

Activity 1: Quasi-War with France

Student Name _____ Date _____

Directions: Read the following documents and answer the questions in the chart that follows.

Report of the Secretary of State respecting the depredations committed on the commerce of the United States, since October 1, 1796: <http://memory.loc.gov/cgi-bin/ampage?collId=llsp&fileName=002/llsp002.db&Page=28>

... In order to present a clearer view of French depredations, it will be necessary to notice the rules which she has prescribed to her cruisers and tribunals.

As applicable to captures made since last October, the decree of the Executive Directory [the French government of the time] of the 2d of July, 1796, merits the first attention. It announces that the conduct of France towards neutrals will be regulated by the manner in which they should suffer the English to treat them. At Malaga and Cadiz, the French consuls have interpreted this decree to authorize the capture and condemnation of American vessels for the single circumstance of their being destined to a British port. But its fullest effect has been produced in the West Indies, whose seas swarm with privateers and gun boats, which have been called forth by the latitude allowed to their depredations by the indefinite terms of that decree, and the explanatory orders of the agents of the Directory at Guadaloupe and St. Domingo....

At Guadaloupe an order was issued by Victor Hugues and Lebas, dated the 1st of February last, ...authorizing the capture and condemnation of all neutral vessels bound to certain enumerated ports, which, it is pretended in the decree, were delivered up to the English, and are occupied and defended by emigrants; and, also, of such vessels as should be cleared out generally for the West Indies. This decree refers to and enforces a decree of the 24th December, 1796 ...issued in conformity with the decree of the Executive Directory of the 2nd July, 1796, so far as it is not departed from by that decree of the 27th of February last. The decree of the 24th December has not been received at the Department of State; but is supposed to direct the confiscation of the cargoes of neutral vessels, bound to or from British ports, occupied by them before the present war. For it appears that, whilst they have confiscated both vessels and cargoes in cases which fall within the scope of the decree of the 1st of February, they have spared the vessel, and confiscated only the cargo, where she had been bound to or from such acknowledged British port.

The agents of the Directory at Cape Francois, by their decree of the 27th November last, direct the capture and bringing into port of American vessels bound to or from British ports, there to remain until it should be further ordered. This further order was afterwards issued, as will appear by the copy of the condemnation of the ship *Pattern*, of New York; by which it will be seen that, like the consuls at Malaga and Cadiz, they interpret the decree of the Executive Directory of the 2nd of July last, as authorizing the condemnation of American vessels merely because bound to or from a British port.

To the foregoing succeeded the decree of the Executive directory of the 2nd March last, which has been communicated to Congress during the present session. That copy of the decree was taken from a newspaper, and is now found to be imperfect. A translation from the decree, as officially published by the Directory, is annexed to this report. Although we do not yet know what is its operation, yet it cannot

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fail to produce very great vexation and loss to the American commerce; the documents it requires to prevent confiscations not having been before declared indispensable, or demanded, and no time being allowed for the vessels of the United States to provide themselves therewith....

The West Indies, as before remarked, have exhibited the most lamentable scenes of depredation. Indeed, the conduct of the public agents and of the commissioned cruisers there has surpassed all former examples. The American vessels have not only been captured under the decrees before mentioned, but when brought to trial in the French tribunals, the vessels and cargoes have been condemned, without admitting the owners, or, their agents, to make any defence.

This seems to be done systematically, and for the obvious purpose of insuring condemnations. By this monstrous abuse in judicial proceedings, frauds, and falsehoods, as well as flimsy and shameless pretexts, pass unexamined and uncontradicted, and are made the foundation of sentences of condemnation.

The persons also of our citizens have been beaten, insulted, and cruelly imprisoned; and, in the forms used towards prisoners of war, they have been exchanged with the British for Frenchmen. American property going to, or coming from, neutral or even French ports, has been seized; it has even been forcibly taken when *in their own ports*, without any pretense, or no other than that they wanted it. At the same time, their cruisers are guilty of wanton and barbarous excesses, by detaining, plundering, firing at, burning and distressing, American vessels.

Official papers prove the very numerous depredations on our commerce, and the atrocities and abuses attending the capture and condemnation of our vessels and cargoes, by French cruisers and tribunals, not having been publicly called for, few have been received. Of former claims for injuries committed since the beginning of 1793, and of which a report was made to the House of Representatives on the 27th of February last, a very small proportion had been satisfied; and for a considerable time no payments had been obtained. Under this distant and discouraging prospect of obtaining compensation, the citizens, suffering by more recent French depredations, have generally omitted to present accounts of their losses; and they have, in many cases, had no opportunity of getting the evidence of the condemnations, which are attainable before the tribunals of other nations; the mock trials, as before observed, being very often carried on, and sentences of condemnation pronounced in the absence of the American owner, master, or supercargo.

