Chapter One

Introduction

Pietro S. Nivola and Peter J. Kastor

With no consensus of the two political parties, the government of the United States decides to go to war. The war of choice is waged on the assumption that it will be brief and decisive. There is little advance planning for how to pay for—and prevail in—an unexpectedly protracted and complicated military operation. Moreover, the war aims are not stable. They become ambitious. When the main casus belli recedes, others move to the fore. An invasion of a foreign country is attempted, and it is presumed that American soldiers will be greeted as liberators. Nasty surprises abound. Not only does discord grow in Congress, the executive suffers from factionalism, infighting, and, in some bureaus, gross incompetence.

The war drags on. The upshot is, in reality, a stalemate—or at least an anticlimax—even though the president declares the mission accomplished. Historians will continue to wonder whether it was necessary and exactly what it accomplished.

That scenario may sound familiar. Iraq comes to mind. America's intervention there was controversial, unpaid for (at least through additional taxes instead of debt), and beset by unintended developments. It slogged on much longer than predicted. The stated goal of the expedition was to eliminate Saddam Hussein's weapons of mass destruction, but when the existence of those weapons could not be confirmed, U.S. troops were ordered to invade the country anyway. Other objectives (first removing a regime, then stabilizing its replacement) now took precedence. Yet many Iraqis did not welcome their liberators, who were surprised by the anti-American reaction and

the tenacity of the insurgent movement that followed. It remains unclear whether the costly U.S. effort in Iraq will have paid off.

But the general description in the opening sentences above is also a serviceable characterization of an earlier armed conflict—one that took place a couple of centuries ago and that most Americans now recall dimly, if at all: the War of 1812. Two centuries after it began, few Americans know much about the war; indeed, its bicentennial observance has gotten more attention in Canada than in the United States. Americans might recall that the national anthem was written during the War of 1812, or perhaps that the British invaded and burned much of the nation's capital, or that Andrew Jackson led American troops to victory at New Orleans. But the causes and outcomes of the war have generally faded from memory. In its own time, however, the War of 1812, which followed nearly a generation of strife with foreign powers in North America, was a momentous event. It marked the first time that the United States made a formal declaration of war, and that dramatic step influenced the way that a generation of Americans conceived of their country and its role in the world.

The War of 1812 had multiple roots, but first and foremost among them were the commercial disputes between the United States and Great Britain. In addition to imposing restrictions on American trade (a primary concern of U.S. policymakers), the British government, in a practice known as impressment, had continued to force sailors on American merchant ships to serve on warships of the Royal Navy. In 1812, the United States took up arms against Great Britain hoping that a military campaign on the Canadian border would force a change in British policy. In two years of bloody, mostly chaotic warfare, neither side triumphed. The conflict stretched far and wide, on both land and sea. American, British, and Indian forces clashed not only along the border with Canada but also in the Mississippi Valley, on the Gulf Coast, and in the Mid-Atlantic states.

Meanwhile, the fledgling U.S. Navy sought to take the fight to the British on the Great Lakes, the Atlantic and Pacific oceans, and even the waters surrounding the British Isles. The British responded by deploying a large fleet to blockade the Eastern seaboard and eventually to launch the amphibious invasions near Washington and New Orleans. It was from one of those British ships that an American prisoner, Francis Scott Key, observed the bombardment of Fort McHenry, which guarded Baltimore's harbor. Inspired by the tenacity of the U.S. defenders, Key wrote the poem that became the "The Star-Spangled Banner."

When the fighting came to an end in 1815, both sides were exhausted, and it was hard to tell what, if anything, had been achieved. In time, however, it became evident that America's place in the world had changed. Although Britain retained its hold on Canada, the British government gradually abandoned its most objectionable trade policies. During the war, the Indians in the North had formed an effective alliance with the British. The fight in parts of the South and in the West took a different turn. There, the Americans routed the Indians and promptly took over their lands.

If the war had no clear winner in 1815, it nonetheless would reshape Anglo-American relations. Britain and the United States moved past the antagonisms that had gripped them since 1776. Meanwhile, American domestic politics also underwent a transformation. In sum, the war's imprimatur was significant.

For the bicentennial of that formative yet rather opaque episode in American history, the Brookings Institution, in collaboration with the Center for the Constitution at James Madison's Montpelier and with Washington University in St. Louis, assembled a group of scholars to explore a basic question of continuing relevance: What, from a modern perspective, did the country learn—or perhaps not learn—from the experience of 1812–15? This book is the fruit of our commemorative research project.

