



America's First Foreign Crisis

The relationship between Britain and the United States after the Revolutionary War was tense and complicated. In 1785, John Adams was chosen as the first American ambassador to Great Britain.¹ This was an incredibly important role, as the war was just barely over, and peace was uncertain: had Britain truly given up on retaking its lost colonies? That was a concern for the future, though, and Adams had been given a more immediate goal: he was to negotiate for the reopening of trade between the United States and Britain.

Before the revolution, about 75% of American exports were purchased by British merchants. That number dropped during the war and in the years soon after it, reaching a low of about 10%. That wouldn't have been a problem if exports to Britain had simply become exports to other countries, but they didn't; America simply had fewer customers. The United States government and the people of America alike were heavily indebted, and if Adams could negotiate an end to the barriers to trade that Britain had enacted during the Revolution, it would go a long way toward making prosperity possible once again.

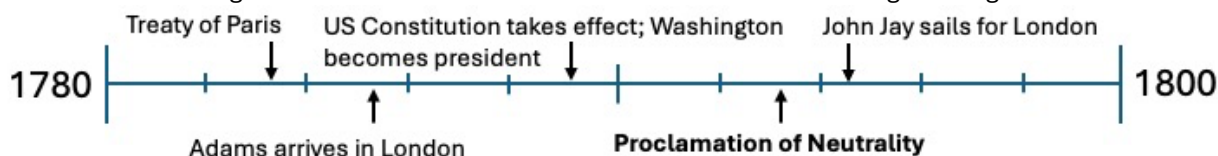
It was custom in Britain that new foreign diplomats would present themselves to the king, after which their negotiations would usually take place with lower-ranked officials. To Adams' relief, his brief meeting with King George III was promising, though they did not discuss specific policies or further treaties. Adams told the king that he was honored to be the ambassador, and that, given the shared history and culture of America and Britain, he hoped to help bring about a friendly, productive relationship between the two. The king responded that, while he had never supported American independence, he would be "the first to meet the Friendship of the United States as an independent power."

More was needed than good intentions, though. The Treaty of Paris had included important promises from both sides. Britain had agreed to withdraw its troops from western forts along the Great Lakes and the northern frontier. In return, the treaty promised that the US government would not prevent Americans from repaying any debts they had owed British merchants from before the war.

Despite the treaty, many individual states passed laws to block British debtholders from suing to collect their money. The issue would eventually be addressed by the Supreme Court, which ruled in *Ware v. Hylton* that a Virginia law of this sort was unconstitutional.

¹ Technically, his title was Minister Plenipotentiary. The founders wanted to avoid anything associated with royalty, and ambassadors, at the time, were usually personal representatives of a monarch. "Minister" is a common title for government officials (think "prime minister"), and "plenipotentiary" means "having full power to negotiate and make decisions." Officially, the US government didn't appoint an ambassador until the late 1800s.

If you're curious about the other part of his title, by the way—why did they use "Great Britain" instead of just "Britain" or even "England"?—there's an extra section at the end of this reading that might be of interest.





But that decision wouldn't happen until 1796, over a decade later. For now, the issue remained unresolved.

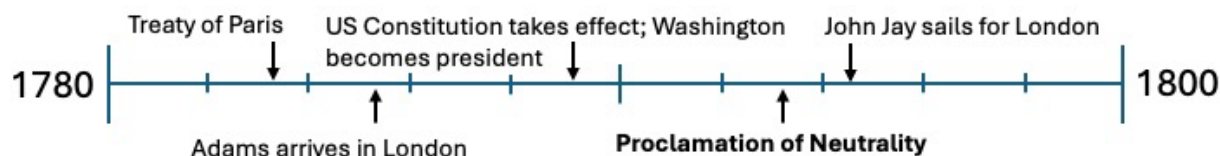
Since America didn't seem to be upholding its end of the treaty, Britain responded by continuing to maintain troops at various forts in the Northwest Territory. In part, this may just have been to pressure America to keep its word. But the forts were also helpful to Britain in other ways: for example, they allowed for easier communication and diplomacy with Native American tribes, whom Britain still counted as allies and trading partners. (Remember that Britain was not entirely gone from the American continent, since Canada was still a British territory.)

For the majority of Americans who still lived close to the coast, the continued British presence in their lands was ominous but distant. Though they worried about the possibility of a second war, the British-occupied forts to the west had little effect on them personally. For the settlers on the frontier, though, the forts quickly became a life-and-death concern. It wasn't that they feared the British soldiers, who mostly kept to themselves and avoided conflict. What they feared was the British relationship with local Native American tribes.

