Activity 3: An Offer You Can’t Refuse?

Directions: Read the following excerpts from the Jay Treaty and summarize in your own words the key points that are addressed. Write your answers in the chart that follows.

The Jay Treaty; November 19, 1794
http://avalon.law.yale.edu/18th_century/jay.asp

ARTICLE 2.
His Majesty will withdraw all His Troops and Garrisons from all Posts and Places within the Boundary Lines assigned by the Treaty of Peace to the United States. This Evacuation shall take place on or before the first Day of June One thousand seven hundred and ninety six, and all the proper Measures shall in the interval be taken by concert between the Government of the United States, and His Majesty's Governor General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said Posts: The United States in the mean Time at Their discretion extending their settlements to any part within the said boundary line, except within the precincts or Jurisdiction of any of the said Posts,...

ARTICLE 6.
Whereas it is alleged by divers British Merchants and others His Majesty's Subjects, that Debts to a considerable amount which were bona fide contracted before the Peace, still remain owing to them by Citizens or Inhabitants of the United States, and that by the operation of various lawful Impediments since the Peace, not only the full recovery of the said Debts has been delayed, but also the Value and Security thereof, have been in several instances impaired and lessened, so that by the ordinary course of Judicial proceedings the British Creditors, cannot now obtain and actually have and receive full and adequate Compensation for the losses and damages which they have thereby sustained: It is agreed that in all such Cases where full Compensation for such losses and damages cannot, for whatever reason, be actually obtained had and received by the said Creditors in the ordinary course of Justice, The United States will make full and complete Compensation for the same to the said Creditors; But it is distinctly understood, that this provision is to extend to such losses only, as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such Insolvency of the Debtors or other Causes as would equally have operated to produce such loss, if the said impediments had not existed, nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the Claimant.

ARTICLE 7.
Whereas Complaints have been made by divers Merchants and others, Citizens of the United States, that during the course of the War in which His Majesty is now engaged they have sustained considerable losses and damage by reason of irregular or illegal Captures or Condemnations of their vessels and other property under Colour of authority or Commissions from His Majesty, and that from various Circumstances belonging to the said Cases adequate Compensation for the losses and damages so sustained cannot now be actually obtained, had and received by the ordinary Course of Judicial proceedings; It is agreed that in all such Cases where adequate Compensation cannot for whatever reason be now actually obtained, had and received by the said Merchants and others in the ordinary course of Justice, full and Complete Compensation for the same will be made by the British Government.
to the said Complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the Claimant. That for the purpose of ascertaining the amount of any such losses and damages Five Commissioners shall be appointed and authorized to act in London exactly in the manner directed with respect to those mentioned in the preceding Article, and after having taken the same Oath or Affirmation...

ARTICLE 12.
His Majesty Consents that it shall and may be lawful, during the time hereinafter Limited, for the Citizens of the United States, to carry to any of His Majesty's Islands and Ports in the West Indies from the United States in their own Vessels, not being above the burthen of Seventy Tons, any Goods or Merchandizes, being of the Growth, Manufacture, or Produce of the said States, which it is, or may be lawful to carry to the said Islands or Ports from the said States in British Vessels, and that the said American Vessels shall be subject there to no other or higher Tonnage Duties or Charges, than shall be payable by British Vessels, in the Ports of the United States; and that the Cargoes of the said American Vessels, shall be subject there to no other or higher Duties or Charges, than shall be payable on the like Articles, if imported there from the said States in British vessels. And His Majesty also consents that it shall be lawful for the said American Citizens to purchase, load and carry away, in their said vessels to the United States from the said Islands and Ports, all such articles being of the Growth, Manufacture or Produce of the said Islands, as may now by Law be carried from thence to the said States in British Vessels, and subject only to the same Duties and Charges on Exportation to which British Vessels and their Cargoes are or shall be subject in similar circumstances.

