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The War That Congress Waged

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THE WAR THAT CONGRESS WAGED

Varun K. Menon

As the leaves began to reach their boldest reds, oranges, and yellows across the Potomac River Valley in early November 1811, Henry Clay and his family finally arrived in the nation's capital after a seemingly endless journey along the rugged roads from their Kentucky home. His wife, Lucretia, had insisted that their six children accompany her if she were to sustain the long trip to Washington D.C. Ever the "Great Compromiser," a reputation he was destined to earn over a long career ahead of him in the United States (U.S.) Congress, Clay acquiesced to her demands in order to gain the desired outcome: he wanted his wife to be at his side for the beginning of this next exciting chapter in his life.¹ The 34-year-old Kentucky Republican had come to Washington D.C. to begin his third stint in Congress, having been previously appointed by the Kentucky Legislature two times to temporarily replace outgoing senators. This time, Clay returned to the capital for his first full congressional term in the U.S. House of Representatives after his election by the voters of Kentucky's 5th district.²

Washington City, as it was called in those days, was a far cry from the magnificent marble capital it would later become. Built in the middle of a swamp off the Potomac River on land ceded from Maryland and Virginia to create the permanent federal District of Columbia, the settlement possessed hardly any of the trappings that might lead one to even call it a city, much less the capital of an independent country. In fact, it paled in comparison to even its neighboring towns in the District, Georgetown and Alexandria. European ministers representing their home nations

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Representative Henry Clay (DR-KY) transformed the office of Speaker of the House into a position of unprecedented political power in the Federal Government

in the American capital considered it a “hardship post,” as far removed from what they considered the civilized world as possibly imaginable. Members of Congress would have strongly agreed. The landscape of the city was marked by disorganized clusters of disparate wooden houses and storefronts that dotted muddy lanes.³ Senators and representatives lodged in one of the few ramshackle boarding houses populating the city during the sessions, which usually ran from December to April or to May of the next year, depending on how much business had to be addressed. Given the wretched conditions of the nation’s capital, the legislators left town in a hurry as soon as Congress adjourned, leaving the city with hardly any residents. Since the livelihood of the city was almost entirely dependent on govern-

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ment, business essentially halted after adjournment.⁴

At the top of Jenkins Hill, what we call Capitol Hill today, was perched a beautiful white marble building designed by Dr. William Thornton, with two wings on either side that held the respective chambers of the Senate and the House of Representatives.⁵ The gleaming United States Capitol and the President's House (the White House) stood in stark contrast to their bleak surroundings, but nonetheless were the first symbols of a burgeoning capital city and a rapidly ascendant American Republic. Outside of deliberative sessions held at the United States Capitol, members would normally conduct most of their personal business at their rented rooms at the boarding houses. There they wrote and read correspondence, received constituents, and parleyed with other congressmen. Clay and his family took up residence for the session at Mrs. Dowson's boarding house, down one of the unpaved alleys leading up to Capitol Hill.⁶

Even before arriving in Washington City, Clay was devising his next move regarding what had become the paramount political issue of the day: the prospect of war against Great Britain. Since his last time in the capital, he had become the leading voice for a faction that believed the United States faced a crisis of national honor in the face of continued British aggression. The present tensions had begun when the U.S. professed neutrality in the Napoleonic Wars that were consuming the European continent and much of the Atlantic World. Neither Britain nor France seemed to respect this position, instead opting to seize private American vessels attempting to trade in the ports of the enemy. At the recommendation of President Thomas Jefferson, Congress enacted an embargo on all goods imported or exported overseas in order to pressure Britain and France to respect American neutrality.

This policy backfired, proving disastrous to the young republic's economic health while extracting no concessions from

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either power.⁷ Despite several instances of French violations, it was the former motherland's especially bold offenses against U.S. sovereignty that pricked the American conscience most. Repeated instances of naval seizures on the high seas and ongoing military aid to agitated Native American tribes on the western frontier reinforced Clay's publicly-stated conclusion that the young republic had no other choice but to fight a second war of independence. "Is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic Majesty?" Clay had implored his colleagues in the Senate a year earlier, "Is the rod of British power to be forever suspended over our heads?"⁸

With animated orations such as that, Clay carved out a reputation across the country as the impassioned firebrand for the movement to defend the nation's integrity through war with Great Britain. "The Western Star," as he was being called, was not alone in this quest. In fact, the 34-year-old Kentuckian formed the vanguard of a rising coalition of Republicans derisively labeled by their enemies as the "War Hawks." These younger members from the southern and western regions mainly sat in the House, and prominently included John C. Calhoun (DR-SC), Langdon Cheves (DR-SC), William Lowndes (DR-SC), Felix Grundy (DR-TN), and William Wyatt Bibb (DR-GA). They agitated for armed conflict with Great Britain in retaliation for the offenses they believed that nation had committed against U.S. sovereignty. There was also a controversial claim that the War Hawks meant to expand the nation territorially through war, especially by invading and annexing British Canada. The War Hawks surprised the Republican Party establishment by organizing quickly following their election and by coalescing around a central legislative strategy to lead the nation into war.⁹ On the eve of the first session of the 12th United States Congress, the young War Mess, as the core Hawks were known,

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met for dinner at Mrs. Dowson's boarding house to discuss their strategy for the next day and the coming months.¹⁰ Little did they know that they were on the verge of ushering in a new age in American politics and foreign affairs, one that would see the Congress come to exercise unprecedented influence over the foreign relations of the United States.

THE TRAILBLAZING TWELFTH CONGRESS

In the rapidly ascendant American Republic of the early nineteenth century, the 12th United States Congress (elected to sit from 1811 to 1813) heralded a new era of legislative assertiveness in national politics and particularly in foreign affairs. There were many accompanying trends both domestically and internationally that would facilitate the emergence of Congress as an independent pole from the executive branch in the foreign policy-making process during the next eighteen years. First, the 12th Congress constituted one of the youngest groups of lawmakers in American history to take control of the legislative branch. Public discontent with the inept gridlock of the previous Congress had caused angry constituents to clean the House and the Senate of its many seasoned incumbents in favor of young challengers who promised decisive action. The result was perhaps the greatest electoral purge in American political history: with 62 freshmen, 44 percent of the entire House membership in the 12th Congress was new amid some states replacing their entire delegations.¹¹ Following this slaughter at the ballot box, the majority of new members in the House were under the age of forty, including the 34-year-old Clay.¹² These young representatives accurately represented a young nation whose average national age was only sixteen years old.¹³ This unprecedented youth and inexperience in Congress, coupled with a clear voters' mandate for legislative action to confront the ongoing international conflict, no doubt had an effect in reforming modes of thinking about how the legislative branch should engage in international affairs and

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American statecraft.

The significance of this shift is reinforced by examining the career trajectories and legacies of the freshmen entering Congress between 1811 and 1815. The two momentous sittings of the legislative branch that witnessed the full declaration and prosecution of the War of 1812, as well as the 12th and 13th Congresses (the “War Congresses”), would give birth to the careers of some of the finest statesmen in American history. A prominent sketch and series of biographies from Congress written in 1850 names the men who were viewed as the most important legislators of that time. In addition to Clay and Calhoun, there was Daniel Webster (F-NH), John Forsyth (DR-GA), Nathaniel Macon (DR-NC), William Gaston (F-NC), Thomas Pickering (F-MA), John W. Taylor (DR-NY), Charles J. Ingersoll (DR-PA), and William Rufus King (DR-AL).¹⁴ All were members of the House and, with the exception of the veterans Pickering and Macon, were freshmen in either the 12th or 13th Congress. As the 1850 biographer would later observe of these prominent lawmakers, “most of them [were] just starting, with generous rivalry, upon their race of distinction.”¹⁵ Simply put, the young men that were entering the federal legislature during the 12th and 13th Congresses amid the buzz of war were to reshape the landscape of American politics in the next half century. It is interesting to note for our purposes that of the eight freshmen mentioned, five received their start on committees of foreign affairs or gained early prominence in foreign policymaking.¹⁶

The assertive transformation in legislative thinking symbolized by the entrance of an emboldened generation of young lawmakers was also augmented by a second ongoing trend in the country: the meteoric expansion of the nation and the resulting legislative apportionments in the West. As the nation’s population had roughly doubled in the approximately twenty years since the Constitution’s ratification in 1788, the House

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in particular was growing at a rapid pace. Between the census years of 1800 and 1810, the national population soared from 5.3 million to 7.2 million, while the geographic land area of the country expanded by 865,000 square miles to 1,682,000 square miles.¹⁷ As a result of the nation's exponential growth, the House ballooned from 65 seats at its inception in 1789 to 181 seats for the 13th Congress in 1813.¹⁸ This proliferation would have major implications for the structure, operation, and temperament of the House: with each admitted state and newly-created seat, it was increasingly untenable for the body to function in its original form as a collegial assembly that lacked deliberation restrictions and a hierarchical leadership order.