The book, including this introduction, has six chapters. Chapter 2, by Pietro S. Nivola, a senior fellow at Brookings, reviews the causes and the course of the War of 1812. The chapter pays particular attention to a curious parallel between American politics in the early nineteenth century and those today: the existence of a deep divide between the two major political parties and the tendency of each side to say, in effect, "My way or the highway." The pro-war partisans in 1812—the Republicans, as they were called in that era—forged ahead on their own, mostly with contempt for the opposition, the Federalists. The opposing camps were poles apart ideologically. Much as the two major political parties do today, the parties then held "different visions for the country." Those plain words happen to be those of House Speaker John Boehner, spoken not long ago, but the same words would befit just as easily the political rivals of two centuries ago.[1]

Not unlike the Republican Party of 2012, for example, the Republican Party two hundred years ago was determined to minimize the powers of the central government, especially its ability to collect new tax revenues. Then as now, partisan disagreements put the nation's financial stability at risk—and

with it, the maintenance of essential public goods, such as armed forces that have the resources required to perform their assigned missions.

In some ways, therefore, the United States could be said to have learned less over the long term than perhaps it should have from the ordeal of 1812–1815. Be that as it may, the positions of the political parties were substantially upended following the war. Difficult as it may be for many observers of our polarized politics today to anticipate a transformative shift in the current political alignment, it could—indeed, in time, will—happen again. Revisiting the past circa 1812 serves as a useful reminder, even as reassurance, that the status quo is not permanent.

The third chapter of the book, written by Stephen Budiansky, the author of *Perilous Fight: America's War with Britain on the High Seas, 1812–1815,* addresses the war's consequences for the U.S. military, mainly in the immediate wake of the war but also, in a general way, over the longer haul. America had gone to war ill-prepared and paid a price for its negligence. Battlefield losses—6,765 casualties—were light in comparison with those in subsequent conflicts, such as the Civil War, but the seemingly modest figure does not tell the full story. An estimated 17,000 additional deaths resulted from disease, exposure, and other noncombat causes, a substantial share of which could be attributed to the fact that the campaign was badly organized.[2] For a young country with a small population engaged in an altercation that only lasted two and a half years, the toll was significant. (The American casualty count in Iraq—4,409 troops killed and 31,928 wounded—was for a war that spanned eight years.) The harm, much of it quite unnecessary and humiliating, proved severe enough to alter attitudes about national defense, albeit in fits and starts. At least political resistance to a standing army and navy diminished.

Gradually, both services became robust institutions, but the navy got a bigger boost from the war. For, as Budiansky shows, America's little flotilla in 1812–15 had not only earned the public's respect with feats in several valiant encounters with British warships but also had mounted effective raids on British merchant shipping, thereby at least marginally tipping the scales in an otherwise lopsided contest. To this day, the U.S. Navy owes some of its stature to how it proved its mettle during the War of 1812.

Chapter 4, by Alan Taylor, a professor of history at the University of California, Davis, addresses a cultural legacy of the war. The war is widely thought to have roused a collective patriotic spirit and, in the end, created a sense of nationhood. In the immediate aftermath of the war, that did appear to be

one of its effects. At the conclusion of the struggle, James Monroe assured the Senate that "our Union has gained strength" and our nation built "character." He was right, to a point. Symbols of the nation's identity—including, as we have noted, verses of what was to become the country's anthem—emerged from the lore of 1812.

But beneath the surface, the war years also opened regional fissures that, in time, would cause disunity. Taylor delves into this less-noted implication. The postwar period, commonly known as the "era of good feelings," harbored some enduring resentments. Taylor describes what he calls the emergence of competing nationalisms: a Southern variant and a Northern one. The war had left states such as Virginia embittered at New England's wartime reluctance to enter the fray and especially to dispatch troops elsewhere for the common defense. Meanwhile, many Northerners chafed at being asked to join a war that they deemed unjust and unnecessary and that they suspected of serving as a pretext for achieving other aspirations, such as ousting Indians from coveted lands, preserving or expanding slave-holding territories, and shoring up political support for the Republicans at the expense of the Federalists. The War of 1812, in short, may have buoyed nationalistic sentiments for a brief while, but it then exposed fault lines that would disrupt the process of nation building for decades to come. A lesson that citizens today might take away from this history is quite simple: Beware of starting wars that can ultimately divide the country, for the damaging rifts that they create may take a long time to repair.