ARTICLE 13.
His Majesty consents that the Vessels belonging to the Citizens of the United States of America, shall be admitted and Hospitably received in all the Sea Ports and Harbours of the British Territories in the East Indies: and that the Citizens of the said United States, may freely carry on a Trade between the said Territories and the said United States, in all articles of which the Importation or Exportation respectively to or from the said Territories, shall not be entirely prohibited; Provided only, that it shall not be lawful for them in any time of War between the British Government, and any other Power or State whatever, to export from the said Territories without the special Permission of the British Government there, any Military Stores, or Naval Stores, or Rice. The Citizens of the United States shall pay for their Vessels when admitted into the said Ports, no other or higher Tonnage Duty than shall be payable on British Vessels when admitted into the Ports of the United States. And they shall pay no other or higher Duties or Charges on the importation or exportation of the Cargoes of the said Vessels, than shall be payable on the same articles when imported or exported in British Vessels. But it is expressly agreed, that the Vessels of the United States shall not carry any of the articles exported by them from the said British Territories to any Port or Place, except to some Port or Place in America, where the same shall be unladen, and such Regulations shall be adopted by both Parties, as shall from time to time be found necessary to enforce the due and faithful! observance of this Stipulation: It is also understood that the permission granted by this article is not to extend to allow the Vessels of the United States to carry on any part of the Coasting Trade of the said British Territories, but Vessels going with their original Cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the Coasting Trade. Neither is this Article to be construed to allow the Citizens of the said States to settle or reside within the said Territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the Regulations of the British Government in this respect, the observance of the same shall and may be enforced against the Citizens of America in the same manner as against British Subjects, or others transgressing the same rule. And the Citizens of the United States, whenever they arrive in any Port or
Harbour in the said Territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the Laws, Government and Jurisdiction, of what nature, established in such Harbour, Port or Place according as the same may be: The Citizens of the United States, may also touch for refreshment, at the Island of st Helena, but subject in all respects to such regulations, as the British Government may from time to time establish there.

ARTICLE 14.
There shall be between all the Dominions of His Majesty in Europe, and the Territories of the United States, a reciprocal and perfect liberty of Commerce and Navigation. The people and Inhabitants of the Two Countries respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their Ships and Cargoes to the Lands, Countries, Cities, Ports Places and Rivers within the Dominions and Territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of Time: also to hire and possess, Houses and ware houses for the purposes of their Commerce; and generally the Merchants and Traders on each side, shall enjoy the most complete protection and Security for their Commerce; but subject always, as to what respects this article, to the Laws and Statutes of the Two Countries respectively.

ARTICLE 15.
It is agreed, that no other or higher Duties shall be paid by the Ships or Merchandise of the one Party in the Ports of the other, than such as are paid by the like vessels or Merchandise of all other Nations. Nor shall any other or higher Duty be imposed in one Country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other Foreign Country. Nor shall any prohibition be imposed, on the exportation or importation of any articles to or from the Territories of the Two Parties respectively which shall not equally extend to all other Nations....

ARTICLE 17.
It is agreed that, in all Cases where Vessels shall be captured or detained on just suspicion of having on board Enemy's property or of carrying to the Enemy, any of the articles which are Contraband of war; The said Vessel shall be brought to the nearest or most convenient Port, and if any property of an Enemy, should be found on board such Vessel, that part only which belongs to the Enemy shall be made prize, and the Vessel shall be at liberty to proceed with the remainder without any Impediment. And it is agreed that all proper measures shall be taken to prevent delay, in deciding the Cases of Ships or Cargoes so brought in for adjudication, and in the payment or recovery of any Indemnification adjudged or agreed to be paid to the masters or owners of such Ships.

ARTICLE 18.
In order to regulate what is in future to be esteemed Contraband of war, it is agreed that under the said Denomination shall be comprized all Arms and Implements serving for the purposes of war by Land or Sea; such as Cannon, Muskets, Mortars, Petards, Bombs, Grenades Carcasses, Saucisses, Carriages for Cannon, Musket rests, Bandoliers, Gunpowder, Match, Saltpetre, Ball, Pikes, Swords, Headpieces Cuirasses Halberts Lances Javelins, Horsefurniture, Holsters, Belts and, generally all other Implements of war, as also Timber for Ship building, Tar or Rosin, Copper in Sheets, Sails, Hemp, and Cordage, and generally whatever may serve directly to the equipment of Vessels, unwrought Iron and Fir planks only excepted, and all the above articles are hereby declared to be just objects of Confiscation, whenever they are attempted to be carried to an Enemy.

