

JEFFERSON, THE BARBARY REGENCIES,
AND REGIME CHANGE: THE ATTRACTION AND
LIMITS OF LIMITED LIABILITY

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For the first few decades of its existence as an independent nation, the United States faced a threat to its commercial interests in the Mediterranean and eastern Atlantic from the Barbary “pirates” – popularly known as corsairs – who sailed under the auspices of four Islamic polities on the North African coast (Tripoli, Tunis, Algiers and Morocco). For centuries the corsairs had seized merchant vessels whose nation of origin had not purchased protection from the Barbary rulers. They enslaved their crews until ransomed. From 1801-1805 the United States waged a political-military campaign to compel Tripoli to cease its depredations against American ships while simultaneously dissuading the other polities from joining the conflict.¹

This Working Paper on Regime Change will examine American policy toward the Barbary states at the turn of the 19th century. To a first order, Americans debated whether their national interest in the Mediterranean was best achieved either through a policy of accommodation of the Barbary rulers, based on an economic cost-benefit calculation and a sense of relative strategic priorities; or through a more assertive policy designed to change the behavior of those rulers by the application of an appropriate mix of threats and incentives.

To the extent that the United States sought an enduring and fundamental change in the use of corsairs, it also threatened (or promised, depending on one’s point of view) to alter the entire way of life on the Barbary coast. At the extreme, the United States had the option of attempting to enforce a change of behavior by overthrowing the existing rulers and replacing them with friendly or compliant individuals or regimes.

Thomas Jefferson became the central figure in this debate. As a diplomat, he favored strongly the change-of-behavior alternative through a form of international containment of the corsair threat that would lead to a more pacific existence for the Barbary peoples. As president, he came to embrace a policy towards Barbary (Tripoli in particular) in which, in the midst of war, the United States provided enough support to the domestic opponents of a hostile ruler to make them self-sustaining and to create leverage for the United States over that ruler. Because that opposition faction proved unable to bring about regime change and rule in its own name, the United States was at liberty to follow its own interests and settle the dispute on the best available terms, even if it left the original ruler in place. The United States was obligated only to do its best to leave its former allies in a position no worse than when they began to cooperate.

This policy of limited liability, which seemed an attractive middle ground between the extremes of appeasement and imperialism, had its own problems and critics. By cooperating with the opponents of a hostile

¹ The author would like to acknowledge the research, editing, and production assistance of Steven Everley, Joshua Distel, and Benjamin Kunkel. An earlier version of this Working Paper on Regime Change was published in the journal *Comparative Strategy*.

foreign regime to gain tactical advantages over the current ruler, the United States created a sense of obligation from which it found difficult to disengage with honor. Senior American officials were tempted to rely on “plausible deniability” – that is, privately encouraging or turning a blind eye to local U.S. representatives who pushed beyond a policy of limited liability; while leaving Washington the option of disclaiming national responsibility later if things went bad. The United States thereby risked developing a negative reputation for fomenting revolution with promises of political or military support that did not materialize – a reputation that was bound to undermine the limited liability approach. Opposition factions could exploit the ambiguity of such a policy and promote their own popularity among individual U.S. government officials, Congress, and the American public, to their own particular advantage. Finally, rulers who the United States had once threatened in this fashion would likely foster a sense of grievance and avoid a long-term cooperative relationship.

Several points should be made about the selection of this particular case study. These North African Islamic regimes – usually referred to as regencies – fall somewhere between what we generally characterize today as “states” and “non-state actors.” Islamic notions of sovereignty and statehood and the relationship between religion and politics were different from those that had emerged in Europe under the Christian natural law tradition and the subsequent influence of the Enlightenment. The Islamic world did not have the equivalent of the Peace of Westphalia to define and legitimize regimes based upon the nation-state, or the American or French Revolution to set the standards for political self-determination. In a more practical sense, the Barbary rulers exercised various and often limited degrees of control over the

territories they claimed to control, especially the Berber (Moorish) and Arab peoples of the interior. One authority described Tripoli as “a loose polity held together, mainly by the personal authority of the Pasha.”² With the exception of Morocco, an independent kingdom,³ the regencies were still nominally part of the Ottoman Empire and the Sultan still had important influence in them.⁴ Turkish mercenary forces often became involved in their domestic affairs. Corsair captains or regional governors sometimes decided to undertake cruises against merchant ships without authority of the ruler – or at least without his explicit permission. The closest analogy to the regencies for Americans might have been Native American tribes or nations, with which the United States had diplomatic relations of sorts but which the U.S. government did consider as fully independent “states.”

