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A LETTER

To Mr. HARRISON GRAY OTIS,
A Member of the Senate of Massachusetts,
ON THE PRESENT STATE OF OUR
NATIONAL AFFAIRS:
With remarks upon Mr. T. Pickering's Letter, to the Governor of the Commonwealth.
BY JOHN QUINCY ADAMS.

WASHINGTON, MARCH 31, 1808.

DEAR SIR—I have received from one of my friends in Boston, a copy of a printed pamphlet, containing a letter from Mr. Pickering to the governor of the commonwealth, intended for communication to the legislature of the state during the session, recently concluded. But this object not having been accomplished, it appears to have been published by some friend of the writer, whose inducement is stated, no doubt truly, to have been the importance of the matter discussed in it, and the high respectability of the author.

The subjects of this letter are the embargo and the differences in controversy between our country and Great-Britain—subjects upon which it is my misfortune, in the discharge of my duties as a senator of the U. States, to differ from the opinion of my colleague. The place where the question upon the first of them, in common with others of great national concern, was between him and me, in our official capacities, a proper object of discussion, was the senate of the union. There it was discussed, and, as far as the constitutional authority of that body extended, there it was decided. Having obtained alike the concurrence of the other branch of the national legislature, and the approbation of the president, it became the law of the land, and as such I have considered it entitled to the respect and the obedience of every virtuous citizen.

From these decisions however, the letter in question is to be considered in the nature of an appeal; in the first instance, to our common constituents, the legislature of the state—and in the second, by the publication, to the people. To both these tribunals I shall always hold myself accountable for every act of my public life. Yet, were my own political character alone implicated in the course which has in this instance been pursued, I should have forborne all notice of the proceeding, and have left my conduct in this, as in other cases, to the candor and discretion of my country.

But to this species of appeal, thus conducted, there are some objections on constitutional grounds, which I deem it my duty to mention for the consideration of the public. On a statement of circumstances attending a very important act of national legislation, a statement which the writer undoubtedly believed to be true, but which comes only from one side of the question, and which I expect to prove, in the most essential points, erroneous, the writer with the most animated tone of energy calls for the *interposition* of the commercial states, and asserts that "nothing but their sense, clearly and emphatically expressed, will save them from ruin." This solemn and alarming invocation is addressed to the legislature of Massachusets, at so late a period of their session, that had it been received by them, they must have been compelled either to act upon the views of this representation, without hearing the counter statement of the other side, or seemingly to disregard the pressing interest of their constituents, by neglecting an admonition of the most serious complexion. Considering the application as precedent, its tendency is dangerous to the public. For on the first supposition, that the legislature had been precipitated to act on the spur of such an instigation, they must have acted on imperfect information, and under an excitement, not remarkably adapted to the composure of safe deliberation. On the second, they would have been exposed to unjust imputations, which at the eve of an election might have operated in the most unequitable manner upon the characters of individual members.

The interposition of one or more state legislatures, to controul the exercise of the powers vested by the general constitution in the congress of the U. States, is at least of questionable policy. The views of a state legislature are naturally and properly limited in a considerable degree to the peculiar interests of the state. The very object and formation of the *national* deliberative assemblies was for the compromise and conciliation of the interests of all—of the whole nation. If the appeal from the regular, legitimate measures of the body where the whole nation is represented, be proper to one state legislature, it must be so to another. If the commercial states are called to interpose on one hand, will not the agricultural states be with equal propriety summoned to interpose on the other? If the east is stimulated against the west, and the northern and southern sections are urged into collision with each other, by appeals from the acts of congress to the representative states—*in what are these appeals to end?*

It is undoubtedly the right, and may often become the duty of a state legislature to address that of the nation, with the expressions of its wishes, in regard to interests peculiarly concerning the state itself. Nor shall I question the right of every member of the great federative compact to declare its own sense of measures interesting to the nation at large.—But whenever the case occurs that this sense should be "clearly and emphatically" expressed, it ought surely to be predicated upon a full and impartial consideration of the whole object—not under the stimulus of a one sided representation—far less upon the impulse of conjectures and suspicions. It is not through the medium of personal sensibility, nor of party bias, nor of professional occupation, nor of geographical position, that *the whole truth* can be discerned, of questions involving the rights and interests of this extensive union. When the discussion is urged upon a state legislature, the first call upon its members should be to cast all their feelings and interests as the citizens of a single state into the common stock of the national concern.