And Whereas the difficulty of agreeing on the precise Cases in which alone Provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the
inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming Contraband according to the existing Laws of Nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the Captors, or in their default the Government under whose authority they act, shall pay to the Masters or Owners of such Vessels the full value of all such Articles, with a reasonable mercantile Profit thereon, together with the Freight, and also the Demurrage incident to such Detension. 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 her Cargo, if not Contraband, be confiscated; unless after notice she shall again attempt to enter; but She shall be permitted to go to any other Port or Place She may think proper: Nor shall any vessel or Goods of either party, that may have entered into such Port or Place before the same was besieged, block aced or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the Owners or proprietors thereof.

ARTICLE 21.
It is likewise agreed that the Subjects and Citizens of the Two Nations, shall not do any acts of Hostility or Violence against each other, nor accept Commissions or Instructions so to act from any Foreign Prince or State, Enemies to the other party, nor shall the Enemies of one of the parties be permitted to invite or endeavour to enlist in their military service any of the Subjects or Citizens of the other party; and the Laws against all such Offences and Aggressions shall be punctually executed. And if any Subject or Citizen of the said Partie s respectively shall accept any Foreign Commission or Letters of Marque for Arming any Vessel to act as a Privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said Subject or Citizen, having such Commission or Letters of Marque as a Pirate.

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### The United States Confronts Great Britain, 1793-1796

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Activity #3: An offer you can’t refuse? Jay’s Treaty reassessed.

Directions: In this exercise, your group will create a political cartoon that will support or criticize the Jay Treaty. To make your cartoon, you will read documents that support or criticize the Jay Treaty and then draft a list of reasons that support and a list that explains why the treaty is a bad idea. After making this list and reading the cartoon instructions provided below, your group will create the cartoon.

Article from *Columbian Centinel*, July 15, 1795

The public mind has seldom been more agitated by a question or event, than by the present Treaty of Amity, Commerce and Navigation, between Great Britain and America, just published. The manner in which the substance of the Treaty was first made known, many parts being mutilated and misrepresented has seconded the previous disposition of many to condemn it in gross.

The hasty condemnation of the Treaty is an evidence of the continuation of that unrelenting spirit of party and faction, which has embarrassed our public administration for two years past, and which defeated in one quarter, resorts to new objects to excite discontent and continue its own existence. To effect its object and multiply is partisans, misrepresentation and misconception are called in aid, and truth is sacrificed.

The precipitation with which a party have decided on the treaty, is a proof that faction has discarded all regard to candor, truth and decency; for the treaty was condemned in toto, before it was published.—

This hasty decision on the merits of an instrument which was the work of several months deliberation; was intended to prejudice the public mind—to forestall the opinion of our unsuspecting citizens, and especially of our merchants, who have generally been the supporters of our excellent government, and whose attachment to peace and neutrality our foes are determined if possible to shake and destroy.

In these schemes however the malice of opposition will be defeated; and a full discussion of the treaty will convince the public mind, that if the treaty has not secured to the United States all the advantages which sanguine men expected, and unreasonable men demanded; it has still secured important benefits that more is gained by America than is conceived, in regard to commerce—that it has justice and mutuality for its basis.—and that it hath fully answered the great and main purpose of preserving peace and neutrality to this country, the advantages of which are every where felt and acknowledged.

Legislative Acts or Legal Proceedings, July 29, 1795

The Memorial of the Citizens of Philadelphia, the Northern Liberties and the District of South—wark, in the State of Pennsylvania,

Respectfully Sheweth
That your memorialists, sincerely and affectionately attached to you, from a sense of the important services which you have rendered to the United States, and a conviction of the purity of the motives that will forever regulate your public administration; do, on an occasion in which they feel themselves deeply interested, address you as a Friend and Patriot: as a Friend, who will never take offence at what is well intended; and as a Patriot, who will never reject what may be converted to the good of your country.