I. The Barbary Threat

Some contemporary scholars and commentators have challenged the traditional American depiction of the Barbary threat and the U.S. claim of victory in the counter-piracy campaign. They point out that Christian nations for centuries had also enslaved Muslims captured during wartime, but without hope of ransom or release. They

² Kola Folayan, *Tripoli During the Reign of Yusuf Quaramanli* (Ile-Ife, Nigeria: University of Ife Press, 1979), p. 43.

³ To simplify matters, this text generally includes Morocco in the discussion of the “regencies.” American officials did not treat its sovereign status differently from that of Tripoli, Tunis and Algiers.

⁴ The precise relationship between the Porte and the various regencies is very much a matter of scholarly dispute. For an argument about the importance of the relationship in the case of Algiers, and recent review of the literature, see Tal Shuval, “The Ottoman Algerian Elite and its Ideology,” *International Journal of Middle East Studies* 32 (2000): 323-44.

contend that what the United States and the Europeans condemned as “piracy” was actually not dissimilar to privateering, a form of warfare sanctioned by the existing law of nations. During the wars of the French Revolution and the Napoleonic Wars, the regular navies and privateers of Britain and France seized hundreds of American merchant vessels, worth tens of millions of dollars. Britain impressed thousands of sailors from American ships. These losses vastly exceeded the rather paltry level of American commercial assets that the Barbary regencies seized over several decades (a dozen small vessels and a few hundred men). Further, European courts routinely made demands for presents and bribes from foreign diplomats, as Americans should have realized from the XYZ controversy with France that immediately preceded the outbreak of the Tripolitan War.⁵

Even granting these points, the conflict between the United States and the Barbary regencies, in the eyes of the participants, was qualitatively different from the conflicts between America and various European powers. Americans of the time thought that the Barbary regimes were based on a way of life fundamentally at odds with the United States and the rest of the civilized world. For U.S. officials like Thomas Jefferson, the law of nations, at best, only partly

covered the regencies. John Adams considered them merely “nests of banditti.”⁶

The Barbary corsairs had menaced European shipping and terrorized coastal communities for centuries. In the course of the 17th and 18th centuries, after the regencies obtained autonomous status from the Ottoman Empire, they entered into treaties with European nations, wherein individual Christian powers paid agreed-upon levels of tribute and presents in exchange for the safety of their merchant shipping. From time to time, one or more of the regencies would find pretext to declare war on a European power, capture its merchant vessels, and hold their crews for ransom. To protect its shipping the European state might convoy its ships or blockade or bombard the corsairs’ ports. At some point the belligerents would arrange for ransom and agree to a new treaty; the regencies would find a new victim; and the process would start over.

Americans like Benjamin Franklin wondered why the European nations, especially the British and French, put up with this game. The simple answer – attributed variously to Louis XIV and various British merchants – was that, “if Algiers did not exist, we would have to build it.” That is, the great European naval powers were more than happy to have the Barbary regencies keep in check their commercial rivals in the Mediterranean. Britain and France could easily afford to subsidize the regencies and stir them up against third parties – or to chastise them if they became too dangerous. The regencies, whose relative power in relation to the West, like that of the Islamic world as a whole, had been declining, existed in this tenuous niche. The regencies discovered that the tribute and

⁵ For contrasting discussions of the Barbary “pirates,” compare Ray W. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers, 1776-1816* (New York: Russell and Russell, 1910); pp. 1-19, and Gardner W. Allen, *Our Navy and the Barbary Corsairs* (Boston: Houghton, Mifflin and Company, 1905), pp. 1-2; with Syed Z. Abedin, *In Defense of Freedom: America’s First Foreign War, A New Look at U.S.-Barbary Relations, 1776-1816*, PhD. Dissertation, University of Pennsylvania, 1974, pp. xxxiv-xxxviii, 14-45; and Daniel Panzac, *Barbary Corsairs: The End of a Legend, 1800-1820* (Leiden and Boston: Brill, 2005), pp. 1-43.

