Introduction

On July 2, 1812, Captain David Porter sailed the United States Frigate *Essex* out of New York harbor. From the "foretopgallant mast was hoisted a white flag, with these words 'A free trade and sailors rights.'" Porter's cruise was short and incredibly successful. In seventy days he captured ten prizes, including the outgunned HMS *Alert* – the first British warship to surrender to an American vessel during the War of 1812. This achievement was the beginning of a series of spectacular victories won by the American navy during the opening years of the conflict. When Porter returned to the United States, he was greeted with praise as his sailors poured into Philadelphia's taverns with pockets bulging with prize money. The British, on the other hand, were irate. Porter had disguised the *Essex* as a merchantman and lured the inferior twenty-gun *Alert* into range. He had then opened the frigate's gun ports and unleashed a devastating broadside. The uneven battle lasted about eight minutes and, along with the deception, made Porter appear ungentlemanly from the British perspective.[1] As a result, Sir James Yeo of the *Southampton*, which was a frigate of equal strength to the *Essex*, publicly issued a challenge. During the bravado that accompanied the exchange, Yeo requested a passenger from a captured brig "to present his compliments to Captain PORTER," declaring that he "would be glad to have a *tete a tete* anywhere between the Capes of Delaware and the Havanna, where he would have the pleasure to break his own sword over his DAMNED HEAD and put him down forward in irons." Porter, who like other American naval commanders believed in the punctilio of the *code duelo*, responded by returning his compliments to Sir James Yeo, and with tongue in cheek accepted "with pleasure his polite invitation." Asking to meet nearer the Delaware Capes, Porter pledged "his honor to Sir James that no other vessel shall interrupt their *tete a tete*." Porter, in an effort to make it plain that he would not disguise the

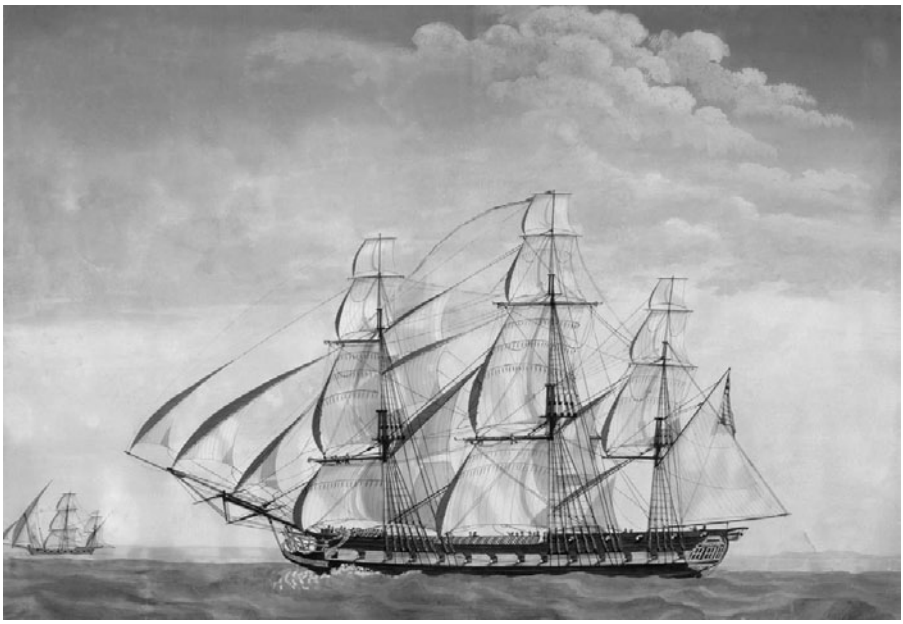

ILLUSTRATION 1. Frigate *Essex* by Joseph Howard. Sleek and fast, the frigate *Essex* began its career in the U.S. Navy as a subscription ship during the Quasi War. It was the first American naval vessel to enter the Indian Ocean and served in the Mediterranean during the Barbary Wars. At the beginning of the War of 1812, its commander, Captain David Porter, ran up a banner proclaiming "Free Trade and Sailors' Rights." Under that standard, the *Essex* wreaked havoc on the Pacific whaling fleet in 1813, and on March 28, 1814, the British captured the frigate in a desperate battle off the coast of Valparaiso, Chile. Photo courtesy of the Peabody Essex Museum, Salem, Massachusetts.

Essex this time, declared that his frigate "may be known by a Flag bearing the motto – *Free Trade and Sailors Rights*."[2]

This simple banner with which Porter sought to identify his ship created an important political slogan that encapsulated for many Americans the very meaning of the War of 1812. Other mottos from the era have had greater staying power in our history textbooks – phrases like Captain James Lawrence's "Don't give up the ship" and Commodore Oliver Hazard Perry's "We have met the enemy, and they are ours." These mottos may have resonated as battle cries or as a way of trumpeting military heroics for later jingoistic generations. But they did not carry the political potency of "Free Trade and Sailors' Rights" at the time.[3] Porter's first voyage and the exchange with Yeo were played out before a national audience, since they were reported in newspapers across the nation. For the remainder of the War of 1812 the phrase "Free Trade and Sailors' Rights" helped to define the aims of the Madison administration.

More importantly, common people – especially common people attached to the sea – embraced the motto as their own, and the slogan would appear and reappear for decades in many different circumstances and with a variety of different meanings.

Why, then, did "Free Trade and Sailors' Rights" have such resonance for the American people? The answer lay in how each of the two elements within the phrase – "Free Trade" and "Sailors' Rights" – represented important aspects of the Revolutionary heritage from the eighteenth century and reflected the melding of both high and low cultures in a unique way that rejected the traditional order of the Old World. In short, by joining these two different strains in one phrase Americans demonstrated the success of their revolution. Herein lies the true meaning of Porter's response to Yeo. On the surface Yeo's challenge was the more offensive and demonstrated an abrasiveness not immediately apparent in Porter's response. After all, Yeo promised not only to defeat Porter, but also "to break his own sword over his DAMNED HEAD and put him down forward in irons." Such treatment would have denied Porter the honors of war owed to an officer and a gentleman. Porter replied with more decorum – at least on the surface – by merely stating that he accepted the challenge and promised that no other ships would interfere. But he also declared that he would have that banner with "Free Trade and Sailors' Rights" emblazoned upon his masthead. Porter thereby declared his intention to defend his honor, the honor of his sailors, and the honor of his nation. More importantly, the *Essex* would be fighting for the Revolutionary ideals that reflected both those on the top and those on the bottom of society. To leave no doubt about his intentions to defend the American Revolution, Porter ended his response with the statement that if he was forced to surrender to Yeo, then he would "deserve the treatment promised by Sir James."

This book explores the full cultural meaning of the phrase "Free Trade and Sailors' Rights" in an effort to understand the central role of the War of 1812 in American history. Or, as one of my colleagues so pithily remarked as I explained the project, I am providing "meaning to a meaningless war." Too often the second war between the United States and Great Britain has been portrayed as an accident and merely a footnote to the longer narrative of our nation's history. At best it has been considered a second war for independence. More often, as Don Hickey's examination of the conflict explained, it has been viewed as a forgotten war, known more for catapulting Andrew Jackson to national prominence than for any tangible result.[4] In fact, the war has held a much greater significance for Canadians, who view it as their war for independence from a would-be conquering behemoth to the south. Perhaps, as the spate of new books on the War of 1812 appear in time for a commemoration of its bicentennial, we will come to a greater appreciation of its importance. More likely, our interest will be piqued for a few years only to

lapse as we focus on the next anniversary. If Americans in the twentieth and twenty-first centuries forget the war, relegating it to a few short pages in college textbooks, Americans living in the first half of the nineteenth century saw it differently. Before the Civil War, the War of 1812 loomed large as a moment when the nation stood steadfast in the defense of ideals inherited from their revolution.

I began this book almost accidently in an eighteenth-century customs house overlooking the Chester River on the Maryland eastern shore.[5] History and the historian combined in an odd twist of irony. Sitting at a desk in the library in a building that is a relic of the British North American empire, I started to write about a slogan that included the phrase "Free Trade." I was also pulled toward the Chester River, which I could see from the windows of the library. I was fortunate enough to combine my interest in history and my attraction to sailing by going on two cruises of the river aboard historic replica tall ships. However limited and vicarious these experiences were – I briefly took the tiller of one vessel, and helped haul in the sails along with the other tourists on the other – they left a lasting impression and provided a waterside view of the river and the Custom House. Both vessels were schooners that were constructed for speed and maneuverability. One was on the *Sultana*, based on the design of a vessel built in 1767. The original *Sultana* had been used by the British to enforce the customs regulations that helped to trigger the American Revolution. The other was on the *Pride of Baltimore II*, a larger vessel and a topsail schooner modeled after the privateers for which its namesake city was famous – or infamous, from the British perspective – during the War of 1812.[6] Although most of the crews of the Baltimore privateers signed aboard for the loot available in this legalized form of piracy, these ships contributed to the fight for free trade and sailors' rights. I did not recognize the historical irony of these two sailing ventures until later, when I realized that these two ships reflected a great sea change in the history of American commerce: the one vessel was a defender of the mercantile system; the other sought to overthrow it.

I also experienced another odd intersection between history and the historian when I spent the fall of 2010, in the midst of writing this book, at the University of Glasgow. That semester I presented aspects of my work at both my host institution and the University of Edinburgh – in the very shadow of Adam Smith. I did not see his ghost, and I couldn't even find his grave – I looked one evening in Edinburgh, but gave up the search as an early twilight was shading into night. I did feel something of his presence, and it was a thrill to think I was talking about free trade at the same institutions at which Smith had taught over two hundred years ago. I also gave papers at several other British and French institutions, which, along with teaching British students about the early American republic and the War of 1812, allowed me to test my ideas on audiences very different from the ones I have encountered in the United States.

From a longer perspective, this book also reflects my own personal odyssey as a historian. I began my career studying riots and writing on the social history of the revolutionary and early national eras. I continued this focus on the common man with a social and cultural portrait of maritime workers. But I also extended my interests, both in the classroom and in print, by examining the relationship between the American Revolution and the rise of capitalism in the United States. In addition, in 2002 I started to teach a short course on the origins of American foreign policy in a masters degree program conducted by the University of Oklahoma overseas. The more I taught this course, the more my interest was piqued by diplomatic history and the importance of the great white men of the Revolution – a turn of events that bordered on sacrilege for a scholar who came of age in the early 1970s and believed in studying history from the bottom up. I found the subject so fascinating that I added an undergraduate course on early diplomatic history to my regular repertoire of offerings. When I wrote a survey of the early republic I decided to integrate these varied interests and to include some aspects of the history of the Founding Fathers in future works even though my focus was further down in society. Thus, I had planned to include an examination of the interaction between the mainstream and maritime cultures in a discussion of the phrase "free trade and sailors' rights" in a chapter in a book on the language of common sailors. I had become intrigued with how seamen used "free trade and sailors' rights" in many different ways during and after the War of 1812 and had hoped that the chapter would allow me to explore how the language of politicians and common seamen intersected. But as I began writing at the Starr Center in Chestertown, Maryland, the manuscript started to get away from me. Perhaps it was the Custom House and the surrounding memorabilia of George Washington. Perhaps it was the view of the Chester River from my windows, or my brief stint sailing on the river. Perhaps it was my growing interest in the rise of capitalism and diplomatic history, spawned in the classroom. For whatever reason, I soon had too many pages for a chapter, and with plenty more to say, I decided that I would write this book on free trade and sailors' rights, combining my long-standing concern with common folk and my newfound interest in the Founding Fathers.