These constraints most assuredly caused the House to reshape itself during this period, a process which would accelerate during the 12th and 13th Congresses with the War of 1812. The reformed House of Representatives would emerge from the metamorphosis with more responsive, polished, and effective mechanisms that would facilitate its freshmen members' legislative assertiveness in foreign policymaking and international statecraft in the coming years. Additionally, it is significant to note that population gains (and thus, legislative apportionment gains) were coming largely from the recently admitted western states. The interests for war with Great Britain among this region's electorate were intimate and clearly delineated: the British were suspected to be actively aiding and abetting Native American tribes led by Shawnee Chief Tecumseh's confederation in their repulsions of white settlers. Each defeat on the frontier was a smarting reminder of the former motherland's continued hand on the continent.¹⁹ Given these circumstances, it is no wonder that the young War Hawks faction mobilized so quickly and gained a position of preeminence in the House within one election cycle.

The third trend was the breakdown of the original two-

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party system, at least in terms of congressional caucuses, which was beginning to run its course as early as the 10th Congress (1807-1809).²⁰ With the Federalists now nationally irrelevant and fading into the sunset of American history, Thomas Jefferson's dominant Republican Party (the Democratic-Republicans) was already splintering into four discernable factions within Congress: the Clintonians, disciples of the aging Vice President George Clinton (DR-NY), who harvested votes in New England and New York from the flagging Federalists by advocating commercial and shipping interests; the Tertium Quids (or simply, Quids), "old school" Jeffersonian Republicans who adhered to the strict constitutionalism and limited federal government approach of their clarion Representative John Randolph of Roanoke (DR-VA) and tied their long-term electoral hopes to the potential political resurgence of James Monroe of Virginia; the Invisibles, a peculiar faction largely relegated to the Senate that faithfully rallied to the banner of Senator Samuel Smith (DR-MD) in his personal and political crusade against Secretary of the Treasury Albert Gallatin; and finally, a faction of Republicans who remained loyal to the Jefferson Administration and still looked to the White House for leadership.²¹ Nothing better exemplified the collapse in the Republican Party's unity than the boycott of some sixty Clintonians (who supported James Monroe) from the party's presidential caucus that nominated Secretary of State James Madison of Virginia for the 1808 ticket instead.²²

These fissures were exacerbated by Jefferson's increasing resignation from national politics as his departure from the Presidency grew imminent; during the course of the 10th Congress, he had failed to exercise the leadership and discipline necessary to maintain his party's unity for his successor. Considering that neither party had instituted proper partisan leadership structures in the legislative branch, the result was a total collapse in party cohesion.²³ For reasons that will be explored next, President

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James Madison was powerless to prevent the full fracturing of the Republican caucus in the 11th Congress (1809-1811). So while the United States' two parties remained nominally the Federalists and the Republicans, the latter's commanding majorities in the House and the Senate no longer translated into legislative decisiveness. The sum outcome of these circumstances was a power vacuum in both chambers that at worst threatened to render Congress, and the republican form of government, irrelevant; but at best, it provided the perfect conditions for a new, fervent faction of lawmakers to seize command of the entire body and impose their will on the nation with the full constitutional arsenal of legislative powers ascribed to the federal legislature.

A fourth unavoidable contribution to an environment conducive to legislative assertiveness in foreign affairs was the man who occupied the White House when the 12th Congress took office in late 1811. James Madison, the "Father of the Constitution" and the first President to have served in a post-Constitution Congress, was considered the preeminent champion of legislative supremacy among the Founding Fathers. "In republican government, the legislative authority necessarily predominates," Madison had stipulated without qualification in *The Federalist* No. 51, a viewpoint that he more or less maintained throughout his entire tenure of public service.²⁴ In general, the Virginian believed that the executive should submit to the will of the national legislature for democratic governance to be truly successful. Perhaps because of this principled commitment to legislative government, Madison proved to be different from his three presidential predecessors.

Previous executive administrations had featured forceful and occasionally overbearing leadership that significantly influenced the mechanics of Congress. President George Washington, "Father of the Nation" as he was, commanded a peerless respect over the government with a cabinet of legendary

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American Revolution Era figures that included the two major partisan poles of the time: Alexander Hamilton and Thomas Jefferson. Despite or probably because of his refusal to seize power for himself in the wake of the American Revolutionary War (1775-1783), Washington was a particularly powerful executive whom the American public and its representatives held in the highest regard. His successor, John Adams, was survived by a mixed legacy of enhancing federal power through unbridled executive authority during the Quasi-War (1789-1800). And Thomas Jefferson, father of the Republican Party (the Democratic-Republican Party as it is called today) and ostensible champion of limited federal and executive authority, exercised enormous influence in Congress with overwhelming majorities in both chambers keen to prove their loyalty to him with their every action. The first two decades of the American Republic had thus witnessed the powerful force of partisan politics emerge from leadership within the executive branch.

But in contrast to his strong-armed predecessors, President Madison seemed to depart in varying degrees from the first three administrations' reliance on executive authority and on more assertive leadership in both foreign and domestic affairs. Madison's republican ideology and insistence that the bulk of national decision-making remain with and in Congress seemed to preclude him from attempting to dominate or to coerce the legislative body in the ways that his predecessors had.²⁵ Unlike Jefferson, Madison was neither willing nor capable of wielding the presidential influence (especially in terms of partisan leadership in the Democratic-Republican caucus) that his preponderate forerunner had mastered to gain his desired outcomes in legislative action. Furthermore, and unlike his three predecessors, Madison's election by a congressional caucus would ensure that his political leash originated in the legislative branch. Unlike Jefferson, who raised his congressional colleagues to their

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positions, Madison owed his own position to his congressional colleagues.²⁶ In the words of Professor Marshall Smelser, “As the creation of the caucus, Madison could never dominate his makers.”²⁷ As one shall see, this fact in particular would have major ramifications in the charge for war in 1812. In summary, while the party collapsed internally amid the factional crisis in Congress, help seemed unlikely and unable to come from Madison’s White House.

An early sign that Madison was not prepared to confront Congress, especially in foreign policy, came when he nominated his former Jefferson Cabinet colleague Albert Gallatin as his first Secretary of State in 1809. Instead of employing his recent electoral mandate and unquestioned leadership of the Democratic-Republican Party to squash what appears to have been a petty personal fight over patronage as his predecessor likely would have done, Madison allowed the Senate to reject his appointee with no noticeable backlash.²⁸ Led by the Invisibles faction of Republicans, the Senate then proceeded to impose their will upon Madison by pressuring him to appoint their candidate of choice, Robert Smith, the brother of Senator Samuel Smith (DR-MD). The Senate undoubtedly knew that Smith was opposed to many aspects of Madison’s foreign policy and was more than willing to collude with members of Congress in order to accomplish his pro-war agenda.²⁹ Instead of presiding over an administration that would execute his wishes without question, Madison was mired down by Smith and his congressional allies within the Cabinet itself.

The Senate had trodden over Madison and essentially planted one of its own in his administration’s most important post. To accomplish his simplest foreign policy movements, the President had to outmaneuver his own primary diplomatic agent, who naturally held more of an allegiance to Congress than his constitutional superior. Madison thought he could be his own

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Secretary of State, but by 1811, he finally had enough and demanded Smith's resignation after a bitter series of published exchanges regarding their differences.³⁰ This first incident only reinforced the growing characterization that Madison would more or less accept Congress running roughshod over him whenever it pleased in order to avert inner-governmental conflict. Time after time in the coming years, Madison would propose diplomatic action to Congress that would ultimately die for lack of executive inclination to exert political pressure.³¹ As one shall see, the leadership of the young 12th Congress would prove more effective in pressuring the legislative-minded Madison to enact their will rather than his own.