⁶ John Adams to Thomas Jefferson, 31 July 1786, Lester D. Cappon, ed., *The Adams-Jefferson Letters* (Chapel Hill: University of North Carolina Press, 1959), p. 146.

presents, together with their own privately conducted commerce, was considerably more lucrative than the booty and slaves their corsairs might bring home. As a result, the regencies had strong incentives for peace as well as war. The regents walked a fine line. They had to threaten European commerce enough to keep the tribute coming but not so much as to trigger overwhelming military reprisals. The rulers of the regencies also relied on corsair operations to maintain domestic stability and preserve their own rule. One American diplomatic was told by the Dey of Algiers: “If I were to make peace with everybody, what should I do with my corsairs? What should I do with my soldiers? They would take off my head for want of other prizes, not being able to live upon their miserable allowances.”⁷

The regencies’ justification for the corsair activities was also tied to their sense of identity as Islamic polities. As one authority described the rationale for the campaigns:

It had an effective part of the economic activity of the region, involving, directly or indirectly, a considerable segment of the population; it had a strong influence on the diplomatic orientation of the leaders, and provided a justification for the very existence of these states; the corsairs were the heroes of Dar el-Islam (land of Islam), and fought its enemies in the Dar el-Harb (land of war, land of infidels). Those involved in the corsair activities participated in this double role: on the one hand, they exercised an essential socio-economic activity,

and on the other, they carried out an important religious mission.⁸

The Barbary regencies were distinct entities, with different histories, ethnic elites, and economic profiles. Although they tended to associate with each other when it came to dealing with the Christian powers, they were otherwise often at odds with each other. For instance, Tunis and Algiers, the most powerful of the four entities, were long-time rivals. During this period, the Bey of Tunis provided support or safe haven for Tripolitan opposition leaders, including (at different times) the two warring Karamanlis brothers.

II. The U.S. Experience, 1775-1801

Prior to the outbreak of the American Revolution, colonial merchant shipping enjoyed the protection against Mediterranean piracy afforded by the British flag. The newly-constituted United States, however, found its commerce exposed to attacks by the corsairs. The American Congress initially attempted to persuade other European powers, notably its new ally, France, to extend their protection. France did agree to employ its good offices to assist the United States with the Barbary regencies but Foreign Minister Vergennes informed American diplomats that Versailles would not force the corsairs respect U.S. shipping. The Netherlands took the same attitude in its commercial treaty with the United States. British hostility to any post-war rapprochement with America reinforced London’s long-standing attitude about the strategic value of the regencies. Lord Sheffield, in his highly influential 1783 pamphlet, wrote: “It is not probable that the American States will have a very free trade in the Medi-

⁷ Cited by Allen, *Our Navy and the Barbary Corsairs*, pp. 51-2.

⁸ Panzac, *Barbary Corsairs: The End of a Legend*, pp. 56-7.

terranean; it will not be the interest of any of the great maritime powers to protect them from the Barbary States. If they knew their interests, they will not encourage the Americans to be carriers – that the Barbary States are advantageous to the maritime powers is obvious.”⁹

The actual and potential value of the American trade held at risk by the Barbary regencies was always a matter of debate. Jefferson calculated that a reasonable baseline was the amount of trade between the colonies and Mediterranean ports before the American Declaration of Independence (subsequent trade was interrupted or distorted by the Revolution, the lack of treaty arrangements, and later the Quasi-War with France). Jefferson believed this figure to be “about one Sixth of the Wheat and Flour exported from the United States, and about One Fourth in Value of their dried and picked Fish, and some Rice...that the Commerce loaded outwards from Eighty to one hundred Ships, annually, of Twenty thousand Tons, navigated by about Twelve Hundred Seamen.” More than that, for Jefferson and other American officials, the Mediterranean trade offered a major alternative outlet for commerce, as they sought to wean American merchants, financiers and shippers away from English-oriented trade. In that sense, the Mediterranean represented an object for Americans something like the (supposedly) untapped China market of the 19th and 20th centuries, the future center of commerce.¹⁰

⁹ Cited by Allen, *Our Navy and the Barbary Corsairs*, p. 26. See also Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 106.

¹⁰ Thomas Jefferson, Report on American Trade in the Mediterranean, 28 December 1790, Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950-), vol. 18: 423; and preceding Editorial Note. Hereafter referred to as *PTJ*.