. . . There have been frequent accounts of attempts to effect condemnations by bribing the officers and seamen of our vessels to swear falsely; but it was reserved to these times, when offered bribes were refused and threats despised, to endeavor to accomplish the object by TORTURE. This was inflicted by a French privateer. The evidence of the fact appears in the protest of Captain William Martin, master of the ship *Cincinnati*, of Baltimore, in which he is supported by the testimony of his mate and one of his seamen. A copy of the protest is annexed, together with an extract of a letter from Mr. King, minister of the United States in London, who examined Captain Martin's thumbs, and says the marks of the torturing screws will go with him to his grave. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, June 21, 1797.

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Question	Answer
What new "rules" did the French executive Directory create to deal with American shipping?	
How does the Decree of December 24, 1796 deal with neutral shipping?	
What would happen to Americans who tried to "swear falsely" of their intentions?	
How would you react to this document if you were Secretary of State?	

An Act to Suspend the Commercial Intercourse between the United States and France, and the Dependencies Thereof, 1798:

<http://www.yale.edu/lawweb/avalon/statutes/qw01.htm>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, and which shall depart therefrom after the first day of July next, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West Indies, or elsewhere under the acknowledged government of France, or shall be employed in any traffic or commerce with, or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed to any French port or place as aforesaid, or shall be employed as aforesaid, contrary to the intent hereof, every such ship or vessel together with her cargo shall be forfeited, and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same: and shall be liable to be seized, prosecuted and condemned in any circuit or district court of the United States which shall be holden within or for the district where the seizure shall be made.

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SEC. 2. *And be it further enacted,* That after the first day of July next, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, until a bond shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and her cargo, and shall find sufficient surety or sureties, to the amount of one half the value thereof, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed, or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by distress of weather, or want of provisions, or by actual force and violence, to be fully proved and manifested before the acquittance of such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce with or for any person resident within the territory of that republic, or in any of the dependencies thereof.

SEC. 3. *And be it further enacted,* That from and after due notice of the passing of this act, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that republic, or any of the dependencies thereof, or sailing or coming therefrom, excepting any vessel to which the President of the United States shall grant a passport, which he is hereby authorized to grant in all cases where it shall be requisite for the purposes of any political or national intercourse, shall be allowed an entry, or to remain within the territory of the United States, unless driven there by distress of weather or in want of provisions. And if contrary to the intent hereof any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district, wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: Provided, that ships or vessels which shall be bona fide the property of, or hired or employed by citizens of the United States, shall be excepted from this prohibition until the first day of December next, and no longer: And provided that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or the want of provisions into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained, and as soon as may be thereafter shall be required and suffered to depart: but no part of the lading of such vessel shall be taken out or disposed of, unless by the special permit of such collector, or to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *And be it farther enacted,* That this act shall continue and be in force until the end of the next session of Congress, and no longer.

SEC. 5. *Provided, and be it further enacted,* That if, before the next session of Congress, the government of France, and all persons acting by or under their authority, shall clearly disavow, and shall be found to refrain from the aggressions, depredations and hostilities which have been, and are by them encouraged and maintained against the vessels and other property of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties, and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral, and unconnected in the present European war, if the same shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared; and he shall be, and is hereby authorized to make proclamation thereof accordingly: Provided, that nothing in

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this act contained, shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think it requisite.

APPROVED. June 13, 1798.

Question	Answer
Summarize in your own words where and when American vessels can trade as a result of this act.	

John Adams's Special Message to Congress, May 16, 1797:
<http://www.yale.edu/lawweb/avalon/presiden/messages/ja97-03.htm>

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs render it my indispensable duty to recommend to your consideration effectual measures of defense.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances or the strength and resources of the nation. With a seacoast of near 2,000 miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to these objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders. To prevent it from being undermined and destroyed it is essential that it recede an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of vessels by which these abuses have been practiced. As the sufferings of our mercantile and seafaring citizens can not be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations and to guard against the degradation and servility which they must finally stamp on the American character is an important duty of Government.

A naval power, next to the militia, is the natural defense of the United States. The experience of the last war would be sufficient to shew that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one State to another, which were then practiced. Our seacoasts, from their great extent, are

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more easily annoyed and more easily defended by a naval force than any other. With all the materials our country abounds; in skill our naval architects and navigators are equal to any, and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defense appears to be requisite, I am sensible it can not be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels except on voyages to the East Indies, where general usage and the danger from pirates appeared to render the permission proper. Yet the restriction has originated solely from a wish to prevent collisions with the powers at war, contravening the act of Congress of June, 1794, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defense while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defense by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers whose depredations have been most injurious have been built and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention that some of our citizens resident abroad have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe and the well-known promptitude, ardor, and courage of the people in defense of their country happily diminish the probability of invasion. Nevertheless, to guard against sudden and predatory incursions the situation of some of our principal seaports demands your consideration. And as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general-defense ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

Question	Answer
List several of the reasons that President Adams suggests warrant the creation of a Navy.	

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Directions: After discussing the previous documents in class, list as many reasons for potentially going to war with France. In the second column see how many reasons you can give why the U.S. should avoid war with France.

Reasons FOR going to war with France	Reasons for NOT going to war with France