

THE COMING OF THE WAR OF 1812—CHRONOLOGY AND MAJOR EVENTS

During the war between Britain and France, each tried to strangle the other economically, through blockade and other restrictions on trade. This economic warfare affected the U.S., which, as a growing commercial power, wished to carry on unrestricted trade with all parties. (The U.S. term for principle was “free ships make free goods,” i.e., if goods are on a neutral state’s ship, those goods aren’t contraband and thus aren’t subject to seizure by a state that’s at war.) But because U.S. trade could affect the Anglo-French war even though the U.S. was legally neutral, Britain and France didn’t accept this principle. The result was English and French seizures of U.S. shipping, and British impressments of American sailors to man the Royal Navy.

What follows is a list of major developments in this conflict from 1804 to 1812. As you study this handout, note several important points:

- The effect of international law and conflicting economic interests, particularly regarding maritime matters, on U.S. involvement in warfare. This is neither the first, nor the only, time that conflict over maritime rights have drawn the United States into a war.
- The complexity of the international law aspects of this conflict, and the recourse of states to international law even in time of warfare to understand and shape the nature of the war.
- The role of U.S. domestic economics and politics on the shaping of foreign policy.

1. War between France and Britain, renewed in 1803, leads to America's being caught in the middle.

2. France adopts a new policy allowing Americans to carry commerce from French West Indies (i.e., French colonies) to France, but Britain enforces her **Rule of 1756**: A country that prohibits its colonial trade to foreign states in times of peace can’t allow them to engage in that trade in time of war in order to take advantage of their status as neutrals.

3. Americans use concept of "**broken voyage**" to evade Rule of 1756, detouring by neutral (U.S.) ports rather than going directly from West Indies to France, thus making the goods technically neutral rather than French.

4. Britain responds with doctrine of "**continuous voyage**," announced in the *Essex Case* of 1805, which holds that stopping by a neutral port isn’t good enough to get around the Rule of 1756. Seizures and impressment increase.

5. 16 May 1806 - British **Order-in-Council** declares blockade of Europe from Brest to Elbe River.

6. 21 Nov 1806 - Napoleon issues **Berlin Decree**, declaring blockade of British Isles, forbidding all commerce with them, and authorizing seizure of vessels and cargo violating the blockade.

7. 7 Jan 1807 - British Order-in-Council -- All shipping involved in coastal trade with France and her allies is prohibited.

8. 11 Nov 1807 - British Order-in-Council -- only those ships which have passed through a British port, cleared, and paid duties would be permitted to call at still-open ports on the Continent.

9. 17 Dec 1807 - Napoleon's **Milan Decree** declares that all vessels searched by British or obeying the orders in council would be seized.

10. Result of these conflicting positions means that whether or not American ships comply with Orders-in-Council, they will be in violation of either British or French policy and subject to seizure by one or the other; if they submit to British procedures, French will seize them; if they run British blockade without British clearance, British will seize them.

11. 22 June 1807 - **Chesapeake Affair**—British warship *Leopard* fires on U.S. warship *Chesapeake* off Virginia coast, killing or wounding 21 Americans and forcibly removing four alleged Royal Navy deserters from her.

12. Dec, 1807 – U.S. passes **Embargo Act**.

a. Bars all U.S. citizens from engaging in any trade with foreign ports.

b. Results:

1. Devastation of U.S., and particularly New England economy.
2. Damage to British economy—in effect, an American ratification of the Berlin Decree .

13. March, 1809 – U.S. passes **Non-Intercourse Act**.

a. Repeals Embargo Act.

b. No trade with France or Great Britain.

c. President may resume trade with either upon cessation of violations of neutral rights.

d. Results:

1. Impossible to enforce.
2. Continued economic hardship on U.S. merchants.
3. Napoleon seizes American ships arriving in French harbors on pretext that they must be British, since under the Non-Intercourse Act, American ships can't legally be there.

14. May, 1810 – U.S. passes **Macon's Bill #2**.

a. Reopens trade with France and Britain.

b. If either country revokes its edicts or ceases violations, U.S. will resume non-intercourse against the other.

c. Results:

1. Practical benefit to Britain, thus hurting French war effort—U.S. no longer heedful of Berlin Decree.
2. Napoleon therefore claims in a diplomatic note to U.S. that he had made the requisite repeal of Berlin and Milan decrees, but under French and international law this isn't sufficient for an actual repeal.
3. Madison, however, treats the note as a repeal and resumed non-intercourse with the British.

15. 1811-12, **War Hawks** come to power in Congress.

a. War Hawks are predominately Western and Southern.

b. They are expansionist, and they resent incursions of **Tecumseh** and other British-backed Indians along the frontier.

- c. They argue for war against Great Britain in the name of the abstract rights of neutrality, free trade, and national honor.
 - d. New England merchants and shippers, however, oppose war, which would be worse for them economically than trade that's subject to British seizure and impressments.
 - e. 1811-12, Madison begins to defer to War Hawks.
16. 1 June 1812 - Madison requests declaration of war.
 17. 4 June 1812 - House passed declaration of war.
 18. 16 June 1812 – British, finally feeling great economic pressure from U.S. measures, announce suspension of Orders-in-Council.
 19. 18 June – Senate, unaware of British actions, passed declaration of war. U.S. officially at war with British Empire.