In 1784-1785, the U.S. Confederation Congress sought to supplement its appeals to European states for their intervention against the corsairs with a plan to negotiate treaties directly with the regencies. Congress authorized \$80,000 for that purpose.¹¹ To help them set specific negotiating objectives, the principal American diplomats in Europe, Thomas Jefferson and John Adams, studied agreements in place between the Barbary regencies and various European powers. The Americans approached the French government for assistance in dealing with Morocco, which had seized but then released an American vessel as a means of prompting negotiations with the new republic. The French Minister of Marine offered the opinion that a treaty would likely be very expensive – certainly much more than authorized by Congress – but that without such contributions the United States could not expect to maintain peace. He thought, however, that if the United States could settle its affairs with Morocco and Algiers, the other two regencies, Tunis and Tripoli “would easily follow their example, and certainly at less expense.” This was apparently the beginning of the view, long held by American officials, that a U.S. treaty relationship with one of the Barbary regencies would provide leverage to deal with others. An American agent, Thomas Barclay, reached a surprisingly liberal agreement with the Moroccan Emperor in June 1786. It included no stipulation for presents or tribute; and an agreement that in case of war neither country would enslave their captives but would exchange them within one year of their capture. The Emperor also agreed to

¹¹ Payments in Western treaties with the Barbary States were typically dominated in Spanish dollars; but Congressional and U.S. government documents usually do not make clear to which sort of “dollars” they are referring. To avoid confusion I have used the figure given by U.S. officials. They do indicate the order of magnitude of the transaction.

send letters to Constantinople, Tunis, and Algiers, encouraging those entities to conclude treaties with the United States.¹²

The initial round of American negotiations with the three Barbary regencies was not nearly as successful. The resources allotted by Congress were wholly inadequate to establish treaties. Algiers, the most powerful of the regencies, became the major problem when it attacked American shipping in the mid-1780s and its corsairs captured and held for ransom 21 Americans. When approached by American agents about a settlement, the Dey of Algiers refused to negotiate a general treaty of peace and set a price of approximately \$60,000 for the captives, which was well above what the U.S. Congress was willing to pay (roughly \$4,200). The United States explored the possibility of securing a treaty with Algiers by forming a prior arrangement with the Ottoman Porte – the nominal sovereign of the Algiers – but French and Spanish officials discouraged the United States from exploring this path. Vergennes told Jefferson that any attempt to purchase Constantinople’s support would require far greater funds than the United States possessed. In any event the Turks did not have sufficient leverage over Algiers. “The only two agents at Algiers are money and fear,” Vergennes insisted. Jefferson and Adams also found Tripoli’s asking price for a treaty to be far too high.¹³

The financial and political weakness of the American confederation during the 1780s meant that few diplomatic resources were available to Adams and Jefferson. There was no money and no navy. In light of this discouraging situation, the two

diplomats debated the proper course for the United States: tribute or force. Their debate is of considerable interest because it bounded the set of policy options available to the United States; and because it set Jefferson’s mind in the particular direction that he would later pursue as President.

Adams, although a staunch nationalist and advocate of U.S. naval power, favored paying tribute, at least while the United States remained in a weakened condition. “If it [peace] is not done, this war will cost us more millions of sterling money in a short time, besides the miserable depression of the reputation of the United States, the cruel embarrassment of all our commerce, and the intolerable burden of insurance, added to the crisis of our countrymen in captivity.” The increase on maritime insurance rates alone, Adams argued, would be larger than payments to the regencies. It was not good economy to sacrifice “a million annually to save one gift of two hundred thousand pounds.” The United States, Adams argued, did not have the means to coerce the regencies because of a basic asymmetry. Those powers had no substantial commerce that the United States could hold at risk even if it had a navy; while America could not easily protect its substantial merchant shipping. Since the major maritime powers of Europe tolerated or even encouraged piracy in the Mediterranean, the United States would always be the odd-power out if tried to oppose the regencies.¹⁴

As long as France, England, Holland, the Emperor, etc., will submit to be tributaries to these robbers, and even encourage them, to what purpose

¹² See text and citations, Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 26-9.

¹³ Vergennes cited by Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 44. This paragraph based on *ibid.*, Chapter 3.