That your memorialists entertain a proper respect for your constitutional authority; and, whatever may be the issue of the present momentous question, they will faithfully acquiesce in the regular exercise of the delegated power of the government; but they trust, that in the formation of a compact, which is to operate upon them, and upon their posterity, in their most important internal, as well as external relations, which, in effect, admits another government to control the legislative functions of the union, and which, if found upon experience, to be detrimental, can only be repealed by soliciting the assent, or provoking the hostilities, of a foreign power; you will not deem it improper or officious in them, thus anxiously, but respectfully, to present a solemn testimonial of their public opinion, feelings and interest. That, under these preliminary acknowledgments of the duty and of the design of your memorialists, the following objections to a ratification of the treaty lately concluded between Lord Grenville and Mr. Jay, are submitted, with implicit confidence, to your consideration.

The Treaty is objected to,

1st. Because it does not provide for a fair and effectual settlement of the differences that previously subsisted between the United States and Great—Britain—inasmuch as it postpones the surrender, and affords no compensation for the detention, of Western Posts—inasmuch as it cedes, without any equivalent, an indefinite extent of territory to the settlers under British titles, within the precincts and jurisdiction of those posts—inasmuch as it waves a just claim for the value of the negroes who were carried off at the close of the war, in violation of a positive compact—and inasmuch as it refers all the hopes of indemnity, for the recent spoliations committed on the commerce of the United States, to an equivocal, expensive, tedious, and uncertain process.

2. Because by the treaty, the federal government accedes to restraints upon the American commerce and navigation, internal as well as external, that embrace no principle of real reciprocity, and are inconsistent with the rights, and destructive to the interests, of an independent nation—inasmuch as it unreasonably fetters the intercourse with the West—Indies, with India, and the American Lakes, by means of the navigable rivers belonging to the British—inasmuch as in many instances it circumscribes the navigation of the United States to a particular voyage—and inasmuch as some of our staple commodities (exempted by the treaties with France, Holland, Prussia and Sweden) it makes liable to confiscation as contraband; and others (exempted by the law of nations) it makes liable to seizure, upon payment of an arbitrary price, as articles useful to the enemies of Great Britain.

3. Because the treaty is destructive to the domestic independence and prosperity of the United States—inasmuch as it admits aliens, professing a foreign allegiance to the permanent and transmissible rights of property, peculiarly belonging to a citizen—and inasmuch as it enables Great Britain to draw an invidious and dangerous line of circumnavigation round the territory of the union, by her fleets on the Atlantic, and by her settlements from Nova Scotia to the mouth of the Mississippi.

4. Because the Treaty surrenders certain inherent powers of an independent government, which are essential, in the circumstances of the United States, to their safety and defense: and which might on great emergencies, be successfully employed to enforce the neglected claims of justice, without making
The United States Confronts Great Britain, 1793-1796

the last, dreadful appeal to arms; inasmuch as the right of sequestration; the right of regulating commerce, in favor of a friendly, and against a rival power; and the right of suspending a commercial intercourse, with an inimical nation, are voluntarily abandoned.

5. Because the treaty is an infraction of the rights of friendship, gratitude and alliance, which the Republic of France may justly claim from the United States; and deprives the United States of the most powerful means to secure the good—will and good offices of other nations; inasmuch as it alters, during a war, the relative situation of the different nations, advantageously to Great Britain, and prejudicially to the French Republic; inasmuch as it is in manifest collision with several articles of the American Treaty with France; and inasmuch as it grants to Great Britain certain high, dangerous and exclusive privileges. And your memorialists, having thus, upon general ground, concisely, but explicitly, avowed their wishes and opinions and forbearing a minute specification of the many other objections that occur,—conclude with an assurance that by refusing to ratify the projected treaty, you will according to their best information and judgment at once evince an exalted attachment to the principles of the Constitution of the United States and an undiminished zeal to advance the prosperity and happiness of your constituents.