While many Native Americans remained neutral during the Revolutionary War, those who did take a side tended to ally with Britain. Their logic was simple: Britain's Proclamation Line of 1763 had kept the colonists contained to the east. If they gained independence, they could set their own rules, and there would be nothing to stop them from spreading across the continent. It was no surprise, then, that as soon as the war was finished settlers surged past the Appalachians seeking western lands they could claim as their own. In response, a group of tribes formed an alliance known as the Northwestern Confederacy. Its goal was to prevent Americans from expanding further west—by force, if necessary.

Given the circumstances, the British were more than happy to continue supplying Native American tribes with guns and ammunition. American militiamen who came into conflict with natives often found themselves staring down the barrel of a British-made gun. At times, so did the residents of frontier settlements facing raids by local tribes. It's hard to put a number to how many settlers died to natives armed with British weaponry, since records were not always kept on the frontier, but historians estimate that at least 1,500 were killed during the 1780s—though the total may be even higher. Whatever the exact count, the threat was real enough that many frontier settlements looked less like towns and more like military forts, complete with giant wooden walls encircling their perimeters.

The Americans and the Native Americans had never reached a shared understanding about who had the authority to sell western land, in part because the tribes themselves didn't always have a shared understanding of who owned it. The United States would negotiate to purchase land from a particular tribe or group of tribes; what happened, then, when another tribe claimed that they had rights to the land, and therefore the treaty had never been legally signed? The Northwestern confederacy went further; they argued that no single nation could sell any part of hunting grounds shared with other tribes without





everyone's agreement. From this, a situation arose that could only lead to conflict. From the American perspective, the settlers had the right by treaty to move into these lands, yet from the perspective of at least some of the natives, those settlers had no right to be there at all. On top of that, the settlers did not always know or care what treaties had been signed, and the US government did little to enforce law on the frontier.

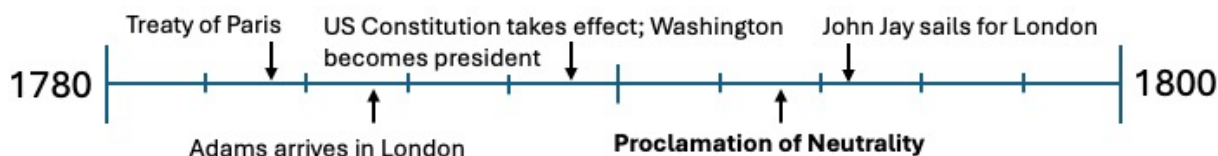
Native raids on settlements could be quite brutal. Scalping (cutting the scalp off of an enemy's head as a trophy) was common, and colonists were particularly shocked when those killed in raids included not only adult men, but also women and children, who were presumed not to be potential combatants—a violation of what was considered to be the “code of honor” at the time. There were Americans who violated that code, too. For example, near the end of the Revolutionary War, a group of militia members became suspicious of a group of natives who said they had converted to Christianity and dedicated themselves to pacifism, and would, therefore, would not take a side in the war. Suspecting they might be British spies, the colonists slaughtered them and burned their village. This became known as the Gnadenhutten Massacre of 1782. Of the nearly 100 who were killed, about two-thirds were women and children.

By 1790, the petitions from settlers asking for military help had become frequent enough that President Washington agreed to send nearly 1,500 soldiers to fight back against the Northwestern Confederacy. Though this force significantly outnumbered the native warriors on the other side, the troops were poorly trained, and their leadership was ineffective. The native leaders, by contrast, included Little Turtle—often considered to be one of the greatest Native American military leaders of all time. The attack was a disaster; the American forces quickly retreated, having lost nearly 200 men. A year later, another attempt to break the Northwestern Confederacy's hold on the territory was even more catastrophic. In the battle now known as St. Clair's Defeat (named after General Arthur St. Clair, who led the attack), over 600 soldiers were killed.

The settlers placed the blame for these losses on Britain, and rumors began to spread. Some believed that Britain was arming the natives to create a permanent barrier to American expansion; others even believed that Britain had secretly organized the attacks on their settlements. Americans on the coast, who desperately needed trade to resume with Britain, were eager for reconciliation, but to those on the frontier, the king and Parliament still seemed like America's greatest threat.