In chapter 5, two Brookings scholars, Benjamin Wittes and Ritika Singh, take up an unexamined feature of the War of 1812: the president's unique forbearance toward antiwar dissent, even when some of it became so vehement as to verge on treason. In striking contrast to virtually every subsequent commander in chief—and to John Adams, the Federalist signatory of the punitive Alien and Sedition Acts of 1798—James Madison declined to restrict civil liberties in wartime. The war was one of the most unpopular this country has ever fought.[3] Although Madison was distressed by the intense opposition, he also was resigned to it. Unwilling or perhaps unable to repress the dissenters, he let their resistance grow—culminating in the antiwar movement's notorious Hartford Convention, which called not only for an immediate halt to hostilities but also for far-reaching revisions of the Constitution.

Juxtaposed with what happened in later wars, Madison's remarkably restrained exercise of executive war powers can seem eccentric. Abraham

Lincoln would suspend habeas corpus during the Civil War. Woodrow Wilson cracked down harshly on dissidents during World War I. Franklin D, Roosevelt authorized the "internment" of tens of thousands of American citizens during World War II. Waging a war on terror, the administrations of George W. Bush and Barack Obama reserved the option of detaining in military custody anyone, including U.S. nationals, who was suspected of being an enemy combatant. Madison took no such actions. Why?

To an extent, Wittes and Singh conclude, Madison may have been motivated by pragmatic considerations. With the country already profoundly torn by the war, attempts to suppress his opponents may have seemed, if not infeasible, politically counterproductive. An added backlash might work to the advantage of his nemesis, the Federalist Party, thereby imperiling an important underlying purpose of his war policy—to rehabilitate the tenuous credibility and reputation of republicanism. But above all, the authors argue, the president simply held strong constitutional scruples regarding the limits of executive power.

Ironically, looking back over two centuries of often imperious presidencies in national emergencies, Madison's principled restraint during the War of 1812 may have been ahead of its time. Surely, aspects of his civil-libertarian style now seem closer to today's norms than, say, President Roosevelt's draconian decision to forcibly relocate and incarcerate about 80,000 Japanese Americans in 1942.

In chapter 6, the final chapter, Peter J. Kastor, a history professor at Washington University in St. Louis, considers the ways that the unique regime that emerged in 1789 informed the prosecution of the War of 1812. The constitutional order that James Madison had played a leading role in framing was a federated structure, vesting authority in a central government with separated powers and also in sovereign states. A political system with these two-tiered checks and balances was bound to tie the president's hands, particularly in the regime's formative years, long before the executive's war-making capacity evolved into the potent presidential prerogative that it is now. National military plans, for example, were heavily dependent on the mobilization of state militias. Uncooperative state governors or legislatures would complicate military strategy. Throughout the war, some key state governments brazenly boycotted the Madison administration's war plans. Others exerted influence less directly, through Congress, where local interests were extensively represented and where the president's requests for essential resources

were frequently frustrated. Still, Kastor argues, in certain instances "federalism" (his preferred term for what political scientists refer to more broadly as the Madisonian system) measured up to the task.

In the West, a combination of forces, some national, others local, enabled the United States to score several battlefield successes. Territorial governance, which placed large areas of land under direct federal control, meant that much of the West was less subject to the errant activities of the states, making it easier to conduct military operations there. At the same time, whereas state and local decisions often interfered with the Madison administration's war effort elsewhere, they aided it in parts of the West, where state governments were especially eager to vanquish the region's Indians. The important gains of Andrew Jackson in the Southwest, for instance, had less to do with military maneuvers orchestrated in Washington than with the initiative of state units like Jackson's Tennessee volunteers. A diverse assortment of local folk, not just federal regulars, rallied to the defense of New Orleans.

In sum, America's decentralized government institutions encumbered the war effort but at important junctures also met some of its challenges. In the end, the complex federal polity that the founders had pieced together proved resilient and endured. Citizens given to lamenting the state of present-day American politics, featuring a government that is supposedly "gridlocked" and "dysfunctional," would do well to recall that the nation has weathered far greater crises in the past.

Notes

1. Boehner was explaining the collapse of an historic bipartisan compromise that would have righted the nation's fiscal imbalance. Quoted in Jackie Calmes and Carl Hulse, "Debt Ceiling Talks Collapse as Boehner Walks Out," *New York Times*, July 22, 2011.

2. Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (University of Illinois Press, 1989), pp. 302–03.

3. Hickey, *War of 1812*, p. 255.