Should the occurrence upon which an appeal is made from the councils of the nation, to those of a single state be one, upon which the representation of the state had been divided, and the member who found himself in the minority, felt himself impelled by a sense of duty, to invoke the interposition of his constituents, it would seem that both in justice to them, in candor to his colleague, some notice of such intention should be given to him, that he too might be prepared to exhibit his views of the subject upon which the differences of opinion had taken place; or at least that the resort should be had, at such a period of time as would leave it within the reach of possibility for his representations to be received, by their common constituents, before they would be compelled to decide on the merits of the case.

The fairness and propriety of this course of proceeding must be so obvious that it is difficult to conceive of the propriety of any other. Yet it presents another inconvenience which must necessarily result from this practice of appellate legislation. When one of the senators from a state proclaims to his constituents that a particular measure or system of measures which has received the vote and support of his colleague, are pernicious and destructive to those interests which both are bound by the most sacred of ties, with zeal and fidelity to promote, the denunciation of the measures amounts to little less than a denunciation of the man. The advocate of a policy thus reprobated must feel himself summoned by every motive of self defence to vindicate his conduct: and if his general sense of his official duties would bind him to the industrious devotion of his whole time to the public business of the session, the hours which he might be forced to employ for his own justification, would of course be deducted from the discharge of his more regular and appropriate functions.—Should these occasions frequently recur, they could not fail to interfere with the due performance of the public business. Nor can I forbear to remark the tendency of such antagonizing appeals to distract the councils of the state in its own legislature, to destroy its influence, and expose it to derison, in the presence of its sister states, and to produce between the colleagues themselves mutual asperities and rancors, until the great concerns of the nation would degenerate into the puny controversies of personal altercation.

It is therefore with extreme reluctance that I enter upon this discussion: In developing my own views and the principles which have governed my conduct in relation to our foreign affairs, and particularly to the embargo, some very material differences in point of fact as well as of opinion, will be found between my statements, and those of the letter, which alone can apologize for this. They will not, I trust, be deemed in any degree disrespectful to the writer. For more pleasing would it have been to me, could that honest and anxious pursuit of the policy best calculated to promote the honor and welfare of our country, which, I trust, is felt with equal ardor by us both, have resulted in the same opinions, and have given them the vigor of united exertion: There is a candor and liberality of conduct and of sentiment due from associates in the same public charge, towards each other, necessary to their individual reputation, to their common influence, and to their public usefulness. In our republican government, where the powers of the nation consists alone in the sympathies of opinion, this reciprocal deference, this open hearted imputation of honest intentions, is the only adamant at once attractive and impenetrable, that can bear, unshattered, all the thunders of foreign hostility. Ever since I have had the honor of a seat in the national councils, I have extended it to every department of the government. However differing in my conclusions, upon questions of the highest moment, from any other man, of whatever party, I have never, upon suspicion, imputed his conduct to corruption. If this confidence argues ignorance of public men, and public affairs, to that ignorance I must plead guilty. I know in deed, enough, of human nature, to be sensible that vigilant observation is at all times, & that suspicion may occasionally become necessary, upon the conduct of men in power. But I know as well that confidence is the only cement of an elective government. Election is the very test of confidence—and its periodical return is the constitutional check upon its abuse; of which the electors must of course be the sole judges. For the exercise of power, where man is free, confidence is indispensable—and when it once totally fails—when the men to whom the people have committed the application of their force, for their benefit, are to be presumed the vilest of mankind, the very foundation of the social compact must be dissolved. Towards the gentleman whose official station results from the confidence of the same legislature, by whose appointment I have the honor of holding a similar trust, I have thought this confidence peculiarly due from me, nor should I now notice his letter, notwithstanding the disapprobation it so obviously implies at the course which I have pursued in relation to the subjects of which it treats, did it not appear to me calculated to produce upon the public mind, impressions unfavorable to the rights and interests of the nation.

Having understood that a motion in the senate of Massachusetts was made by you, requesting the governor to transmit Mr. Pickering's letter to the legislature, together with such communications, relating to public affairs, as he might have received from me, I avail myself of that circumstance, and of the friendship which has so long subsisted between us, to take the liberty of addressing this letter, intended for publication, to you.—Very few of the facts which I shall state will rest upon information peculiar to myself.—Most of them will stand upon the basis of official documents, or of public and undisputed notoriety. For my opinions, though fully persuaded, that even where differing from your own, they will meet with a fair and liberal judge in you, yet of the public I ask neither favor nor indulgence. Pretending to no extraordinary credit from the authority of the writer, I am sensible they must fall by their own weakness, or stand by their own strength.

The first remark which obtrudes itself upon the mind, on the perusal of Mr. Pickering's letter is, that in enumerating all the *pretences* (for he thinks there are no causes) for the embargo, and for a war with Great Britain, he has totally omitted the British orders of council of November 11, 1807—those orders, under which millions of the property of our fellow citizens, are now detained in British hands, or confiscated to British captors—those orders, under which tenfold as many millions of the same property would have been at this moment in the same predicament, *had they not been saved from exposure to it by the embargo*—those orders, which if once submitted to and carried to the extent of their principles, would not have left an inch of American canvas upon the ocean *but under British taxation.* An attentive reader of the letter, without other information, would not even suspect their existence.—They are indeed in one or two passages, faintly and darkly alluded to under the justifying description of "the orders of the British government, *retaliating* the French imperial decree:" but as causes for the embargo, or as possible causes or even *pretences* of war with Great Britain, they are not only unnoticed, but their very existence is by direct implication denied.

It is indeed true, that these orders were not officially communicated with the president's message recommending the embargo. They had not been officially received—but they were announced in several paragraphs from London and Liverpool newspapers of the 10th, 11th, and 12th of Nov. which appeared in the National Intelligencer of 13th December, the day upon which the embargo message was sent to congress. The British government had taken care that they should not be authentically known before their time—for the very same newspapers which gave this inofficial notice of these orders, announced also the departure of Mr. Rose, upon a special mission to the United States.—And we now know that of these all-devouring *instruments of rapine*, Mr. Rose was not even informed. His mission was professedly a mission of conciliation and reparation for a flagrant—enormous—acknowledged outrage. But he was not sent with these orders of council in his hands.—His task, was the disavowal of admiral Berkley's conduct—the commentary was to be discovered on another page of the British ministerial policy—on the face of Mr. Rose's instructions, these orders of council were as invisible, as they are on that of Mr. Pickering's letter.

They were not merely without official authenticity. Rumors had for several weeks been in circulation, derived from English prints, and from private correspondences, that such orders were to issue; and no inconsiderable pains were taken here to discredit the fact. Assurances were given that there was reason to believe no such orders to be contemplated. Suspicion was lulled by declarations equivalent nearly to a positive denial; and these opiates were continued for weeks after the embargo was laid, until Mr. Erskine received instructions to make the official communication of the orders themselves, in their proper shape, to our government.

Yet, although thus authenticated, and even although thus in some sort denied, the probability of the circumstances under which they were announced, and the sweeping tendency of their effects, formed to my understanding a powerful motive, and together with the papers sent by the president, and his express recommendation, a decisive one, for assenting to the embargo. As a precautionary measure, I believed it would rescue an immense property from depredation, if the orders should prove authentic. If the alarm was groundless, it must very soon be disproved, and the embargo might be removed with the danger.

The omission of all notice of these facts in the pressing enquiries "why the embargo was laid?" is the more surprising, because they are of all the facts the most material, upon a fair and impartial examination of the expediency of that act, when it passed—and because these orders, together with the subsequent "retaliating" decrees of France and Spain, have furnished the only reasons upon which I have acquiesced in its continuance to this day. If duly weighed, they will save us the trouble of resorting to jealousies of secret corruption, and the imaginary terrors of Napoleon for the real cause of the embargo. These are fictions of foreign invention. The French emperor had not declared that he would have no neutrals—he had not required that our ports should be shut against British commerce;—but the orders of council *if submitted to, would have degraded us to the condition of colonies.*—If resisted, would have fattened the wolves of plunder with our spoils. The embargo was the only shelter from the tempest—the last refuge of our violated peace.

I have indeed been myself of opinion that the embargo, must in its nature be a temporary expedient, and that preparations manifesting a determination of resistance against those outrageous violations of our neutral rights, ought at least to have been made a subject of serious consideration in congress. I have believed and do still believe that our internal resources are competent to the establishment and maintenance of a naval force public and private, if not fully adequate to the protection and defence of our commerce, at least sufficient to induce a retreat from these hostilities and to deter from a renewal of them, by either of the warring parties; and that a system to that effect might be formed, ultimately far more economical, and certainly more energetic, than a three years embargo. Very soon after the closure of our ports, I did submit to the consideration of the senate, a proposition for the appointment of a committee to institute an enquiry to this end.—But my resolution met no encouragement.—Attempts of a similar nature had been made in the house of representatives, but have been equally discountenanced, and from these determinations by decided majorities of both houses, I am not sufficiently confident in the superiority of my own wisdom to appeal by a topical application, to the congenial feelings of any one—not even my own native section of the union.

The embargo, however, is a restriction always under our own controul. It was a measure altogether of defence, and of experiment. If it was injudiciously or over-hastily laid, it has been every day since its adoption open to a repeal; it it should prove inaffectual for the purposes it was meant to secure, a single day will suffice to unbar the doors. Still believing it a measure justified by the circumstances of the time, I am ready to admit that those who thought otherwise may have had a wiser foresight of events, and a sounder judgment of the then existing state of things than the majority of the national legislature, and the president. It has been approved by several of the state legislatures, and among the rest by our own. Yet of all its effects we are still unable to judge with certainty. It must still abide the test of futurity. I shall add that there were other motives which had their operation in contributing to the passage of the act, unnoticed by Mr. Pickering, and which having now ceased will also be left unnoticed by me. The orders of council of the 11th November, still subsist in all their force; and are now confirmed, with the addition of *taxation*, by act of parliament.

As they stand in front of the real causes for the embargo, so they are entitled to the same pre-eminence in enumerating the causes of hostility, which the British ministers are accumulating upon our forbearance. They strike at the root of our independence. They assume the principle that we shall have no commerce in time of war, but with her dominions, and as tributaries to her. The exclusive confinement of commerce to the mother country, is the great principle of the modern colonial system; and should we by a dereliction of our rights at this momentous stride of encroachment, surrender our commercial freedom without a struggle, Britain has but a single step more to take, and she brings us back to the stamp act and the tea tax.

Yet these orders—thus fatal to the liberties for which the heroes of our revolution toiled and bled—thus studiously concealed until the moment when they burst upon our heads—thus issued at the very instant when a mission of atonement was professedly sent—in these orders we are to see nothing but a "retaliating order upon France"—in these orders, we must not find so much as a cause—nay, not so much as a pretence, for complaint against G. Britain.

To my mind, sir, in comparison with those orders, the three causes to which Mr. Pickering explicitly limits our grounds for a rupture with England, might indeed be justly denominated *pretences*—in comparison with them, former aggressions sink into insignificance. To argue upon the subject of our disputes with Britain, or upon the embargo, and keep them out of sight, is like laying your finger over the *unit* before a series of noughts, and then arithmetically proving that they are all nothing.

It is not however in a mere omission, nor yet in the history of the embargo, that the inaccuracies of the statement I am examining have given me the most serious concern—It is in the view taken of the questions in controversy between us and Britain. The wisdom of the embargo is a question of great, but transient magnitude, and omission sacrifices no national right. Mr. Pickering's object was to dissuade the nation from a war with England, into which he suspected the administration was plunging us under French compulsion. But the tendency of his pamphlet is to reconcile the nation, or at least the commercial states, to the servitude of British protection, and war with all the rest of Europe. Hence England is represented as contending for the common liberties of mankind and our only safeguard aghinst the ambition and injustice of France. Hence all our sensibilities are invoked in her favor, and all our antipathies against her antagonist. Hence too all the subjects of difference between us and Britain are alledged to be on our part mere *pretences*, of which the *right* is unequivocally pronounced to be *on her side.* Proceeding from a senator of the United States specially charged as a member of the executive with the maintenance of the nation's rights against foreign powers, and at a moment extremely critical of pending negociation upon all points thus delineated, this formal *abandonment* of the American cause, this summons of unconditional surrender to the pretensions of our antagonist, is in my mind highly alarming. It becomes therefore a duty to which every other consideration must yield, to point out the errors of this representation. Before we strike the standard of the nation, let us at least examine the purport of the summons.

And first, with respect to the impressment of our seamen. We are told that "the taking of British seamen, found on board merchant vessels, by British ships of war, is agreeably to a *right*, claimed and exercised for ages." It is obvious that this claim and exercise of ages, could not apply to us, as an independent people. If the right was claimed and exercised while our vessels were navigating under the British flag, it could not authorize the same claim when their owners have become the citizens of a sovereign state. As a relict of colonial servitude, whatever may be the claim of Great Britain, it surely can be no ground for contending that it is entitled to our submission.

If it be meant that the right has been claimed and exercised for ages over the merchant vessels of other nations, I apprehend it is a mistake. The cases never occurred with sufficient frequency to constitute even a practice much less a right. If it had been either, it would have been noticed by some of the writers on the laws of nations. The truth is, the question arose out of American independence—from the severeance of one nation into two. It was never made a question between any other nations. There is therefore no right of description.

But, it seems, it has also been *claimed and exercised*, during the whole of the three administrations of our national government.—And is it meant to be asserted that this claim and exercise, constitute a right? If it is, I appeal to the uniform unceasing and urgent remonstrances of the three administrations—I appeal not only to the warm feelings, but cool justice of the American people—nay, I appeal to the sound sense and honorable sentiment of the British nation itself, which, however it may have submitted at home to this practice, never would tolerate its sanction by law, against the assertion. If it is not, how can it be affirmed that it is on our part a mere pretence?

But the first merchant of the United States in answer to Mr. Pickering's late enquiries, has informed him that since the affair of the Chesapeake there has been no cause of complaint—that he

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