¹⁴ Adams to John Jay, 17 February 1786, 20 February 1786, 22 February 1786, Charles Francis Adams, ed., *Works of John Adams* (Boston: Little, Brown, 1853), vol. 8: 372, 373, 379; Adams to Jefferson, 3 July 1786, *Letters of Adams and Jefferson*, p. 129; Allen, *Our Navy and the Barbary Corsairs*, p. 33.

will we make war upon them? The resolution might be heroic, but would not be wise. The contest would be equal, but we cannot hurt them in the smallest degree.... Unless it was possible, then, to persuade the great maritime powers of Europe to unite in suppression of those piracies, it would be very imprudent for us to entertain any thoughts of contending with them, and will only lay a foundation, by irritating their passions and increasing their insolence and their demands, for long and severe repentance.”¹⁵

Adams’ bottom line to Jefferson: “We ought not to fight them at all, unless we determine to fight them forever. The thought is, I fear, too rugged for our people to bear.”¹⁶

Jefferson disagreed. He insisted to his colleague that paying tribute to the regencies was dishonorable, whereas successful American military action would increase the standing of the United States with European powers. Jefferson studied successful French military actions in the Mediterranean and concluded that a small naval force and maritime blockade would rapidly bring the regencies to heel. Several decades earlier, for instance, France had brought Algiers to terms within three months, employing only “one large and two small frigates.” Jefferson thought that a league of second-tier naval powers, such as Portugal, Naples, Venice, Malta, Sweden and Denmark, joined by the United States, could easily constitute a blockading force of that size. Although it might not be cost-effective for any one such power to oppose

the regencies, such a combination would bring the expenses for each to a manageable level. The league would also address the odd-power out problem because, confronted by a collective security arrangement among the Christian states, the regencies would be left with no easy victims which to attack. “There is no barbarian power, thus confined, which would not sue for peace,” Jefferson argued. Jefferson believed that the regencies resorted to piracy not because of their Islamic character or their warrior culture but because they calculated that corsair operations provided a somewhat higher rate of return than peaceful commerce. He thought that cooperative military countermeasures by Western naval powers would easily tip that balance of self-interest in the other direction.

Jefferson did not favor the other principal tactic of the larger naval powers, that of bombarding the main ports of the regencies in order to coerce good behavior. “Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced the desired effect against the barbarians.” Nor was the blockade to be an end in itself. Jefferson envisioned coercing the regencies into a more normal, state-to-state relationship with the Christian nations – in essence, to alter their way of life and, indirectly, the character of their political regime. Once the regencies were cut off from the sea and denied easy prey by the anti-piracy league, Jefferson believed that they would “change their habits and characters from a predatory to an agricultural people.” To ensure deterrence, the cooperating powers would maintain a small force along the coast of North Africa under the direction of a multinational committee. Jefferson thought the United States, even with its limited resources, should be able to provide one frigate. He envisioned a campaign that would be directed first against Algiers and

¹⁵ Adams to John Jay, 15 December 1784, *Works of John Adams*, 8: 218.

¹⁶ Adams to Jefferson, 31 July 1786, *Letters of Adams and Jefferson*. p. 146

then extended, if necessary, to the other regencies.¹⁷

Jefferson's plan went nowhere. Spain, having just concluded an expensive treaty with Algiers (\$3,000,000), showed no interest. The evident coolness of Britain and France toward the enterprise discouraged the smaller naval powers. The Confederation Congress failed to authorize American participation.¹⁸ The United States during the 1780s had neither the resources nor the will to engage in successful diplomacy or military operations at such a distance and against such established practices.

The U.S.-Barbary Treaty Structure Emerges

The creation of a more powerful central government under the new U.S. Constitution offered new possibilities for dealing with the piratical threat to American commerce. The Washington administration decided initially to take the traditional route of negotiating with the regencies for peace and to defer the establishment of a regular U.S. Navy that could resist piracy.