THE HOUSE THAT CLAY BUILT

The combination of an unusually large freshmen population in the 12th Congress, the rapid expansion of the nation's legislative apportionments (particularly in the West), the fracturing of the two-party system, and the stewardship of a hesitant and ambivalent President precipitated the dynamic developments in the legislative branch's foreign policy agency. Through political and institutional change within, due to the rapid proliferation in the body's membership mentioned earlier, the House of Representatives in particular would become the bellwether of major developments in this unusual era of legislative preeminence in international affairs. The monumental transformations in the making were portended by the unprecedented election of Henry Clay as Speaker of the House on November 4, 1811, the first day the 12th Congress convened.³² With the predetermined support of his War Hawks faction, Clay was chosen from a cadre of well-known Republican veterans to lead the House in his first day in the legislative body. Never before (excluding the first session of the House in 1789) had a freshman been elected to lead the chamber, a feat that has since not yet been replicated. Clay's elevation to the Speakership

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signaled the tremendous authority that the House's young freshmen would wield beginning on day one of the first session, as well as the unparalleled period of institutional and political change in Congress that the War Hawks were about to unleash.

Almost in diametric opposition to the institution one knows in the present age, the House of Representatives was an indistinctly-formed body that lacked specialization and hierarchy. As discussed earlier, the Jeffersonian Republican ideal of equality among legislators dictated that the House of Representatives operate much more in the way one thinks of the Senate today: members more or less had equal speaking rights and opportunities to serve on select committees, while strong leadership positions and rigid disciplinary structures were virtually absent. All forms of hierarchy and specialization were looked upon with suspicion, meaning that clear leadership



Although this image depicts Clay speaking in the Senate Chamber in 1850, the Kentuckian was known for his oration and leadership skills throughout Congress

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chains or substantive standing committees were not present.³³ Although likely not realized at the time, even by Clay himself, the Kentucky freshman's elevation to the Speakership was a major institutional milestone in American political history that would have major implications for the distribution of power in the House of Representatives and for bringing about the end of the idealized Jeffersonian legislative system. Until that point, the Speakership had been largely apolitical and constitutional in nature, mimicking the presiding officer of the British House of Commons. The Speaker enforced House rules and ensured that members were accorded equal rights and fair opportunities to speak, but normally abstained from active political processes occurring within the body. In attempting to further his legislative goal of declaring war on Great Britain, Clay transformed the position into one of unrivaled political authority in the Congress, perhaps second nationwide only to the President of the United States.³⁴

As mentioned before, Clay's power play was facilitated by his War Hawks faction, of which he was the undisputed leader; thus, Clay became the first Speaker of the House who was simultaneously a party leader. Given that both the Democratic-Republicans and the Federalists lacked a clearly delineated structure of party leadership within either chamber—a feature that was to hasten their respective downfalls in the coming decades—political leadership had previously originated in the executive branch either from Cabinet secretaries or the President himself. Clay's War Hawks changed this. Although they were a minority within the Republican Party, these energetic freshmen organized themselves remarkably well and coalesced aggressively behind a coherent platform of war with Great Britain. The result was a bending of wills in an amorphous and fractious Republican Party that had not filled the leadership vacuum created by President Jefferson's departure from national politics.

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Holding the Speakership with a partisan mandate from his War Hawks, Clay steadily manipulated the position's nascent powers in order to accomplish his faction's primary objective of declaring war on Great Britain in 1812 and of effectively contriving the major political office that one knows today as a byproduct of that charge. Clay interpreted the House rules to further his faction's war mission, used his constitutional discretion to set the chamber's agenda, and controlled debate recognition while sometimes participating and voting, hitherto unseen in the Speakership.³⁵ But of all the Speaker's powers that Clay manipulated to gain undisputed command of the House's legislation and political action, the most significant was the committee appointment powers. The powers themselves were a result of the previously mentioned growth of the House: it had been the original custom for the entire House to elect the membership of every committee as the Senate still continued to do, but the need for expediency in an exponentially-expanded legislative body forced the House to defer to the Speaker's best judgment.³⁶

Although generally expected to be fair and impartial in appointing, Clay did not deploy this power neutrally. Immediately after his election, he packed committees with War Hawks and other members loyal to him, while appointing faithful chairmen to help him prosecute the House's war mission.³⁷ As a result, Clay had consolidated extensive powers into the Speakership against the backdrop of the war charge in early 1812. As both party leader and presiding officer of the House, he was able to empower the War Hawks with unprecedented influence in driving the House agenda, while crushing his opposition in both established parties through ruthless exercise of the Speaker's constitutional authorities as a means of keeping order.³⁸ In observing the dangers of Clay's rapid concentration of authority within the Speakership, Josiah Quincy III (F-MA) remarked in a

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floor speech, “His power is, in truth, the power of the House.”³⁹

Of course, Clay’s maneuvers were not without backlash; when the Speaker appeared to be willing to use his recognition powers to curb the length of debate given the size of the body and the necessity for swift action, Representative Hugh Nelson (DR-VA) proffered an amendment to the House Rules so that “when the previous question is ordered to be taken, upon the main question being put, every member, who has not already spoken, shall have the liberty to speak once.”⁴⁰ While Nelson was also a Republican, he was closely allied with Representative John Randolph and his ultra-conservative *Tertium Quid* Republicans, who quickly became Clay and the War Hawks’ main opposition. As a sign that Clay’s anti-war opposition was mounting, Nelson’s amendment was also defended by members of the Federalist minority who were also reeling for a shot at the young Speaker. Others lamented Clay’s manipulation of the Speaker’s committee appointment powers to satisfy his political will for war. Representative Samuel Taggart (F-MA) noted that even a random selection of committee chairs would result in “more respectable chairmen than those placed in that situation by the Speaker. The business however itself of the Speaker selecting at pleasure the characters composing the several committees is in itself a monstrous feature in our Government.”⁴¹

But this opposition would be unable to ground the rising *Western Star*, who more than anyone in the entire nation was adamantly leading the country into war. Even some of his greatest political rivals, including then-Representative Daniel Webster (F-NH), could not deny the power that Clay had wielded in the Speaker’s chair. His lifelong friend and biographer summarized Clay’s position during the 12th and 13th Congresses: “Certainly, no one has ever presided over any deliberative body, in this country, with more personal popularity and influence than Mr. Clay. He governed the House with more absoluteness

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than any Speaker who preceded or followed him.”⁴² Through the course of the 1812 warpath, the Speaker would only further cultivate his power; as a result, Clay’s practices have become the commonly-accepted prerogatives of House Speakers and are the conventions that make the position so powerful today.

Externally and in terms of relations with the other branches of government, the consolidation of authority in a dominant Speaker empowered the House of Representatives to promote its constitutional and political interests through the recognition of its single and directly accountable voice for the large chamber. With the realistic promise of swift political action and party discipline, the Speaker could now negotiate authoritatively in meetings with both the Senate and the President, and that is exactly what Clay did. Beginning in the spring of 1812, he and other House leaders began regularly initiating meetings with the President and his Cabinet to advance their war charge. The consolidation of the House’s leadership powers in the Speaker would further the lower chamber’s external agency and give the War Hawks tremendous leverage over both its legislative counterpart and the Executive Branch. Since the Constitution only stipulates that the Speaker is a presiding officer for the House in a parallel fashion to the Vice President and President Pro Tempore in the Senate, it is fascinating to consider that the Speakership may have never become more than what the Presidency of the Senate or its British antecedent are without Clay’s formative machinations in pursuit of the war goals of 1812.

