 13, 1812
E.	SEN. OBADIAH GERMAN: "I will first call the attention of the Senate to the ability and strength of the nation we are about, by this bill, to declare war against. Gentlemen ought to recollect, that Great Britain has been almost constantly engaged in war for twenty years past against one of the most powerful nations that ever existed...Is Great Britain less powerful now, than she was twenty years ago? No, sir, the constant warfare has increased her powers instead of diminishing them." <i>Annals of Congress</i> , June 13, 1812

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Handout 3: "War Manifesto"

House Foreign Relations Committee Report on a Declaration of War (excerpts)
June 3, 1812; Records of the U.S. House of Representatives
National Archives Building, Washington, D.C.

Reported to the House of Representatives, June 3, 1812

Mr. Calhoun, from the committee of Foreign Relations, to whom was referred the message of the President of the United States of the 1st of June, 1812, made the following report:

That, after the experience which the United States have had of the great injustice of the British Government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance than the measures to which it has become necessary to resort, to avenge the wrongs, and vindicate the rights and honor of the nation. Your committee are happy to observe, on a dispassionate review of the conduct of the United States, that they see in it no cause for censure.

If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace; none have ever cherished it with greater sincerity and zeal.

But the period has now arrived when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power, and commercial avarice of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral nations an alternative only between the base surrender of their rights, and a manly vindication of them. Happily for the United States, their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress...

From this review of the multiplied wrongs of the British Government since the commencement of the present war, it must be evident to the impartial world that the contest which is now worked on the United States is radically a contest for their sovereignty and independence....The control of our commerce by Great Britain, in regulating at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such of our vessels, which their cargoes as were said to have violated her edicts, often without previous warning of their danger; the impressments of our citizens from on board our own vessels, on the high seas, and elsewhere, and holding them in bondage till it suited the convenience of their oppressors to deliver them up, are encroachments of that high and dangerous tendency, which could not fail to produce that pernicious effect; not would those be the only consequences that would result from it. The British Government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof which so complete and disgraceful a submission to its authority would

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afford of our degeneracy, could not fail to inspire confidence that there was no limit to which its usurpations and our degradations might not be carried.

Your committee believing that the freeborn sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain a course commenced and persisted in which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force, in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms.