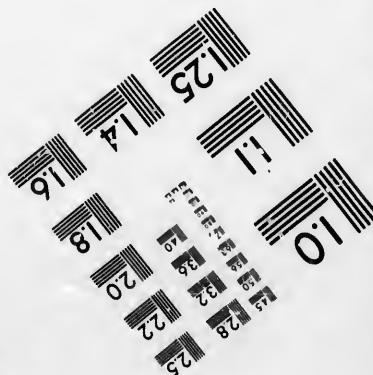
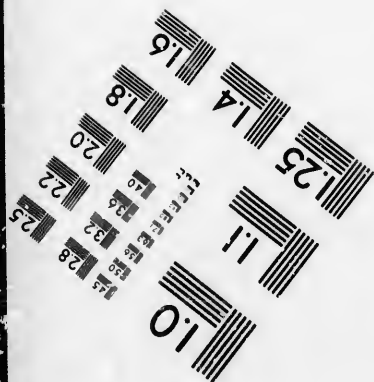
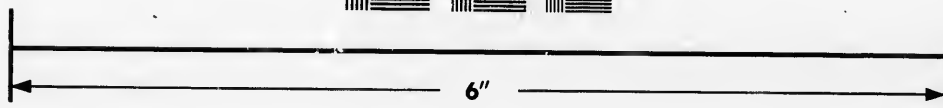
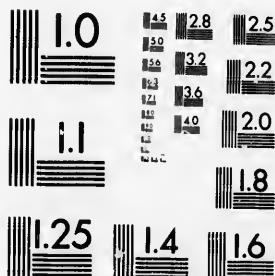


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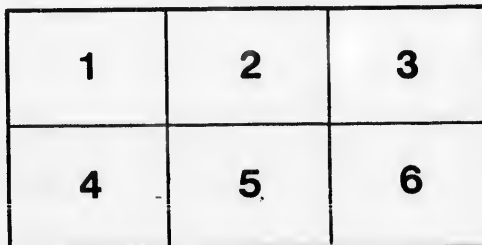
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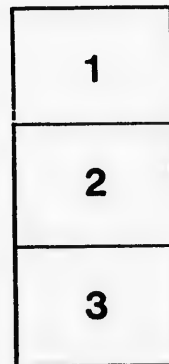
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Mr. PICKERING'S SPEECH,  
IN THE SENATE,

DECEMBER 21, 1808.

*On the Bill making further provision for enforcing  
the Embargo.*

MR. PRESIDENT,

THE legal, the constitutional, and the commercial objections to the bill under consideration, have been stated by the gentleman from Connecticut, and my colleague; and enforced by reasons which to me appear irresistible. But if their statements were as incorrect as they are true; if their reasoning were as doubtful as it is irrefragable; and if the rigorous provisions of the bill were carried into execution...not by the marshal aided by the *posse comitatus* or *militia*, according to former safe and wholesome usages, but by the *standing army*, by the *regular troops*, who, as despotism seems now advancing with rapid strides, may soon become the *Pratorian Guards* of the palace...If, I say, the provisions of this bill should be perfectly executed, and the embargo be rendered "complete"...The question, the important question, still recurs...What good will it do our country? How will it promote the public welfare? Shall I be again told, what originated at the palace, and has been a thousand times repeated by its supporters, that it has saved our seamen, our vessels and our merchandise? When every man who will open his eyes must see that the position is unfounded; and that when assigned as the motive for laying the embargo, has been demonstrated to be a delusion?—Yes, Sir, it is still insisted on, that if our vessels were permitted to go out, they would all be swept from the ocean! I am astonished at the confidence with which gentlemen laying high claims to information and discernment, continue to make this assertion.

On a former day, by exhibiting lists of vessels which had been safely sailing on the high seas, and the moderate rates of insurance, I demonstrated that the danger so much talked of was fictitious...that it did not exist. I recollect that the gentleman from Virginia (Mr. Giles) has since suggested, that the calculations of my mercantile friend (Mr. Thorndike) of the rates of insurance, must be incorrect; that now insurances were low, because "the French have no inducements to send out privateers to depredate upon our commerce, as long as the embargo restrains it within our ports." To say nothing of the multitude of English merchant vessels, sufficient to excite French cupidity and lust for plunder, I will observe, that my mercantile friend possesses as acute native discernment as the gentleman from Virginia, and in mercantile know-

ledge is most unquestionably his superiour. My friend's calculations do not *look back* ; they are *prospective* ; formed on the risks to be run, if the embargo be removed and the sails of our merchant vessels be again spread on the sea.

But as the gentleman alike disregards such calculations, and the evidence of facts appearing at several insurance offices (and among men of plain, practical understanding, these would be resorted to as sources of correct information) seeing, I say, the gentleman from Virginia is not satisfied with this testimony, why did he not advert to an authority which he holds in the highest respect, the authority of the President and Secretary of State ? They have said, that Bonaparte's Berlin decree was an "empty menace," and that *France was without the means of carrying it into effect against the rights and obligations of neutral nations*. But this also the gentleman passes by. Let me then mention one more statement.

In the message at the opening of the present session of Congress, the President informed us, that his ministers in London and Paris had been instructed to explain to the respective governments his disposition to exercise his power of *suspending the embargo laws*, in such manner as to open the way to a renewal of commercial intercourse...but that neither government had accepted his offer. The instructions to his minister in Paris, the President says, were necessarily modified...but how he did not say ; and from the obscurity of his language it would be impossible to divine. By looking, however, to the correspondence between Mr. Madison and General Armstrong, perhaps we may discover the boon or boons offered to France, on condition of the Emperor's repealing his decrees. Mr. Madison says, that if France should revoke her decrees, Great-Britain, by following the example, would be obliged to restore to France the full benefit of neutral trade ; or, by persevering in her orders, "render collisions with the United States inevitable." And General Armstrong says in the like case, that "it may be fairly presumed the United States could no longer hesitate about becoming a party to the war against England." He adds, that if Great-Britain should not obstruct our trade, the wants of France and her colonies would be supplied...If Great-Britain should obstruct the trade, "the wishes of his majesty [the French emperor] as expressed in February last, would be directly promoted."...What were the wishes so expressed ?—No communication of the French government to the American minister, exhibiting those wishes, has been laid before Congress. In the mass of other information communicated, has so important a document been accidentally overlooked ?

With regard to the other belligerent, the President speaks a plain language. He says that to Great-Britain, "whose power on the ocean is so ascendant," it was stated explicitly, "that on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy...in case of his failure to rescind his decrees also." Indeed, Mr. President ! Let our ships loose from our wharves, let them take in rich cargoes, and sail for all the ports on the globe...except those of France and

her dependent states...when, according to the gentleman from Virginia, that temptation to plunder would fill the ocean with French privateers ! I will recite the gentleman's words..." The reason of the low insurance, is, that the French have no inducement to send out privateers, to depredate upon our commerce, as long as the embargo restrains it within our ports...raise the embargo, and the temptation to plunder would fill the ocean with privateers. The commerce would stand little chance to escape the plunderers." And yet the President, who professes so much solicitude for American seamen and American commerce, was willing, we have just seen, to suspend the embargo, and thereby expose our seamen, our vessels and merchandize, "these essential resources," and "with little chance to escape," to the plunder of French privateers, which would then fill the ocean !—Into such contradictions will mankind be plunged, when the real object in view does not admit of a fair and candid disclosure.

To recur to the question, what good will the embargo do? How will it promote the public welfare? That it is not necessary to preserve our seamen, our vessels and our merchandize, has been conclusively proved. Yet it is said that it must be continued, and if continued, that it must be enforced with all the arbitrary regulations and powers contained in the bill before us; and which have been so strikingly described by the gentlemen who have spoken before me, *in order to preserve our honour—"our national character, and national independence."*—In my apprehension this is incorrect. I see, sir, a constant effort to identify our administration with the nation, but they are essentially distinguishable. The errors of an administration may bring mischief upon and hazard the ruin of a nation. Witness, at this moment, the brave and generous Spaniards, who after suffering an age of depression, have been regenerated in a moment, as with an electric stroke, and nobly rising, are now breaking the chains forged for them, upon the head of their oppressor. Who that has a heart, who that has any sympathy for human sufferings... who that respects the rights of self-government, inherent in every nation—will not bid them God's speed? I would say, go on, noble and gallant Spaniards, and be the instruments of heaven to stay the ravages of the most ruthless tyrant that has scourged the European world, since the Roman Empire fell!

I was saying, sir, that a nation and its administration are essentially distinguishable. It is necessary now to distinguish them in our own country. How has it been brought into its present state of embarrassment? Has it been without the agency of its administration?... For a series of years, sir, illusions have been industriously spread among the people. To dissipate those illusions, so far as was in my power, I have exposed myself to the slanders and reproaches of the ignorant, the base, and the unprincipled. But I am not by such means to be discouraged. Hitherto my attention has been confined to the embargo. It is that which immediately brought the nation into its present deplorable situation; and the only way to escape from it is, by making the distinction to which I have alluded. And I say, sir, that while in the nature of things it is impossible for the



embargo to vindicate the rights or the honor of the nation, its maintenance is deemed of the first importance to the administration, who have staked their reputation upon it. Hence the unvaried efforts of the administration and their partisans to impress the belief, that the British orders in council were the principal cause of the embargo. For they see that the documents originally laid before Congress as the cause, are utterly insufficient. But if those orders were the cause, the great, the primary cause, "before which all other motives sunk into insignificance," it would seem to follow that the embargo must be continued until these orders are revoked.... Hence, sir, it appeared to me of the last importance to shew that the British orders in council were *not* the cause of the embargo; and impartial observers think I have shewn it, by *proving* that when the embargo was recommended by the President, those orders were in this country unknown. But as some gentlemen persist in asserting the contrary, and on that ground advocate the continuance of the embargo, with the reinforcement of the bill on our tables, and that to be followed, I suppose, with a non-intercourse law; ...I must be permitted to adduce some further proofs.

We have been gravely told that the French Emperor's Berlin decree, declaring all the British Isles in a state of blockade, could not be justified as a measure of retaliation against England, on account of her declaring in a state of blockade a certain extent of coast, the whole of which could not be invested and blockaded even by her powerful navy...because France had it not in her power to station a single ship before any one port in the British dominions: and that the Milan decree of 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, "since those orders, which have not certainly been acquiesced in, *were not even known in America at the date of the decree.*" Now gentlemen will be pleased to recollect, that the French Emperor's decree of Milan bears date on the 17th of December, 1807; and that on the very next morning, December 18th, came the President's message to both Houses of Congress, recommending the laying of an embargo.

Now, if the British orders were unknown in America on the 17th of December, what man of common sense will believe that the plan for imposing the embargo (a plan fraught with such extensive and terrible consequences) recommended by the President in the morning of the 18th, had for its basis the British orders in council, which were not known in America on the next preceding day? As I observed on a former occasion, even *four days* (the time which intervened between the arrival of the dispatches from France, by the *Revenge*, and the 18th of December, when the embargo was recommended) "gave little enough time to digest and mature such a plan. I now add, sir, that *that plan*, as far as it then went (and more was not then practicable) was conformable to the views and wishes of the French Emperor. I say further, sir, that should the strong bill now on our tables become a law, we shall have advanced one large stride further towards such conformity; and that when we concur in one other measure, a resolution for a *total non-inter-*

course with Great Britain, which was adopted last Saturday evening in the other House, we shall then have acted in complete conformity with the views and wishes of the French Emperor, as they are supposed to have existed at the time the embargo was laid. We shall then have shut all our ports against the entrance of British ships and British merchandize; just as the unfortunate and submissive nations of Europe, who are within the reach of his arm, had previously shut their ports. I do not say, sir, that it was in obedience to a requisition of the French Emperor, that the President recommended the embargo; but the facts I have adduced shew, that the embargo, with its various reinforcements, up to the non-intercourse now in embryo, happens to be in exact conformity with the views and wishes of the French Emperor, as they are supposed to have existed a year ago. But it seems that this will not now satisfy the emperor. We have been too tardy in our movements. A non-intercourse with G. Britain, twelve months ago, might have appeased him. Now we can no longer remain neutral. Now we must be his allies or his enemies. To the offer to suspend the embargo, if he would repeal his decrees, he has not even deigned to give an answer.

With respect to Great-Britain, the overture to suspend the embargo, on condition that the orders in council were revoked, has been answered. She maintains her original position, that the orders in council were purely retaliatory for the French Berlin decree; which she says "was the commencement of an attempt, not merely to check and impair the prosperity of G. Britain; but utterly to annihilate her political existence, through the ruin of her commercial prosperity...that in this attempt almost all the powers of the European continent have been compelled, more or less, to co-operate; and that the American embargo, though most assuredly not intended to that end (for America can have no real interest in the subversion of the British power.....) but by some fortunate occurrence of circumstances, without any hostile intention, the American embargo did come in aid of the blockade of the European continent, precisely at the very moment when, if that blockade could have succeeded at all, the interposition of the American government would most effectually have contributed to its success."

"To this universal combination (continues Mr. Canning) his Majesty has opposed a temperate, but a determined retaliation upon the enemy...trusting that a firm resistance would defeat his project...but knowing that the smallest concession would infallibly encourage a perseverance in it."

If the embargo was designed, as professed, why did our government declare a blockade against the British dominions by land as well as by sea? Neither seamen nor property could be exposed to capture by continuing the trade which had been advantageously carried on by land with the British colonies bordering on the U. States. The people of Vermont, particularly, had been accustomed, ever since the peace of 1783, to exchange their productions with the British subjects in Canada, for salt and other articles of merchandize. Yet even this beneficial trade has been prohibited by the embargo acts; and bloodshed and death have been the consequence. Simi-

lar tragic scenes have been acted in the district of Maine. Does not the rigorous prohibition of this *land* commerce alone demonstrate that other views than have ever been officially avowed really dictated the embargo? Lately we find that in Holland (a country governed by a brother of the French emperor, and absolutely under his controul) the necessities of the people for the supplies usually obtained from England, having caused evasions of the Emperor's strict decrees of blockade.. additional provisions have been made; and the breaches of those decrees are henceforward to be punished with death. With similar pace, the U. States are advancing...and by the bill before us, the embargo is to be enforced by additional regulations and penalties of unexampled rigour, and hostile to the mild spirit of American laws; and which, though not in words prescribing the punishment of death, will infallibly have that issue.

Among the reasons assigned for persevering in the embargo, are, "the present unsettled state of the world, the extraordinary situation in which the U. States are placed, and the necessity, if war be resorted to, of making it at the same time against both the belligerent nations, and these the two most powerful in the world:" and under these circumstances, a principle of justice forbade our choosing our adversary! Must not such sentiments expose us to derision? Two nations have injured us...and we should violate the principles of justice, if, to obtain satisfaction, we attacked one without at the same time attacking the other! If we would descend from the airy regions of *philosophy*, and stand on the ground of plain common sense, we should see this embarrassment which apparently overwhelms the administration, to be a mere dream. Sir, if a man travelling on the highway should meet two stout fellow travellers, and be alternately insulted and attacked by both and he at the same time perceived that they were enemies to each other; what would he do? Stand still, and be kicked and wounded by both? or co-operate with one, at least so far as was necessary to avenge his wrongs, and to provide for his own defence and security against the other? This course is so simple and obvious that even school-boys (who also have their quarrels) could not miss it. But if while, in this way, avenging the wrongs done by one adversary he, in effect disarmed the other, and made him his friend; and had, moreover, a fair prospect of inducing him to make satisfaction for the injuries he had committed; how could he hesitate to adopt it?

But we have been advised by the gentleman from Virginia (Mr. Giles) *to wait a little longer*, "to wait events in Europe, now in a state of rapid succession." Yes, sir, wait until we see whether Bonaparte overwhelms the Spanish nation: and if heaven permits this sad catastrophe...what then? Are we to join his arms, and by conquering Canada and Nova-Scotia, prepare those countries with no other for a new master? and hasten the glorious period when to the lofty titles of Emperor of France and King of Italy, and Protector of the Confederation of the Rhine, shall be added that of Emperor of the Two AMERICA'S? That, sir, will be the natural course of things, if, as some have wished, the British navy were destroyed.

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In the short interval of peace in 1802, Bonaparte, in a few months, sent forty thousand soldiers to subdue the negroes of St. Domingo. The climate subdued his soldiers...and St. Domingo continues independent. But the United States present a very different theatre.... French soldiers would here be as healthy as our own. And if with the ships suddenly furnished in France and Holland, Bonaparte at once transported forty thousand men to St. Domingo, what numbers could he not send to the United States in the thousands of British ships, were they also at his command?

It is intimated, sir, that the observations I have made, though proper on a question for repealing the acts laying the embargo, are irrelevant on the bill now before us: But to me they appear perfectly applicable in both cases: for if they go to show that the embargo ought never to have been imposed, they must avail, in like manner, against enforcing its execution: and therefore, I have adduced them.



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