Clay was also riding the waves of the second major institutional transformation in the House of Representatives: the standing committee system. Since the 1st Congress (1789-1791), both the House and the Senate had opted not to create a formalized standing committee system. Instead they retained the Continental Congress’ previously discussed practice of

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appointing temporary “select committees” as needed. In keeping with a common belief held especially among Jeffersonian Republicans that the Congress should accord equal standing for all legislators, select committees were preferred as a way of diminishing specialization and hierarchy in both chambers while retaining the majority’s authority. Many lawmakers also began to view temporary select committees as a way to guard against undue executive influence. During the first years of the new government under the Constitution, Alexander Hamilton, Secretary of the Treasury and father of the Federalist Party, favored the referral of legislative proposals to executive departments before congressional committees in keeping in line with his program to build a government characterized by a dominant executive branch.⁴³ The Jeffersonian Republicans though, who gained control of the House in the 2nd Congress, vehemently opposed this proposed practice under their doctrine of legislative supremacy. This controversy of institutional organization had followed on the heels of the *Pacificus-Hebivius* debates and further contributed to the great partisan divide between the Federalists and the Republicans in the 1790s.

In response to Hamilton’s advances, congressional Republicans had barred the President, Cabinet secretaries, and other executive agents from initiating reports, coming to speak on the House floor, and introducing legislation in Congress, conventions that have remained in effect to the present day. All were measures taken to combat the growing concern that “the Executive had swallowed up the legislative branch,” as Jefferson had put it. By the end of the Washington Administration and the first four Congresses, the House and the Senate had both solidly committed to developing their own methods for obtaining information and for gaining expertise that was independent of executive officers and agencies.⁴⁴ Defeating Hamilton’s procedural design and asserting full legislative autonomy “put an end to a tendency that could have moved the country in the direction

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of British cabinet government,” as historian George Goodwin noted in attributing the reasons that the U.S. government developed with separate but equal branches despite Congress’ original institutional similarity to the British Parliament.⁴⁵

Although the institution of the committee provided Congress with the means to resist undue executive influence, the House of Representatives and the Senate still largely relied only on temporary select committees to fill the essential duties of conducting reports and authoring legislation by the time that Clay entered the legislative body. The common practice at the time was for the entire House to resolve itself into a “Committee of the Whole,” not only to hammer out the essential elements of any legislation in open debate, but also to assign a select committee to fulfill that action further, although with very specific instructions. The lack of independent, permanent, and specialized committees owed itself to the widespread Jeffersonian belief that “committees with substantial policy discretion and permanence might distort the will of the majority.”⁴⁶ Thus, select committees were dissolved immediately upon completion of their carefully delineated task.

But by the end of the first decade of the nineteenth century, the House, due to its growing size, was finding it inexpedient and impractical for the body to resolve aspects of legislation and other actions before committing it to a lower panel. The remedy was the standing committee, a subset of the legislative body with well-defined membership, a fixed subject-matter jurisdiction, and an indefinite lifespan, rolling over from one Congress to the next.⁴⁷ The permanency and specialized autonomy of standing committees enabled the House to generate more legislation, gather more intelligence, exercise greater oversight powers over the executive branch, and enhance legislative activism in virtually all respects. While the House’s small standing committee system was no more than a rudimentary fixture by the 12th Congress,

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the institution would continue to mature with every session until blossoming right before the 1820s.⁴⁸

For those *Tertium Quid* Republicans such as John Randolph who opposed both specialization and hierarchy in the legislature, Clay's manipulation of the Speaker's appointment powers was doubly painful at a time when committees were gaining more practical autonomy through the growing practice of granting themselves independence to report legislation on their own volition, rather than solely by commission of the Committee of the Whole. While Clay only presided over the creation of two new standing committees during the War Congresses and referred more business to his packed select committees, he would press for a fully-institutionalized system after the War of 1812, possibly to keep order in reaction to the breakdown of his secure war coalition.⁴⁹

While the warpath to 1812 facilitated dynamic developments in the House of Representatives, the Senate remained relatively static during the course of the 12th and 13th Congresses. Whereas the House was in the process of laying down a standing committee system and selecting a powerful presiding officer in the eventful months leading up to war, the Senate remained the slow and cerebral body that the Framers of the Constitution no doubt had in mind. The Senate's standing committee system would not be created until 1816, while the body's small size and its lack of a centralized leadership structure, specialized policy units, and electoral turnover relegated it to a position of receiving the major foreign policy initiatives of the day from either the House or the President. Thus, the majority of the aggressive legislation related to the war and other overseas endeavors originated in the House during the years of 1811 through 1815.⁵⁰ This difference in initiative between the two chambers reflected their respective paces of institutional development, especially with regards to standing committee

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establishment.

While the House had slowly adopted a standing committee system (especially perpetuated during the past few years by the demands of the war), the Senate had remained relatively stagnant and unchanging. Now in one fell swoop, it adopted a fully-fleshed network of standing committees and surpassed the House with just one motion (the House's standing committee system was still immature, with a sizable amount of jurisdictions still under semi-standing committees, including foreign affairs). Although the senators, likely did not realize at the time the gravity of this motion, their adoption of its institutional changes would fundamentally alter the upper house forever and decisively usher in the age of American government by committee that one arguably still lives in to this day.

The difference in legislative initiative was also reflected in public sentiment, which considered the Senate as the duller of the two powers in the legislative branch. Whereas Senate sessions were short and featured few speeches, the much greater volume and breadth of colorful debate within the House ensured much wider publicity and awareness of that chamber. It is consistently recorded during this period that while reporters jostled for position in the House gallery, the Senate scarcely attracted an audience; newspaper volume certainly reflected that.⁵¹ Writing to Secretary of State James Monroe in late 1810, Clay reflected on his decision to run for election to the House despite his position in the Senate: "Accustomed to the popular branch of the Legislature, and preferring the turbulence (if I may be allowed the term) of a numerous body to the solemn stillness of the Senate chamber, it was a mere matter of taste that led me, perhaps injudiciously, to change my station."⁵² While the dullness of the chamber may have corresponded to the lack of legislative initiative, the Senate's deliberative manner had its own ways of influencing the war charge by acting as the brakes on the House's

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breakneck speed.

THE COERCION CHARGE

After exploring why the 12th Congress, the first “War Congress,” was in many ways a novel body and how it initiated many of the institutional transformations that would accommodate the new legislative assertiveness of its younger War Hawk members in particular, the actual path to and through the War of 1812 is equally riddled with legislation embodying a new diplomatic assertiveness in Congress. While the purpose of this work is not to document how Congress legislated the War of 1812, this paper will explore how the legislative body led the nation into the war and will investigate its impact on cultivating a new age of congressional assertiveness in foreign affairs by the end of the military conflict. The 12th Congress opened in the wake of a series of diplomatic volleys between the United States, Great Britain, and France that had begun shortly after President Madison had taken office two years earlier in March 1809.

Where Jefferson’s disastrous Embargo Act of 1807 had failed to assert American neutrality in shipping rights, Madison proposed an honorable peace when relations with Britain briefly improved in the honeymoon of his administration: the British would repeal the Orders in Council (1807), which dictated seizure of neutral shipping to France and to French continental allies, and the U.S. would repeal the recently-passed Non-Intercourse Act (1809), which prevented trade with both Great Britain and France.⁵³ After Congress wholeheartedly accommodated this agreement with appropriate legislation in June 1809, Madison regretfully announced that the British Cabinet had rejected the agreement he had negotiated with British Minister to the U.S. David Erskine.⁵⁴ And so, the trade restrictions were reenacted and the economic hostilities resumed. The relationship with Great Britain was deteriorating with each passing day.