Caught in the Crossfire

In 1793, amid the turmoil of its own revolution, France declared war on Great Britain, the Dutch Republic, and soon most of the rest of Europe. This left George Washington facing a difficult choice. In the alliance signed with France during the Revolutionary War, the United States had promised to help defend French colonies in the Caribbean. France's wars now





put these colonies in danger, and on the face of it, it seemed that the decision had already been made: a debt was a debt, and the United States would have to intervene. However, not everyone thought it was that simple. Alexander Hamilton said that joining the war would be a risk to the continued existence of the nation: it would be the abandonment of the goals of peace and trade that American diplomats had been working so hard to achieve. Moreover, he said, there was no obligation whatsoever to get involved. After all, France had a new government—and it had just recently executed King Louis XVI, the man with whom the agreement of alliance had been signed.

Washington found Hamilton's arguments convincing. He issued the Proclamation of Neutrality, stating that America would not take sides in the European conflict. Being neutral in a world at war, though, can be easier said than done.

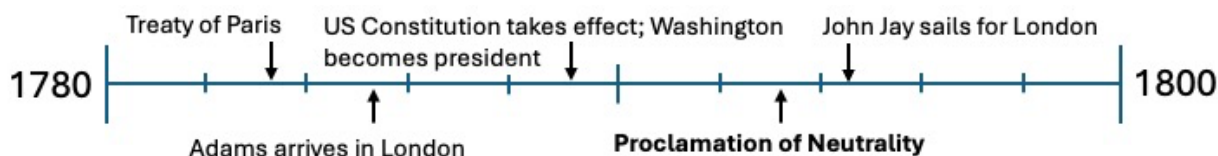
For American merchants, neutrality seemed like a wonderful opportunity. Europe's normal peacetime trade routes were in chaos. France needed food, supplies, and weapons; Britain still needed raw materials for its manufacturers; and the Caribbean colonies needed ships to bring their goods overseas, since many of Europe's ships were now either occupied by warfare or otherwise at risk when they sailed.

Normally, French colonies in the Caribbean were off-limits for American trade. (They followed mercantilist policies similar to those Britain had enforced on its own colonies, and only allowed their own ships to carry the Caribbean colonies' goods.) Given the situation, though, France relaxed the rules, and American shippers embraced the opportunity to profit by bringing sugar from the islands to America and Europe.

Britain saw this trade as a threat and a trick: America might have declared itself neutral, but by suddenly beginning to purchase goods from French colonies, it was in fact supporting the French war efforts. British vessels in the Caribbean began seizing American ships headed to or from French colonies. Between 1793 and 1794, hundreds of American merchant ships were captured or detained, and Britain sold their cargo off for its own gain.

To the merchants whose cargo or ships were lost, this felt like just another example of British disrespect for America's independence. Britain justified its capture of the ships based on a rule dating back to the Seven Years' War—but why should American merchant ships be seized based on a rule created by the British government?

Worse than the loss of the ships, though, was the loss of people. Conditions on British ships were far from comfortable, and many of those who fought in the war against France did so unwillingly. It was not uncommon for British sailors to flee their ships and seek work on American vessels. In response to this—and to their dire need for more sailors—Britain became more aggressive in their use of "impressment," the practice of stopping merchant ships, searching their crews, and carrying men off into forced naval service. Britain claimed that it was only reclaiming its own subjects, including ones who had deserted from the navy. But under British law, anyone who was born a subject remained one for life, meaning





that American citizenship was no guaranteed defense against impressment. Moreover, sailors rarely had paperwork to show their identity, and British officers did not always err on the side of caution. An American official who lived in London at the time estimated that, in 1790 alone, over 2,000 American citizens had been forcibly taken into British naval service—and that was *before* the war between Britain and France was declared. This claim is hard to verify, but whatever the actual numbers, it was a real problem—and was enough to spread fear among sailors and merchants. In taverns and ports, stories spread of fathers lost and sons taken. Had the revolution ended British tyranny on land, only for it to continue at sea?



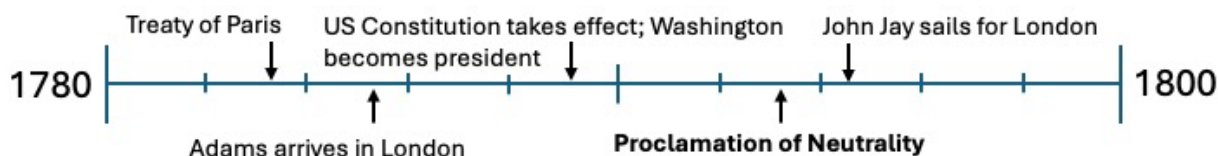
The Liberty of the Subject by James Gillray, 1789

This illustration shows a London tailor being taken away by an impressment gang. The British didn't like it when their government forced them into naval service any more than American did.