Signed by order of the General Meeting at Philadelphia, the 25th July, 1795
W. Shiffen, Junior Chairman

Editorial from the Independent Gazetteer, July 8, 1795

The birth day of American liberty was celebrated in this City with a funeral solemnity. It appeared more like the interment of freedom than the anniversary of its birth. The countenances of the citizens generally appeared dejected, and the joy and festivity, which usually characterized the day seemed to superseded by sadness. It appeared more like a day of mourning than that of rejoicing. The day was closed by the exhibition of a transparent painting with the figure of John Jay upon it. The figure was in full stature, dressed in a robe, holding in his right hand a pair of scales, containing in one scale "American liberty and independence," kicking the beam, in the other, "British gold" in extreme preponderance; in his left hand a Treaty of Amity, Commerce and Navigation which he extended to a group of senators, who were grinning with pleasure and grasping at the Treaty. From the mouth of the figure issued these words contained in a label "Come up to my price and I will sell you my Country." The procession began in Kensington and moved with great solemnity down Front Street to Callowhill Street, and down Second to Market Street from thence to Front Street and back again to Kensington. A great concourse of people attended the procession, and scarcely a whisper was heard until its return, when the shouts of repeated huzzas interrupted the solemnity of the scene. The figure was burned at Kensington amid the acclamation of hundreds of citizens. Never was a procession more peaceably conducted, no noise, no riot. The citizens seemed to vie with each other in decorous behaviour. Thus ended the procession, and thus terminated the anniversary of American independence.

Philadelphia, July 6 1795.
Pendleton County, Washington District, 
September 25, 1795

Messieurs FRENEAU & Paine,

I know the public curiosity has been on tiptoe to learn the manner in which the frontier district of South Carolina would receive the celebrated treaty of the celebrated Jay—We did not burn his effigy—we are too dignified for such business—But were the original among us, I would not insure him but at a very high premium.

On the receipt of Jay’s treaty, the plot being completely developed, my "pulse beat high" indeed. I had attentively watched and marked every step of our executive, from the moment of Jay’s and King’s diabolical attempt to ruin us with France, by the imputation on the ambassador. I plainly perceived things were not as they should be—But, after the open, the candid, the generous manner in which Mr. Dallas had explained the conversation between Mr. Genet and himself (the report of which did not warrant even a shadow of ground for Jay’s and King’s representation) I then plainly discovered the cloven foot—the whole of a base and wicked attempt to alienate us from our tried and best friends. From this period, taking in the President’s proclamation of neutrality, (from which we may date all our distress and confusion) in a very particular manner Mr. Madison’s provisional resolutions, and afterwards Mr. Jay’s marked appointment—did I form any judgment—the conclusion from all which satisfied me, that without some convulsive effort in the body politic, the views we had so fondly formed of the rising happiness and greatness of our infant empire must vanish like a dream. No man than myself ever entertained a more exalted idea of the excellency of the character of the President—but on the appearance of his proclamation of neutrality, not withstanding the division in men’s minds, I did not hesitate to pronounce, that Washington had placed an extinguisher on his head!—From that moment, all things, interesting to us as a nation, went wrong—but Mr. Jay’s British Pandora box—his friendly treaty—crowned the whole! My motto, written on the heart, is Nil Desperandum. All my hopes are founded on an earnest expectation that the good sense of the Republic of France in particular, (of Holland, and of all the other states immersing from the chaos of slavery and the dregs of monarchy) must be strikingly convinced and impressed with these sentiments: that the hearts of the whole people of America vibrate in strict unison with their own—that the imbecility in our government, and the defect in our constitution respecting forming treaties, a short time will correct—and that we shall, altogether, form such an union as must give freedom and happiness to the whole world!—I say, on receiving Jay’s treaty, a few of the most watchful amongst us immediately flew together.—The result of our meeting was to wait a few days in expectation of information from our fellow citizens in Charleston—but being disappointed (we have since found by the neglect of the post) and our patience exhausted, a meeting of the district was called.—We assembled on the 22d of last month—After discussing the treaty, general Pickens, general Anderson, the Rev. Mr. Reese, Mr. Calhoun, and myself, were appointed a committee to take it fully into consideration, and to report thereon to the several brigades at the approaching reviews by the Governor.