I begin in the first section of this book by examining the ideological origins of the first of two elements embedded in the slogan – the idea behind "Free Trade." Although the phrase "Free Trade" could be used in a variety of ways, it harked back to a new vision of diplomacy that emerged out of the Enlightenment – a vision that promised to end war and conflict between nations and to increase the well-being of all the people in the world. This utopian ideal would be impossible to fulfill, but it reflected the hopes of many revolutionary leaders as they sought to release themselves from the shackles of the colonial system. Free trade also carried a special meaning for the common sailors aboard Porter's

ship. They may not have heard of Adam Smith or the rarified ideas about a new diplomacy, but they understood that trade unfettered by restrictions meant jobs and higher wages. Any banner with the words "free trade" thus rallied those from the top as well as those on the bottom of society.

If the first section centers around the highbrow ideas of the Enlightenment and expressions of the Founding Fathers, as well as the personal interests of the common seaman, the second section shifts the focus to issues even more crucial to those further down in society, where a new conception of citizenship included men often thought to be on the margins of society – sailors. Many of their landlubber cousins looked askance at the men who went to sea, viewing them as only tangentially connected to a shore-based community. Sailors were generally poor and frequently misbehaved ashore. Yet they were crucial to the development of commerce and became central in the defense of the nation – both for the Anglo-American empire before independence, and for Great Britain and the United States as separate countries after independence. The assertion of sailors' rights, then, came to represent not only American opposition to British impressment, but also a broadened and more democratic definition of citizenship. That definition, however, was not the exclusive concern of sailors, or even of the common folk. As the political leadership struggled to define the meaning of the American Revolution, issues of citizenship – of who should be protected by the flag of the United States – became important to everyone in society. By raising a banner proclaiming "Free Trade and Sailors' Rights" Porter sent a potent message that his crew and all Americans understood. "Free trade" heralded a crucial value embedded in the American Revolution and insured continued maritime employment in times of peace, while "sailors' rights" informed the crew that the war was to protect them as Americans, and asserted a broad definition of citizenship that spread its guardian wings aboard ships as well as within the nation.

After tracing the two elements of the slogan separately, the third section looks to the causes of the War of 1812. The origins of the war were complex and entailed more than the slogan "Free Trade and Sailors' Rights" waving from Porter's masthead. Indeed, in many ways the roots of the war lay in a sordid expansionism that coveted not only Canada to the north and Florida (which belonged to neutral Spain) to the south, but also the Native American lands in between. For large numbers of Americans the war also had to be fought to sustain the honor of the republic that was being tested by an aggressive, arrogant, and oppressive Great Britain (and maybe France). Whatever the origins of the conflict, the rhetoric during the war emphasized the ideals encapsulated in Porter's motto.

The fourth section examines how the phrase became a key component of the wartime rhetoric. Words matter. There is no question that ideas are important, but in politics the way in which those ideas are packaged can often overshadow

the ideas themselves. "Free trade and sailors' rights" was a phrase that carried the right punch, a phrase that simplified while at the same time it explained, a phrase that called upon an important legacy, and a phrase that caught the public's imagination. When he sent his message to Congress outlining his rationale for a declaration of war, James Madison gave several reasons for entering the War of 1812, but he emphasized the repeated British impositions on trade and impressment. Madison proclaimed that "[u]nder pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests." And, perhaps with even greater vehemence, he called attention to the thousands of American sailors pressed into the British navy. Madison declared that not only had the British navy committed a "crying enormity" by pressing British subjects from American ships, but also "under the pretext of searching for these, thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and from everything dear to them; have been dragged on board ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren."[7] However intense and impassioned these words may sound, they are not pithy. But once those same ideas became encapsulated in Porter's motto "Free Trade and Sailors' Rights," the issues of unimpeded commerce and freedom from impressment became the accepted reason for the War of 1812. Echoed from the halls of Congress to the damp, dismal prisoner-of-war compound at Dartmoor in southwestern England, "Free Trade and Sailors' Rights" was both a powerful clarion and an assertion of American national identity. The Federalist Party leaders challenged this rhetoric, declaring that there was no need to fight Great Britain over its commercial policy. They also questioned the audacity of the Jeffersonians' claiming to protect the common sailor when for over a decade they had done little to come to a serious settlement on the issue of impressment. Even if the Federalists were right, and the war did not have to be fought, few people remembered that fact after 1815, when the Federalist opposition to the war at the Hartford Convention hinted at secession and appeared unpatriotic. The pathetic inability of the United States to fight the war effectively – a burned capital, failed invasions to the north, an army and militia that repeatedly lost on the battlefield, a national government barely able to sustain its military in the field, near national bankruptcy, and a breakdown of the banking system – all evaporated in the aura of a peace that settled nothing and a battlefield victory in New Orleans that was fought after a treaty had been signed.

Slogans can often have a life of their own. "Free trade and sailors' rights" became deeply imbedded in both the American maritime and mainstream cultures. What counted was how Americans remembered the war, not what actually happened. And here memory as something constructed and sustained becomes important. Americans remembered Porter's motto as a symbol of how the United States had faced a powerful enemy, survived, and thereby defined a burgeoning sense of nationhood. The fifth section of the book therefore examines how a few words of political rhetoric could be freighted with many and varied meanings after the War of 1812. Scholars have examined the importance of the memory of the American Revolution in the nineteenth century and the memory of the Civil War for generations of Americans, but have overlooked the War of 1812.[8] In the immediate aftermath of the war James Madison and the Republicans denied reality and asserted a victory that became embedded in the collective memory of the nation. Americans believed this fiction even if the Treaty of Ghent ignored free trade and sailors' rights. If a sense of relief at having survived the conflict and the triumph of the Battle of New Orleans, combined with a rising sense of American nationalism, explains much of the success of this effort to claim victory, another reason for this historical amnesia concerning the disastrous nature of the war can be found in the diplomatic efforts after the war to secure Americans from impressment and the continued importance of free trade on both the diplomatic and the domestic scene. In other words, the dream of revolutionary foreign policy persisted and was in many ways fulfilled as American diplomats sought to defend neutral rights, assert free trade by limiting mercantilist restrictions, and protect sailors aboard American ships.

During the 1820s and 1830s the memory of the War of 1812 merged with the memory of the Revolutionary War to provide a powerful argument for the democratization of society and politics in the United States. Although Americans continued to lionize the great leaders of both conflicts, they also trumpeted the heroism of the foot soldier and ordinary sailor. For the generation of the 1830s and 1840s, George Washington and the Continental soldiers at Valley Forge, as well as Andrew Jackson and his Tennessee Volunteers, were remembered for their sacrifices in war. So, too, John Paul Jones, Stephen Decatur, and their crews were viewed as a part of the pantheon of American heroes. Within this context a slogan that declared that the War of 1812 had been fought for principles linked to the American Revolution retained a resonance that lasted into the 1840s. For common folk, although at times they could use "free trade and sailors' rights" in self-mocking humor, the phrase continued to be significant after the War of 1812. But within a decade the original meaning weakened as Porter's motto appeared in many contexts, from change bills to advertisements. Politicians of all stripes could push and pull the slogan in all kinds of directions, including, in an amazing contradiction of terms, using it in

defense of tariffs. However stretched and however misused, even in the 1840s the phrase retained some resonance and meaning as an assertion of something that Americans should strive for – the idea that commerce should be unrestricted and, perhaps more importantly, that all men had rights that needed to be protected. Without fully understanding free trade and sailors' rights, we cannot understand the War of 1812 or the legacy of the American Revolution.