Maintaining a Fragile Peace

American opinions about Britain and France were becoming more and more divided—and that division was seen in Washington's cabinet, too. It would be inaccurate to say that there was a "pro-British" side and a "pro-French" side within his cabinet; no one was entirely unaware of the imperfections of either nation. But there certainly were those who leaned strongly to one side or another. From Alexander Hamilton's point of view, the importance of reestablishing trade with Britain was of overwhelming importance—and the French Revolution, with all its bloodshed and chaos, was not something that America could in good conscience support. Thomas Jefferson, by contrast, thought that the French Revolution was not only worth supporting, but one that America *must* support if it was serious about the cause of natural rights. He wrote to a friend that "The liberty of the whole earth was depending on the issue of the contest." Jefferson also believed that the Proclamation of Neutrality itself had been unconstitutional: if the Constitution gave the power to declare war to Congress, then how could a president, on his own, declare neutrality?

It was clear that Washington found Hamilton's arguments more persuasive. To Jefferson, the issue was more than an error of diplomacy: the Proclamation of Neutrality, he believed, was a step in the direction of a monarchical presidency. In frustration, he wrote to James





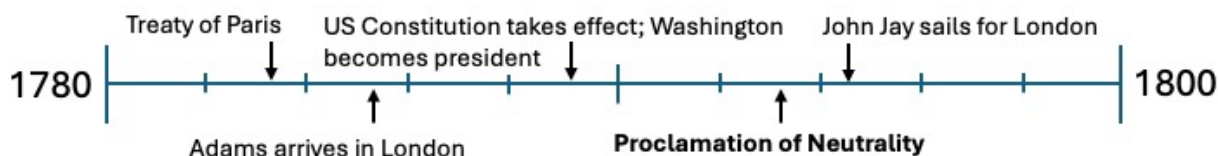
Madison, who was by then a Congressional representative for Virginia, and asked him to take the argument against Hamilton to the newspapers: “For God’s sake, my dear Sir, take up your pen, select the most striking heresies, and cut him to pieces in the face of the public.”

Eventually, Jefferson concluded that he would make no progress in a Hamilton-dominated cabinet. He resigned at the end of 1793 and was home in Virginia by January. This marked a shift in American politics. The disagreements between Jefferson and Hamilton were not new, but George Washington had hoped to keep them civil and productive. He had written them letters in previous years begging them to stop attacking one another in the newspapers, and he had appointed them both to his cabinet in a deliberate attempt to include both sides of the argument in decision-making. With Jefferson stepping down, the situation had become what Washington had hoped to avoid: a cabinet of people who largely agreed with one another, and a separate opposition being built on the outside—one led largely by Thomas Jefferson and James Madison.

The Proclamation of Neutrality had answered the question of whether America would join the war, but there were other questions that it did not address. What would be done about debts to British merchants? What would be done about the conflicts between the settlers and the British-armed natives, the confiscation of cargo from merchant ships in the Caribbean, or the impressment of American sailors?

In the South, especially on the frontier, many people hoped Washington would abandon neutrality and declare war on Britain. Jefferson and Madison didn’t want war, but they did want a more aggressive approach. They advocated for something more like “economic warfare”: if high tariffs were placed on British goods, they said, it would pressure Britain to change its policies, and it would also give support to France without violating neutrality. Hamilton, of course, preferred a friendlier approach: if we could offer Britain something they wanted, we might not only solve some of these problems, but it would also be a step toward restoring good relations with them.

Whatever the ultimate solution, it seemed clear to Washington that a new treaty with Britain was needed. Negotiating it would be challenging; he needed someone trustworthy, measured, and experienced. He knew the perfect man for the job, but that man, John Jay, was already serving as chief justice of the Supreme Court. Today, asking a Supreme Court justice to get involved in treaty negotiations—clearly not a role given to the judicial branch—would likely be seen as a breach of separation of powers. This particular combination of roles was not, however, explicitly disallowed by the Constitution, so Jay sailed for England, leaving the Supreme Court without its chief justice for nearly a year.





The question for you:

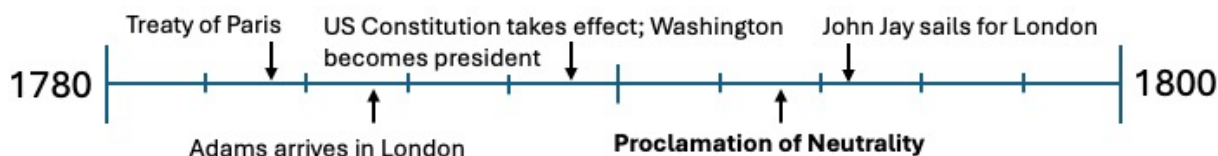
Imagine that you were John Jay, or an advisor to John Jay. You were asked to come up with a treaty proposal to present to Britain. What would you propose? Here are some considerations to keep in mind:

- Treaties are generally only accepted when they are beneficial to both sides.
- It may be better to have an imperfect treaty than no treaty at all. If there is no treaty that Britain would accept that would solve all of the problems, then you may need to decide which problems are *most important* to solve—or accept that some problems may be solved only in part.
- Remember that treaties require legislative approval. Whatever treaty you propose must be acceptable to two-thirds of the Senate, or it will not pass.

If you want to organize your thoughts before coming up with your treaty proposal, you might try making the following three lists:

- **American grievances:** What wrongs has Britain committed that you want addressed? Which are most important, and which are least important?
- **British priorities:** What might Britain want to get out of this treaty?
- **Possible compromises:** Which demands are flexible, and which ones are dealbreakers? (You can think about this from both sides.)

Think carefully about the wording of the treaty proposal, too. Remember—if accepted, the treaty will have the force of law!





Appendix: The many names of Britain

(totally optional reading!)

When you read about history, you'll see a lot of different names that seem to refer to the same thing: England, Great Britain, the United Kingdom, the British Empire, and so on. This can be very confusing! Below is a quick guide to these terms (and some other less common ones you might occasionally run into.)

Britain: This is the oldest of the names for this region. When Rome invaded Britain in 43 CE, they called it Britannia, a Latinized version of a word used by at least some of the isle's natives. After the Roman Empire collapsed in the 5th century CE, Britain reverted to tribes and (later) small kingdoms, so while "Britain" stuck around as the name of the island, there was no single nation or kingdom named Britain.

England: After the Romans left, several Germanic tribes from northern Europe—the Angles, Saxons, and Jutes—migrated to the island. Over the next several centuries, their smaller kingdoms became merged into one larger kingdom, which they named England, after the Angles.

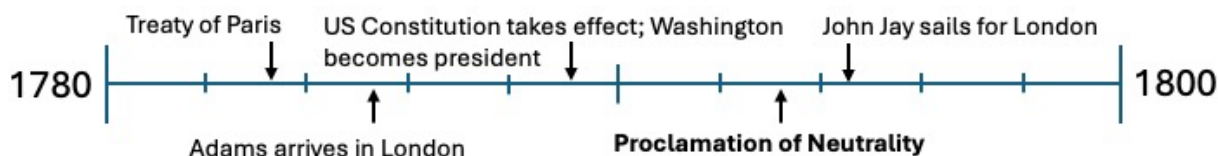
The Kingdom of Great Britain: Scotland was another kingdom north of England. When Queen Elizabeth I died childless in 1603, the next in line was King James of Scotland, who was also a descendant of Henry VIII; he therefore became king of both Scotland and England at once. Through the 1600s, Scotland and England remained separate kingdoms but continued to share a monarch. In 1707, they were officially brought together as the Kingdom of Great Britain.

The United Kingdom: In 1801, Ireland was brought into the mix, and the United Kingdom was born. The full name was "The United Kingdom of Great Britain and Ireland." This lasted until the early 1900s when most of Ireland won its independence. The name was then changed to "The United Kingdom of Great Britain and Northern Ireland."

The British Empire: As England gained power through the centuries, it built a worldwide empire that included the American Colonies, Canada, India, Australia, Jamaica, South Africa, and many other places. In the 1800s, it was said that "the sun never sets on the British Empire," and it was true: at the height of the British Empire in the early 1920s, nearly



Matt Lewis at English Wikipedia, British Isles terms, CC BY-SA 3.0





25% of the land in the entire world was under its control, and at any given time at least some of its territories were lit by the sun.

Other miscellaneous terms you might see

- **British Isles:** This is a geographical term for all the islands in this region, including both Great Britain and Ireland.
- **British Overseas Territories:** These are smaller places that are still under the control of the UK, but are not *part* of the UK, like Bermuda or the Pitcairn Islands. Each has its own relationship with the UK, but usually their governments are led by a governor appointed by the British monarch.
- **Commonwealth of Nations:** During the 20th century, most of Britain's former colonies achieved independence. Because they were still connected to one another through a common language, trade relationships, and often, shared ideals, many of them formed an "international club" called the Commonwealth of Nations. Of these, 15 are "Commonwealth Realms" that still recognize the British monarch as their own monarch, even though it's mostly a symbolic recognition: their governments are independent. (It does mean, though, that King Charles III, Britain's current king, also holds titles such as King of Canada and King of Australia.) The rest of the Commonwealth members no longer recognize the British monarch as their own head of state; instead, some have presidents or monarchs of their own.