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With Madison's diplomatic efforts faltering, Congress decided to take matters into its own hands through the legislative process. Out of the House Foreign Affairs Committee (still a select, or temporary, committee at this time), Chairman Nathaniel Macon (DR-NC) reported legislation supported by the executive administration (and championed by Madison's Secretary of the Treasury Albert Gallatin) that restricted French and British ships from trading in American ports. Macon's Bill No. 1, as it became known, also stipulated that the President would be authorized to issue a proclamation lifting the sanction on either power that removed its edicts violating American neutrality. Nonetheless, the Invisibles in the Senate, who considered anything touched by Gallatin anathema, thoroughly amended Macon's Bill No. 1 and sent it back to the House. After exchanging amendments amid fierce debate across both chambers for most of the 1810 session, the House eventually acquiesced to the Senate and enacted a revised version that what would be called Macon's Bill No. 2 on May 1, 1810, which Madison begrudgingly signed into law.⁵⁵

The new revision on international trade law lifted all bans on commerce with Britain and France for three months. If either one of the two nations repealed their edicts on seizing American shipping during this period, the President of the United States would be compelled to proclaim a renewed embargo on the other (unless that nation also repealed its offensive edicts).⁵⁶ Congress hoped that one of the two European powers would see an opportunity to damage their arch-nemesis through this legislation, and Emperor of the French Napoleon Bonaparte did not disappoint the federal legislature. The French Emperor was quick to assure Madison that he would comply with the Americans to spite the British. In compliance with Congress' legislation, Madison then issued a proclamation lifting any restriction on France and renewing the embargo on Britain. But to the Americans' horror, Napoleon quietly reneged on

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his promises and allowed French ships to continue marauding vessels originating from the United States. Meanwhile, tensions with Great Britain were at an all-time high: accidental naval skirmishes in 1811, first between the *U.S.S. Spitfire* and the *H.M.S. Guerriere* and then fifteen days later between the *U.S.S. President* and *H.M.S. Little Belt*, renewed concerns that the British were encroaching on American waters and impressing American sailors and citizens in the British Royal Navy. In these two naval incidents that smacked of the *Chesapeake-Leopard* Affair with Britain just four years earlier and in the total inability to hold Napoleon to his word, the American public could not help but feel that the 11th Congress and President Madison had brought them back to square one.

This was the dire state of affairs when the 12th Congress arrived in Washington D.C. to begin their session early at the behest of the President. Clay and his allies immediately used Madison's opening message reporting on the breakdown in diplomacy to appoint a new House Foreign Relations Committee that was to be headed by Chairman Peter B. Porter (DR-NY) and would also include War Hawk leaders Calhoun and Grundy. Unfortunately, Clay would also be forced to observe traditional seniority conventions and appoint John Randolph to the committee, but Clay hoped his War Hawks would drown out the shrill of his dogged opposition leader.⁵⁷ The committee immediately became the focal point in the American charge towards hostilities with Britain; just a little over a week later, the committee completed a report on the *Little Belt* Affair and concluded that the nation should prepare for the eventuality of war by raising 10,000 regulars in the standing army and by providing for the contingency of 50,000 volunteers.⁵⁸ Upon formally introducing the report to the whole House for deliberation, Chairman Porter had no qualms in stating unequivocally that "it was the determination of the committee to recommend open and decided war."⁵⁹

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Together with his colleague Senator William Branch Giles (DR-VA), de facto pro-war leader of the Republicans in the Senate, Clay managed the charge for war by carefully controlling the flow of defense legislation out of committees in Congress.⁶⁰ Over the course of the next four months, Congress mainly legislated provisions for the war: in January, it provided for an army of 25,000 regulars (which the skeptical Randolph scoffed at) and appropriated \$1.9 million in armaments for both the army and the navy; in February, it enacted controversial tax articles to finance the war; and in March, it directed the President to borrow up to \$11 million at six percent interest in order to meet any war-related contingencies.⁶¹ But in reality, these measures did little to truly prepare the armed forces (which relied almost entirely on local militias due to Republican fears of a national standing army) for war with the British. In an effort to save money, most articles were to be invoked only in the event that war was officially declared. Cutting corners on the defense legislation would cost the nation dearly in the coming conflict.⁶² Clay and his allies were poised for success in the House by assembling a dominant coalition of war-supporting members. All that remained was coercing those last holdouts in the Senate and in the White House into accepting what the War Hawks had already proclaimed was necessary.

By March 1812, President Madison was besieged on all sides by those treating war with Britain as inevitable. But he was reluctant to accept the dismal prospect of prosecuting a war that he believed the nation was unprepared for, and deployed peace envoys to Britain to discuss terms under which war could be averted. Meanwhile, Clay and the House Republicans could hardly restrain themselves from knocking down the doors of the White House in their haste for war. Employing his mandate in the House, the Speaker designed a wholesale program for the executive administration to follow step-by-step so that Congress

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could declare war. Through his actions, Clay was setting new markers in the relationship between the executive and the legislature, enhancing the agency and the initiative of the latter. In a March 16 note to Secretary of State Monroe, the Speaker directed:

That the President recommend an Embargo to last say 30 days, by a confidential message: That a termination of the Embargo be followed by War: and, That he also recommend provision for the acceptance of 10,000 volunteers for a short period, whose officers are to be commissioned by the President.

In the margins of the same note, Clay explained why he was pursuing such vigorous action from the executive:

Altho' the power of declaring War belongs to Congress, I do not see that it less falls within the scope of the President's constitutional duty to recommend such measures as he shall judge necessary and expedient than any other which, being suggested by him, they alone can adopt.⁶³

Clay thus instituted the convention in American political tradition for the President to send a war message to Congress before such a declaration was given.⁶⁴ The President, apparently also of the opinion that the embargo should precede any declaration of war, acceded to the Speaker's demands with the condition that it be sixty days long so that the diplomatic mission to Britain on the *U.S.S. Hornet* would have ample time to return. On April 1, 1812, the President's message was delivered to Congress as Clay had stipulated. As the measure was being debated in the House, Representative Randolph gained the floor and denounced the origins of Madison's recommendation: "it comes to us in a very questionable shape or rather in an unquestionable state... and is

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not the wish or measure of the Executive.”⁶⁵ Randolph claimed that it was the House Foreign Relations Committee, not President Madison, which had designed the plan for an embargo followed by war and that the committee’s manipulation was leading the nation headstrong into an undesirable conflict.⁶⁶ He was not far off from the truth: Clay and his cohorts were orchestrating the war efforts in both political branches of government through coercion and the newly-pronounced powers of Congress that the young Speaker had managed to master in the course of a few months. After some changes in the Senate, Congress enacted a 90-day embargo.

Sometime following the adoption of this embargo, a committee of War Hawk congressmen led by Speaker Clay forced a private meeting with Madison to discuss the President’s reluctance to commit to war. As was the case for the public then, there is no transcript or records of that encounter; the proceedings were and still are entirely open to speculation by those not privy to its details. In fact, there may have been two separate meetings spread out between April and May, the first one regarding the War Hawks’ desire to strike a potential plan Madison was formulating to send fresh peace envoys to Britain and the second one involving the faction’s desire to force Madison to send a message to Congress asking for war. While the number of meetings or the precise discussion may never be known, Federalists and Tertium Quid Republicans seemed confident in what was transpiring in front of their eyes: Clay and the War Hawks were twisting the President’s arm in their insatiable quest for war. They claimed that the members had threatened to use the previously-discussed power of the congressional caucus to withhold Madison’s re-nomination for President in 1812. They also denounced the act by implicating Clay and the War Hawks in floor speeches, letters, and newspaper articles for years to come; historians have still not resolved to what degree these coercive

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meetings affected the nation's entrance into the War of 1812. What can be ascertained, however, is that at least one of the meetings did occur in May and pressure was applied in some fashion on Madison to produce a war message in the same manner Clay had demanded that the President recommend the embargo. Whether it was because the congressional faction left him with no other choice or because he sincerely believed that war was necessary, Madison would ultimately acquiesce to the War Hawks' expectations. His decision was reinforced by the return of the *U.S.S. Hornet* from Europe bearing no news of concessions from the British.⁶⁷

On June 1, 1812, President Madison sent a confidential message to Congress outlining the grievances of the United States against Great Britain and the current state of affairs between the two countries, concluding, "We behold, in fine, on the side of Great Britain, a state of war against the United States, and on the side of the United States a state of peace toward Great Britain."⁶⁸ Madison recounted the reasons why his countrymen were so distressed: impressment of citizens on the high seas, seizures of naval vessels, violation of neutral trade, encouragement of Native American raids in the west, and a general lack of regard for the sovereignty of the nation. But the President did not go so far as to explicitly ask the Congress to declare war, instead deferring to the Congress to deliberate the necessity of war:

Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment

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of peace and friendship, is a solemn question which the Constitution wisely confides to the Legislative Department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.⁶⁹

While Madison had certainly documented the extent to which British offenses constituted substantial threats to American sovereignty, his conclusion clearly lacked a decisive call to action. Never before (or never since) had there been such a vague “war message” delivered by a president to Congress. Astonishingly, Madison outlined equally the benefits of not only a declaration of war, but also those of maintaining the peaceful status quo. One reads this conclusion and doubts whether he believed the U.S. should commit to war at all, and wonders if Congress was truly influenced by the presidential message as it has been on several occasions since. Madison’s skepticism about declaring war was further complicated by his ambivalence over the role that he, as President, would play in resolving the complication at hand. Ultimately, without any appreciable executive pressure, the decision was truly left to the legislative body that had instigated armed conflict in the first place: the House of Representatives.

Immediately following the war message, Randolph and his *Tertium Quid* Republicans moved that the measures for war be considered by a Committee of the Whole. The majority of the House rejected this measure and Speaker Clay gained a major victory: the House Foreign Relations Committee would have sole jurisdiction of drafting the articles of war. This was a significant moment in the House’s history, as it confirmed the viability of the House Foreign Relations Committee as an autonomous unit that would generate its own opinions and legislation, well-suited to efficiently accomplish its diplomatic goals in insulation from rogue elements in the legislative body. Now-Chairman John

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C. Calhoun led his committee to its private chambers to begin preparing a report and resolution for declaring war on Great Britain. Two days later, the South Carolina freshman would announce the committee's findings: "The period has arrived when the United States must support their character and station among the Nations of the Earth, or submit to the most shameful degradation."⁷⁰ It seemed from the swiftness of the House's mobilization (it was rumored that Calhoun's report had already been written in the previous month) and the apparent origin of the message's impetus in Congress that Madison's message was merely being employed by the War Hawks as an obligatory symbol to assuage concerns that the executive branch was not prepared to prosecute the war. With the way in which the war was about to unfold, it would seem as though these concerns were well-founded.

The House easily adopted the House Foreign Relations Committee's report and its draft of the declaration of war on Great Britain, 79 yeas to 49 nays.⁷¹ Clay then had the engrossed resolution sent to the Senate for its consideration, beginning on June 14. The next thirteen days would leave Washington D.C. in limbo and the nation in suspense, as the Senate debated war behind closed doors. With the Clintonians, Invisibles, and Administration Republicans all favoring different forms of war and the Tertium Quid Republicans as well as the Federalists opposing war outright, the process was excruciatingly painful; amendment after amendment and philosophical debate after debate mired the Senate down in procedure. The Senate's convention of unlimited speaking certainly did not hasten the process. In total, there were over eight key votes on war measures during the process; many were decided within the margin of only one or two votes. Ultimately, the Senate adopted the House's resolution, 19 yeas to 13 nays; this remains the slimmest margin in either chamber for a declaration of war in American history.⁷²

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Clay and the War Hawks finally had their war; they had successfully silenced their opposition in the Tertium Quid Republicans and Federalists while bullying the White House into accepting the burden of prosecuting a daunting campaign against perhaps the greatest power on Earth at the time. Moreover, they had proven in the first major instance since the ratification of the Constitution that the impetus for landmark action in foreign policy could originate within Congress. No matter to what degree President Madison and his Cabinet may have favored war, the clear leadership had emanated from Congress. But Clay and his allies were about to learn that declaring war was by far the easiest part in the strenuous and bloody process of directing the nation through conflict; the coming war was going to test Congress and make even its most ardent proponents of war ponder the outcome they had so jubilantly celebrated in 1812.

WESTERN HEMISPHERE RISING

The war charge of 1812 produced another development in congressional statecraft whose significance has not been fully explored. With the prospect of war seeming to dominate every aspect of the country's international consciousness when the 12th Congress opened session in late 1811, lawmakers searched for every possible opportunity to extend pressure on Britain beyond the single dimension of bilateral Anglo-American relations; legislators realized that pressure could and must also be levied upon British allies and proxies in the Western Hemisphere. American leaders were particularly tempted by the possibility of encumbering Britain's key ally, Spain, whose vast empire remained a major impediment to U.S. ambitions to expand across the Americas.⁷³ The opportunity seemed to present itself in the crescendo of the Age of Democratic Revolutions in the colonial arenas of Latin America. On the western shores of the Atlantic, the Americas brimmed with the revolutionary energies first unleashed in the United States, France, and Haiti. The conflicts

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were sparked by Napoleon's invasion of the Iberian Peninsula in 1808, which launched Spain and Portugal into absolute disarray. King Charles IV of Spain was forced from his throne, while Portugal's royal family fled for Colonial Brazil to escape Napoleon's clutches; both the central governments in Madrid, Spain and Lisbon, Portugal collapsed with little warning to their imperial possessions.⁷⁴

The Emperor of the French installed his brother, Joseph Bonaparte, on the Spanish throne at the head of a proxy government that claimed the entirety of Spain's vast overseas possessions. However, the reality was that Napoleon had chopped off rather than replaced the head of the already moribund Spanish Empire. With no central authority in Latin America remaining, the Spanish and Portuguese colonies established their own local juntas that claimed varying degrees of loyalty to the beleaguered House of Bourbon in opposition to the Bonapartists. Despite the nominal profession of loyalty to Spain by many of the Latin American colonies, major political and social upheaval that had been swelling beneath centuries of rigid imperial rule was just beginning to touch the surface.⁷⁵ Congress was well aware of these profound developments in Latin America, considering the advent of revolutionary movements a particularly timely opportunity for American statecraft in light of the rivalry with Great Britain. Given that Spain was one of Britain's most important allies and that there was a chronic lack of compassionate feeling between the U.S. and its imperial neighbor, there were many in both the House and the Senate of the 12th Congress who wished to see the United States capitalize on developments southward in order to enhance American power and deter British influence.

By 1810, President Madison and Secretary Monroe had deployed various classes of agents across Latin America to provide reconnaissance on the deteriorating situations in the various colonies to the south, as well as to foster relationships

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for American political and economic interests. Much to the expense of their own nation's interests, American agents witnessed the British making inroads with the revolutionary juntas by obtaining most favorable statuses in trade agreements and building hegemony over the region in the absence of any comparable power.⁷⁶ Given the collapse of Spain and Portugal and the preoccupation of France, the United States was the only nation in a position to independently deter the growing British influence in the Western Hemisphere.

Although the Madison Administration had begun appointing agents across Latin America, harboring revolutionaries in the U.S., and allowing them to purchase munitions, there were still many gaps that needed to be filled in order to craft an acceptable American grand strategy to resist the British threat. But while the British were clearly winning on the ground, American agents suggested that it may not be too late to mount a challenge; there was discontent with the imperial superpower in nations such as Buenos Aires (later Argentina) and Venezuela, with many revolutionaries viewing the intensifying British imperial influence with suspicion. At the same time, these revolutionaries looked to their neighbor to the north to provide them with the natural support they felt they deserved in their efforts to proclaim independence under the banner of republicanism.⁷⁷ American agents stressed that the U.S. could use minimal resources to begin building its own rival sphere of influence over the tumultuous dominions of Latin America.

Correspondence with the Venezuelan Congress that implored assistance for their cause of full independence provided the perfect opportunity for the U.S. to commit its attention southward while the great European powers were occupied in their struggle with Napoleon for control of their own continent. There were many in the House and the Senate who looked favorably upon this development and supported an

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American insertion in the revolutions of Latin America. Chief among those in Congress intent on architecting a comprehensive Western Hemisphere policy in an era of emerging juntas was none other than Henry Clay.⁷⁸ The young Speaker would have his first of many opportunities to shift the House's attention southward after President Madison delivered his first message to the 12th Congress on November 5, 1811. While the communication was largely devoted to the ongoing tensions with Great Britain and other matters of diplomatic importance, Madison mentioned in passing, "it is impossible to overlook those developing themselves among the great communities which occupy the Southern portion of our own hemisphere, and extend into our neighborhood."⁷⁹

As was the practice at the time, the House of Representatives resolved itself into several select committees based on particular topics touched upon in the President's message to provide a substantial congressional response either in the form of a report and/or some appropriate legislative action. Physician and scientist Dr. Samuel Latham Mitchill (DR-NY) was chosen as the chairman of the committee that was referred to address the small portion of the President's message that related to the Spanish American colonies. The following month, Representative Mitchill wrote to Secretary of State Monroe to request that any discrete information available regarding the independence of Spanish American colonies be released to the House committee.⁸⁰ Responding to Mitchill's request, Secretary Monroe furnished a copy of Venezuela's declaration of independence. According to Monroe, this copy had been specifically transmitted to the United States government by order of the "Congress, composed of deputies from those [Venezuelan] provinces, assembled at Caracas."⁸¹ The House committee now knew that the Venezuelan Congress was actively soliciting the attention of the United States, undoubtedly

