

Activity 2: Negotiating with the French

Student Name _____ Date _____

Directions: Read the following documents and answer the questions that follow.

Excerpts from John Adams's Special Message to Congress, May 16, 1797:

http://avalon.law.yale.edu/18th_century/ja97-03.asp

In giving to Congress information of the state of the Union and recommending to their consideration such measures as appear to me to be necessary or expedient, according to my constitutional duty, the causes and the objects of the present extraordinary session will be explained.

After the President of the United States received information that the French Government had expressed serious discontents at some proceedings of the Government of these States said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions and to give such candid explanations as might happily remove the discontents and suspicions of the French Government and vindicate the conduct of the United States. For this purpose he selected from among his fellow-citizens a character whose integrity, talents, experience, and services had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French Republic, being "to maintain that good understanding which from the commencement of the alliance had subsisted between the two nations, and to efface unfavorable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union." And his instructions were to the same effect, "faithfully to represent the disposition of the Government and people of the United States (their disposition being one), to remove jealousies and obviate complaints by shewing that they were groundless, to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries and the real sentiments of his own."

A minister thus specially commissioned it was expected would have proved the instrument of restoring mutual confidence between the two Republics. The first step of the French Government corresponded with that expectation. A few days before his arrival at Paris the French minister of foreign relations informed the American minister then resident at Paris of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed, and on the 9th of December presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence.

These were laid before the Executive Directory. Two days afterwards the minister of foreign relations informed the recalled American minister that the Executive Directory had determined not to receive another minister plenipotentiary from the United States until after the redress of grievances demanded of the American Government, and which the French Republic had a right to expect from it. The American minister immediately endeavored to ascertain whether by refusing to receive him it was intended that he should retire from the territories of the French Republic, and verbal answers were given that such was the intention of the Directory. For his own justification he desired a written answer, but obtained none until toward the last of January, when, receiving notice in writing to quit the territories of the Republic, he proceeded to Amsterdam, where he proposed to wait for instruction from this Government. During his residence at Paris cards of hospitality were refused him, and he was threatened with being subjected

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to the jurisdiction of the minister of police; but with becoming firmness he insisted on the protection of the law of nations due to him as the known minister of a foreign power. You will derive further information from his dispatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences, and as they can treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister is, then, the denial of a right; but the refusal to receive him until we have acceded to their demands without discussion and without investigation is to treat us neither as allies nor as friends, nor as a sovereign state.

With this conduct of the French Government it will be proper to take into view the public audience given to the late minister of the United States on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities toward the Government of the United States. It evinces a disposition to separate the people of the United States from the Government, to persuade them that they have different affections, principles, and interests from those of their fellow citizens whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions if it had been possible to conceal them; but they have passed on the great theater of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they can not be disguised and will not soon be forgotten. They have inflicted a wound in the American breast. It is my sincere desire, however, that it may be healed.

It is my sincere desire, and in this I presume I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them; if we have done injuries, we shall be willing on conviction to redress them; and equal measures of justice we have a right to expect from France and every other nation.

Excerpts from John Adams's Second Annual Message to Congress, December 8, 1798:

http://avalon.law.yale.edu/18th_century/adamsme2.asp

The course of the transactions in relation to the United States and France which have come to my knowledge during your recess will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the Government of the United States toward an amicable adjustment of differences with that power. You will at the same time perceive that the French Government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has in a qualified manner declared itself willing to receive a minister from the United States for the purpose of restoring a good understanding. It is unfortunate for

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professions of this kind that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned.

It is also worthy of observation that the decree of the Directory alleged to be intended to restrain the depredations of French cruisers on our commerce has not given, and can not give, any relief. It enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded has lately received a confirmation by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force those nations can see in the French Government only a power regardless of their essential rights, of their independence and sovereignty; and if they possess the means they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defense. On the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued, and in proportion as we enlarge our view of the portentous and incalculable situation of Europe we shall discover new and cogent motives for the full development of our energies and resources.

But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone insure peace. It is peace that we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her option. But to send another minister without more determinate assurances that he would be received would be an act of humiliation to which the United States ought not to submit. It must therefore be left with France (if she is indeed desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy; and with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration I give a pledge to France and the world that the Executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government and of the people of the United States. But considering the late manifestations of her policy toward foreign nations, I deem it a duty deliberately and solemnly to declare my opinion that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty and insure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defense. We ought without loss of time to lay the foundation for an increase of our Navy to a size sufficient to guard our coast and protect our trade. Such a naval force as it is

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doubtless in the power of the United States to create and maintain would also afford to them the best means of general defense by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematic measures be adopted for procuring at all times the requisite timber and other supplies. In what manner this shall be done I leave to your consideration.

Question	Answer
According to President Adams, what grievances does the United States have against France?	
What orders did President Adams give to the new U.S. minister to France?	
How was this minister treated by the French?	
Explain President Adams's reaction to this treatment.	
What actions does President Adams ask from Congress?	

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Directions: As part of class discussion list several ideas in each column that would help explain what the United States or France wanted the other side to agree to in order to alleviate tensions.

What the United States wanted from France	What France wanted from the United States

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Directions: Read the following articles from the Franco-American Convention of 1801. After reading fill in the T-chart that follows. In the left hand column cite similarities between your treaty and the actual treaty. In the right hand column cite the differences. Use this chart to help organize your essay.