Tuesday, Sept. 15th, was fixed for our first review, that of col. Moore’s regiment. Unhappily, our much respected governor was prevented from attending, by the present temporary sickness in our country—a kind of Influenza fever—he was consequently detained in Abbeville. Col. Moore’s regiment went through the several evolutions with much more exactness than could have been expected from the shortness of their practice—the adjutant general expressed himself surprized and pleased.—After passing the line, in review, gen. Anderson ordered the regiment to form a column by the right, the right in front, when he informed them that he was deputed by the committee chosen to consider of Mr. Jay’s
treaty, to communicate to the regiment a report of their resolutions, which, having read and made several spirited and judicious observations, the questions of adoption and rejection were put—The approvers of the resolutions were to remain covered, and when the word was given not a single had moved. On the reviewing ground, a Liberty Tree was erected, with the Cap of Liberty, and the Colours of the United States, and an inscription on its base expressive of the general detestation of the treaty.—The utmost order was preserved throughout the day, with a little exception—The people were thrown into the utmost ferment by a confidential report of the President’s having ratified the treaty—But on the assurance of the improbability, by those who thought it impossible, the people were cooled—and the whole terminated to the satisfaction of the citizens in general—to the honor of col. Moore, major Farrar the brigade inspector, majors Hamilton and Nicholson, and the officers and men in general.

On the 21st col. Martin’s regiment was reviewed in the Fork of [Krower and Tugaloo?] (the governor not yet arrived)—Col. Manning declared great satisfaction at the promptness of their discipline, and the great order and regularity observed. At the close of the day, general Anderson ordered the men to form, as before at col. Moore’s review, and read to them the resolves prepared by their committee, on the treaty of amity, &c.—They were received with the highest approbation, and to a man, adopted by the regiment.

Col. Clarke’s, the third and last regiment, will be reviewed tomorrow, the 26th: from which we have the best ground for expecting no less proficiency in military discipline and orderly conduct as citizens, than unanimity in reprobating a treaty, which the more we investigate, the more are we excited to new emotions of rage and indignation.—When (next week) the two reviews of Greenville county are over, and the sense of the district will then be taken, the resolutions will be sent to you for publication.

On the day following col. Moore’s review, the Franklin Society met, together, to express (more at large than could be possibly brought forward to the whole district) their sentiments of Mr. Jay’s treaty—a copy of their proceedings I have in charge, as corresponding secretary, to convey to your press, with a most urgent request, that you will immediately give their resolves not only to their fellow citizens of Charleston, but to those of the United States in general.
## Reasons to Support the Jay Treaty

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## Reasons Not to Support the Jay Treaty

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### Cartoon Instructions:

1. Use white 8½” x 11” paper with colored paper backing

2. Tape a 3” x 5” card to the bottom edge of the cartoon with the following information:
   - Names of your group members
   - Date
   - Title of your cartoon
   - Brief explanation of the cartoon’s meaning

3. The design must be original (bold, readable designs preferred)

4. Use colored pencils or markers (pencil may be used for detailed drawing)

**Cutouts/clip art can be used but not for the main design**
Activity #2: Neutral or Belligerent?

**Directions:** Fill in the appropriate information for each column.

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<th>Reasons for war or alliance with either Britain or France</th>
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Activity #2: Neutral or Belligerent?

**Directions:** You and a partner have been assigned to debate silently the merits of neutrality. The student who has been selected to defend neutrality proposal should go first, writing in the left-hand column a reason why the U.S. should remain neutral. Then the other student should, in the right-hand column, offer a reason why the U.S. should forge an alliance with either France or Great Britain. The silent debate should continue until one side or the other runs out of arguments.

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