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seeking the legitimacy and support of the first republic in the Western Hemisphere in their struggle for a certain measure of sovereignty. Although this is the only such declaration that Monroe had received by the date of his letter on December 9, 1811, Monroe informed Mitchill, “it is known that most, if not all of them [Spanish American colonies], on the continent, are in a revolutionary state.”⁸²

On December 10, Representative Mitchill reported on behalf of the House select committee on Spanish American colonies. Specifically, Mitchill presented a report on the origins and status of the Latin American revolutions and recommended the adoption of a resolution encouraging the establishment of independent democratic and federal unions by revolutionary forces in the Spanish American colonies:

Whereas several of the American Spanish provinces, have represented to the United States that it has been found expedient for them to associate and form Federal Governments upon the elective and representative plan, and to declare themselves free and independent—

Therefore be it

Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That they behold, with friendly interest, the establishment of independent sovereignties by the Spanish provinces in America, consequent upon the actual state of the monarchy to which they belonged; that, as neighbors and inhabitants of the same hemisphere, the United States feel great solicitude for their welfare; and that, when those provinces shall have attained the condition of nations, by the just exercise of their rights, the Senate and House of Representatives will unite with

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the Executive in establishing with them, as sovereign and independent States, such amicable relations and commercial intercourse as may require their Legislative authority.⁸³

Mitchill's report and its accompanying resolution was a remarkable first step in the formation of a comprehensive American policy towards the burgeoning Latin American nations. While the young 12th Congress faced the daunting prospect of war with the greatest sea power of the age, it did not shy away from the prospect of envisaging a grand framework for statecraft in the emerging community of nations in the Western Hemisphere. The 12th Congress had gumption in proclaiming to Latin Americans that it felt "great solicitude for their welfare" and was congratulatory towards their ideological choice to dislodge the "actual state of the monarchy to which they belonged."

As preeminent Western Hemisphere historian Arthur Preston Whitaker of the University of Pennsylvania pointed out in his landmark work, *The United States and the Independence of Latin America, 1800-1830*, the Mitchill committee's resolution was foundational because "it was the first statement of the kind made by any organ of the United States government."⁸⁴ The ideas expressed in the resolution defined two ideological principles that would become salient features in the language employed by U.S. politicians and officials to justify "solicitude" for the entirety of the Americas: hemispheric solidarity and republican fraternity. The former expressed the notion that the Western Hemisphere constituted a new world independent of and removed from the European sphere, while the latter suggested that the U.S. felt obliged to care for the new Latin American nations due to their adoption of the same republican and federal principles that characterized the U.S. Constitution.

The sentiments of Mitchill's resolution would become

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enshrined in American statecraft for decades to come as the justificatory cornerstone of U.S. guardianship over the Western Hemisphere. These considerations in the select committee on the Spanish American colonies built upon the 11th Congress' work just a year earlier in enacting the so-called "No Transfer Principle" by a joint resolution of the House and the Senate. Tracing its origins to the Washington Administration and later arguments in Congress furnished by Federalists such as Senator Gouverneur Morris (F-NY), the No Transfer Principle sought to articulate U.S. opposition to the transfer of certain colonial territories in the Americas from one European power to another, particularly Spanish colonies to British domain.⁸⁵ This legislation would become another pillar of American foreign policy in the nineteenth century.

Both the Mitchill Resolution and the preceding No Transfer Policy contained vital components of the celebrated Monroe Doctrine of 1823. But while the Monroe Doctrine would only come over a decade after these first beginnings in Congress, the common narrative of American diplomatic history seems to accord President James Monroe and Secretary of State John Quincy Adams with complete credit for this now-essential canon of U.S. foreign policy principles. In other words, the Monroe Doctrine was an exceptional milestone architected with the energy of the executive branch, however, the evolution of this principle was at least a decade in the making and involved a collaborative process of alternating action between both political branches of government. The Mitchill Resolution was undoubtedly an important precedent to the Monroe Doctrine. Even the great American diplomatic historian Dexter Perkins mentioned the resolution in his discussion of influences on the President's foreign policy position in his tour de force, *A History of the Monroe Doctrine*.⁸⁶ Furthermore, it is important to realize that when President Monroe first unveiled the policy in

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his speech, it did not seem at the time to be a groundbreaking transformation of American foreign policy. In fact, between 1825 and 1895, the “Monroe Doctrine” (as it would later become known) was almost absent as a recognized executive policy from the nation’s politics and history.⁸⁷ When examining the full record of policymaking with regards to U.S.-Latin American relations, the Monroe Doctrine seems unremarkable as a departure from existing foreign policy; it is more appropriate to consider it as a more substantive articulation of policy that had already been burgeoning in Congress and the Department of State for years since, at least, the Mitchill Resolution in 1811.

FIRST IN WAR, FIRST IN PEACE

While Clay and his allies had painted a rosy landscape of a painless victory in which the U.S. would usurp the British from Canada and the entire hemisphere with little more than the Kentucky militia, the reality was that the young congressional faction had no clue as to how difficult it would be to wage war on the world’s foremost superpower at the time. Both before and after the 12th Congress took office in the fall of 1811, neither the House nor the Senate was inclined to seriously shoulder the tribulations necessary to arm the nation for its ostensibly “inevitable war.” This lack of preparation translated onto the battlefields in the summer of 1812. In repudiating a solely sea-based conflict and confirming that territorial expansion was indeed a goal of the conflict, American forces first moved on Canada in a land expedition that was met with ignominious defeat and a counter-attack by the British on the garrison at Chicago in the U.S.-controlled Territory of Illinois. When General Henry Dearborn attempted to resuscitate the American campaign in November, state militias refused to follow him into enemy territory; this served as a direct abrogation to Clay’s claims to the House earlier in the year that state militias could be relied upon for excursions into Canada.⁸⁸ By the end of 1812, as Congress

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reconvened in Washington D.C. for its second session, the American cause was looking lost before it had even really begun.

Now came the dirty work: Congress had to work with the executive administration to direct the war that the legislative body had produced. In his landmark dissertation, *Congress During the War of 1812*, William Ray Barlow chronicled the conduct of the 12th and 13th Congresses and how they set precedents “criticizing, objecting, amending, and at times initiating war efforts.” While the President and Congress enjoyed a more collaborative relationship after the defeats of 1812, there were still several instances of crossfire between the executive and the legislature on particular measures of combat and diplomacy. Each attempted to influence the other with every new consideration. One such instance was the charter of a national bank, which would become the central issue of American politics in the coming decades: Congress insisted on instituting it to finance the war and President Madison resolved to veto the measure. Reverse instances came when the executive administration continually submitted appropriations necessary to maintain the war effort, with each item scrutinized by the House and rarely written off in the amount requested.⁸⁹

During the course of the war, the House of Representatives was the leading body as it had been during the initiation of the war. That chamber’s institutionalized committees and efficient, targeted operation resulted in its procurement of most war directives. Throughout the course of the conflict, the Senate proved unable to manage the flood of legislation the House sent; this would likely precipitate the establishment of the Senate’s own standing committee system after the conclusion of the War of 1812. Meanwhile, the House considered major changes, including the institution of a single Committee of Public Defense to manage the war effort. After much deliberation about the practicality and safety of such a system, the House resolved

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to create the Military Affairs Committee that collaborated with the executive administration in much the same way that the Continental Congress war committees cooperated with General George Washington during the American Revolutionary War.

Although not officially a standing committee in its own right, the House Committee on Foreign Relations remained perhaps the most powerful panel in the body like in the previous session. It claimed jurisdiction over diplomatic affairs and the general spirit of the war. In describing the committee's aggrandized role in the course of the war, Representative Samuel Taggart (F-MA) wrote that it was "a junta composed of 5, 6, 7, 8, or 10 [members]...." Representative John Randolph, prone to exaggeration, charged that the Committee on Foreign Relations had "outstripped the Executive [President Madison]." Randolph further implored, "Shall we form a committee of this House, in quality a Committee of Public Safety, or shall we depute the power of the Speaker... to carry on the war?"⁹⁰ While Clay and Calhoun possessed powers far from those maintained by leaders of the sanguinary French Revolution (1789-1799), such as Maximilien Robespierre and Louis Antoine de Saint-Just, the allusion exudes the unprecedented power that a legislative committee was exercising over the formation of foreign policy and the conduct of diplomacy.