Excerpts from the Convention between the French Republic and the United States of America, December 21, 1801: http://avalon.law.yale.edu/19th_century/fr1800.asp

ARTICLE II

The Ministers Plenipotentiary of the two Parties, not being able to agree at present respecting the [Treaty of Alliance of 6th February 1778](#), the [Treaty of Amity and Commerce](#) of the same date, and the . . . [Convention of 14th November 1788](#), nor upon the indemnities mutually due, or claimed, the Parties will negotiate further on these subjects at a convenient time, and untill they may have agreed upon these points, the said Treaties, and Convention shall have no operation, and the relations of the two Countries shall be regulated as follows.

ARTICLE III

The Public Ships, which have been taken on one part, and the other, or which may be taken before the exchange of ratifications shall be restored.

ARTICLE IV

Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an Enemy's port excepted) shall be mutually restored on the following proofs of ownership, viz, The proof on both sides, with respect to Merchant Ships, whether armed, or unarmed, shall be a Passport . . .

And this Passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding: which Passport shall not be deemed requisite to have been renewed, or recalled, whatever number of voyages the said Ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo, shall be certificates containing the several particulars of the cargo, the place whence the Ship sailed, and whither she is bound, so that the forbidden, and contraband goods may be distinguished by the Certificates: which certificates shall have been made out by the Officers of the place, whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than Merchant ships, shall be the commission they bear.

This article shall take effect from the date of the signature of the present Convention. And if from the date of the said signature, any property shall be condemned contrary to the intent of the said Convention before the knowledge of this stipulation shall be obtained, the property so condemned shall without delay be restored or paid for.

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ARTICLE V

The debts contracted by one of the two nations, with individuals of the other, or by the individuals of one, with the individuals of the other shall be paid, or the payment may be prosecuted in the same manner, as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures, or confiscations.

ARTICLE VI

Commerce between the Parties shall be free. The vessels of the two nations, and their Privateers, as well as their prizes, shall be treated in the respective ports, as those of the nation the most favoured; and in general the two parties shall enjoy in the ports of each other, in regard to commerce, and navigation, the privileges of the most favoured nation....

ARTICLE IX

Neither the debts due from individuals of the one nation, to individuals of the other, nor shares, nor monies which they may have in . . . public funds, or in the public, or private banks, shall ever, in any event of war, or national difference be sequestered, or confiscated....

ARTICLE XI

The Citizens of the French Republic shall pay in the ports, havens, roads, countries, islands cities, and towns of the United States, no other or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those, which the nations most favored are, or shall be obliged to pay, and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions, in trade, navigation and commerce, whether in passing from one port in the said States, to another, or in going to, and from the same, from, and to any part of the world, which the said nations do, or shall enjoy. And the Citizens of the United States shall reciprocally enjoy in the territories of the French Republic, in Europe, the same priviledges, and immunities, as well for their property, and persons, as for what concerns trade, Navigation, and Commerce.

ARTICLE XII

It shall be lawful for the Citizens of either Country to sail with their ships and Merchandize (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail, and trade with their ships, and Merchandize, with perfect security, and liberty, from the countries ports, and places, of those who are enemies of both, or of either party, without any opposition, or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports, and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under several, unless such ports, or places shall be actually blockaded, besieged, or invested.

And whereas it frequently happens that Vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port, or place, but she shall not be detained, nor any part of her cargo if not contraband be confiscated, unless after notice of such blockade or investment, she shall again attempt to enter: but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port, or place, before the same was actually beseiged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation but they shall be restored to the Owners thereof.

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ARTICLE XIII

In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, Gun-powder, salt-petre Petards, match, ball, bombs, grenades, carcasses, Pikes, Halberds, swords, belts, Pistols, holsters, cavalry saddles, and furniture, Cannon, Mortars, their carriages, and beds, and generally all kinds of arms, ammunition of war, and instruments fit For the use of Troops, all the above articles whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation: but the vessel in which they are laden, and the residue of the cargo shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different Owner.

ARTICLE XIV

It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free, and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, altho' the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons, who are on board a free ship, with this effect, that altho' they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

ARTICLE XV

On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship, belonging to the enemies of the other, or their Citizens, shall be confiscated without distinction of goods, contraband, or not contraband, in the same manner, as if it belonged to the enemy, except such goods, and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done, without knowledge of such declaration, so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which as is aforesaid were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well, and truly be restored without delay to the Proprietors demanding the same; but so as that if the said Merchandizes be contraband it shall not be any ways lawful, to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this Article....

ARTICLE XXIII

And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war, and privateers, and all others of the said citizens shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons, and estates, to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of Privateers before they receive their commissions shall hereafter be obliged to give, before a competent judge, sufficient security, by at least two responsible sureties who have no interest in the said Privateer, each of whom together with the said commander, shall be jointly, and severally bound in the sum of seven thousand dollars or Thirty Six Thousand eight hundred and twenty Francs, or if such ships be provided with above one hundred and fifty seamen or soldiers in the sum of Fourteen thousand dollars or Seventy three Thousand six hundred and forty francs, to satisfy all

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damages, and injuries, which the said privateer, or her officers, or men, or any of them may do or commit, during their cruise contrary to the tenor of this convention or to the laws, and instructions for regulating their conduct; and further' that in all cases of aggressions, the said commissions shall be revoked, and annulled.

Similarities between your treaty and the original	Differences between your treaty and the original