As the war carried on, the jostling between the Madison Administration and Congress reflected the dismal war effort. In general, American forces were being whipped on the continent but enjoyed surprising success in naval engagements despite British focus still being directed to the ongoing conflict with Napoleon in Europe. A year and a half into the conflict, the war had exhausted hawkish passions and inflicted its substantial damages upon both belligerents. By early 1814, there was considerable will on both sides to resolve the conflict; subsequently, initial peace talks commenced. As then-Majority Leader Robert C. Byrd (D-

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WV) identified in his narrative history of the Senate in 1988, the constitutional requirement for the upper house to provide its “advice and consent” to treaties has resulted in interesting quandaries over the years regarding the active participation of members of Congress in the physical conduct of diplomatic negotiation. The first time this occurred though was in 1814, when Speaker Clay joined Senator James Bayard (F-DE) in a bipartisan five-member delegation to negotiate a peace with Great Britain in the Flemish city of Ghent, Belgium. While Clay had resigned from the House in order to attend and Bayard had not been re-elected for another term in the Senate, their presence in the negotiation of the treaty stirred some speculation about their political role in securing congressional support for the peace accord and the constitutional consistency with the separation of powers.⁹¹ While this would be the first noticeable instance of congressional participation in diplomatic negotiation, it would not be the final time the presence of senators and representatives on diplomatic delegations would be questioned.

Congress had its two representatives at Ghent to ensure the war it had waged was terminated on the federal legislature’s terms. Congress need not have worried that the result would be unsatisfactory, for the *Western Star* himself was to bring the British to task. As Clay stepped down from the Speaker’s chair amid the jubilatory well-wishes of his dotting colleagues, one observer enthusiastically wrote at the time, “The war in which he had been most active in hastening, and most energetic in prosecuting, he was now to close...”⁹² Needless to say, Clay’s presence on the diplomatic delegation would guarantee smooth adoption of the agreement back in Congress, while also establishing credibility for the treaty among the war’s initiators and the public.

However, with Napoleon on his heels by April 1814, the British were reinvigorated in their aggression in America.

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They stalled the peace negotiations through the summer while their forces defeated the U.S. Army at the Battle of Bladensburg in Maryland and then occupied Washington D.C., burning the Capitol and the White House to the ground. President Madison and Congress were forced to abandon their residences and flee for safe havens; Clay and the other peace commissioners could only watch helpless from Belgium as the devastation of the summer of 1814 unfolded. Congress returned to the capital in September 1814 to find the Capitol a smoldering pile of rocks and ashes; in the meantime, it met in the lobby of Blodgett's Hotel while the citizens of Washington D.C. desperately built the congressmen a temporary brick capitol building so that the federal legislature would not move the nation's capital back to Philadelphia, Pennsylvania. Doubtless while sitting in the hotel lobby in post-mortem, members of Congress would have reflected upon the lessons that the present war had impressed upon them. Thankfully for these legislators, Baltimore, Maryland was held in American control because of the efforts at Fort McHenry, repelling the British Royal Navy in one of the final major campaigns of the year and likely ensuring the survival of the American Union and the arrival of peace.⁹³

With the failure to close the campaigns of 1814, British commissioners at Ghent now seriously began seeking a peace settlement with the Americans. Negotiations proceeded quickly and by December 24, 1814, the Treaty of Ghent was signed by the two diplomatic delegations and ratified by His Majesty's government three days later. The Treaty of Ghent reached Washington D.C. in February 1815 and was ratified unanimously upon receipt by the Senate with little, if any, debate.⁹⁴ With blessed peace finally realized across the continent, there was a new sober recognition of the hardships of war: 2,260 American soldiers had been killed in combat and an additional 4,505 were wounded. In total, it is estimated that some 15,000 American soldiers lost

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their lives as a result of all causes related to the conflict.⁹⁵ But in its wake, the United States emerged intact with independence firmly secured from the former imperial motherland. And with the simultaneous defeat of the French at Waterloo (in present-day Belgium), the Napoleonic Wars also drew to a close.

For the first time since independence, internal American politics and foreign policy would no longer be measured in relation to the eternal struggle between Great Britain and France: the United States was now finally free at last to pursue its own destiny among the nations of the world. American culture in the postwar flourished with new symbols of national identity, including the poem “The Star-Spangled Banner,” and the zeitgeist reflected the optimism Americans had for their young republic’s future. The following Era of Good Feelings (1816-1824), an age of national political peace in which the Democratic-Republicans



The United States Capitol was razed by the British expeditionary forces under Vice Admiral Sir Alexander Cockburn and Major General Robert Ross on their march into Washington City on the evening of August 24, 1814. The nation’s capital was almost totally destroyed and Congress had to relocate to a temporary meeting hall until the United States Capitol could be rebuilt after the War of 1812.

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virtually wiped out their Federalist opponents after the latter's ill-fated secession attempts in New England, would allow the nation to heal and to begin building a bold new role for itself in the world beyond simply a pawn in the game between two imperial powers.

In addition to the conclusion of the War of 1812 and the emergence of the young republic from the Anglo-French dichotomy, the Age of Democratic Revolutions was slowly giving birth to a constellation of independent states in the Western Hemisphere; the United States would gain several sister republics in an increasingly-populated American neighborhood. When the French occupation of the Iberian Peninsula was defeated by the alliance of Britain, Portugal, and Spain in 1813, the American colonies were restored to their imperial authorities for a few years before rebellion broke out again. But the earlier Latin



The British delegates, led by Admiral Lord Gambier (holding the Treaty of Ghent, center left), shakes hands with American delegate and U.S. Minister to the United Kingdom John Quincy Adams (center), concluding the War of 1812. Adams stands in front of Secretary of the Treasury Albert Gallatin. Speaker Henry Clay observes the scene from afar, sitting in the chair behind the standing Senator James Bayard (hand on hip).

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American juntas had introduced reformed government with democratic principles and localized sovereignty; Spain's attempt to return the status quo of central monarchical authority over these colonies in the wake of Napoleon's defeat in the Peninsular Wars, therefore, resulted in backlash and the resurgence of the Latin American revolutions by 1815. Thus, the Americas would once again be reopened by the end of the War of 1812 as a battleground for U.S. interests, which the young republic would consider pursuing more and more vigorously following its vindication in the "Second War for Independence." In the next decade and a half, the earlier signs of congressional statecraft in the Western Hemisphere, seen through legislation such as the Mitchill Resolution, would serve as important antecedents for further action and points of contention for those seeking to remain faithful to a more reserved foreign policy.

But just as changed by the War of 1812 as the international circumstances surrounding it, the United States Congress would emerge from its first substantial instance of foreign policy leadership as a renewed body vying for more agency in the accelerating statecraft of the American Republic. By the end of Clay's first two terms as Speaker in 1814, there was little reason to doubt that "Harry of the West" would be remembered in the annals of American history as "the most powerful man in the nation from 1811 to 1825."⁶ In his mad dash to lead the nation into war and thus assert a sovereign American order in the Western Hemisphere, Clay had accrued substantial political powers into the previously impotent office of Speaker of the House. Contemporaneous to this centralization of power, the House began establishing a viable standing committee system that would enable specialization, permanency, and independence in the legislative branch.

This first period of congressional initiative in foreign policymaking led by the War Hawks and their precocious

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chief Henry Clay would precipitate the continued institutional maturation of the House and the Senate's power structures. With the War of 1812 as its harbinger, Congress would be transformed by these developments and the emergence of a visionary generation of lawmakers that would produce the first age of American statecraft empowered through legislative assertiveness. And this ascendant generation of young lawmakers aspiring for the American Founding Fathers' glory had their guide, their Western Star. The young Speaker of the House was poised to lead Congress into an evolving age of legislative preeminence in foreign affairs that would last through the nineteenth century.

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