Jefferson, however, had not given up entirely on the idea of resorting to military force. As Washington's Secretary of State, Jefferson submitted several reports to Congress in which he reintroduced the idea of an international blockade of Algiers. In 1792 John Paul Jones was appointed to negotiate with Algiers, in the hopes that the American revolutionary war hero's reputation as an aggressive naval commander would translate into diplomatic respect by the regencies. Jefferson instructed Jones to reject any payment of ransom that did not include a general treaty of peace. He was authorized to pay no more than \$25,000

annually in tribute or more than \$27,000 in ransom. The latter figure was held deliberately low so as not to encourage future hostage taking. Algiers was to receive payments in cash rather than maritime stores (this condition was later changed to permit one-time only provision of naval supplies). "We have also understood that peace might be bought cheaper with naval stores than with money," Jefferson wrote, "but we will not furnish them with naval stores, because we think it not right to furnish them with the means which we know they will employ to do wrong."¹⁹

Jones died before reaching Algiers and, in any case, the Dey refused to negotiate with any American agent. The outbreak of war between Britain and France in 1793 triggered a new wave of piracy, particularly after Britain brokered a truce between its ally Portugal and Algiers, which had the effect of allowing Algerine corsairs to enter into the Atlantic. Americans assumed that Britain arranged this truce – contrary to Lisbon's own wishes – in order to encourage the corsairs to prey on neutral U.S. commerce destined for France or French-controlled territory. The Algerines soon captured 11 American ships and approximately one hundred new captives. Maritime insurance rates rose from ten to thirty percent.²⁰

President Washington now recommended the creation of a regular U.S. naval force, specifically designed to deal with the Barbary threat. It was to consist of six frigates and ten smaller vessels, to be reduced when peace with Algiers was achieved. The establishment of the navy, however, provoked serious political opposition. Congressional critics of the President's

¹⁷ For the above two paragraphs, with citations, see the Editorial Note, *PTJ*, 10: 560-6.

¹⁸ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 48-9.

¹⁹ Jefferson to Jones, 1 June 1792, *PTJ*, 24: 3-10; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 56-7; Allen, *Our Navy and the Barbary Corsairs*, pp. 45-6.

²⁰ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 59-60.

plan warned that the British could subsidize the Algerines far cheaper than the United States could build and support a Navy suitable for service in the Mediterranean. U.S. naval patrols in the Mediterranean would likely provoke wars with the other regencies and create international complications with European nations. The Algerines would retaliate against the captured Americans if the United States showed a disposition to fight.²¹

Given this domestic opposition, the complications of an ongoing European war that threatened to embroil the United States, and the length of time it would take to build an effective naval force, the Washington administration decided not to neglect the diplomatic track. In July 1794, the administration authorized up to \$800,000 for peace and ransom – an order-of-magnitude increase over previous proposals – and abandoned much of the tough line that Jefferson had wanted to pursue (Jefferson had resigned office in December 1793). The Dey of Algiers responded with a counter-demand of nearly \$2.5 million. In 1795 American diplomats David Humphreys and Joel Barlow finally reached a treaty arrangement with Algiers. The settlement committed the United States to pay \$642,000 in cash and an annual tribute of \$21,600 in naval stores; along with informal promises to provide Algiers with a frigate and large consular presents. This was an extraordinary concession: the size of the entire federal budget was \$2.3 million in 1802 (a peacetime year). The settlement reflected a clear American strategy of giving priority to its relations with the Algiers – presumed to be the strongest of the Barbary rulers – and encouraging the Dey to lend his

good offices to settle affairs with the other two regencies. The frigate, named the *Crescent*, built in Portsmouth, New Hampshire, arrived in January 1798 bearing Richard O’Brien, the new consul to Algiers and Consul-General to all of Barbary, another clear indication of the relative importance that the United States accorded to Algiers.²²

The generous American settlement with Algiers – which amounted in total to nearly \$1,000,000 – alarmed the smaller European powers. “Denmark and Sweden complain heavily that we have...materially disturbed the economy with which they have immemorially managed their affairs with those regencies,” Rufus King, the American Minister to Britain, warned. The United States soon called on the Dey to carry out his part of the bargain in dealing with the other regencies. When the negotiations between Tunis and the United States stalled, the Dey threatened to compel Tunis to make peace. Through the agency of the French consul, Joseph Famin, the United States finally reached a treaty with Tunis for peace and ransom – but no annual tribute – with an estimated value of \$107,000. The French consul warned, however, that the involvement of the Dey of Algiers in the process had created considerable resentment in Tunis. American diplomats in the region suspected that the Dey had its own motives for these threats and they doubted that his intervention was particularly useful. Nevertheless, in June 1797, Washington’s successor, John Adams, told Congress that he considered the United States “to be under peculiar obligations” to the Dey, and agreed to his request that two cruisers be built and equipped for him in the United States, at Algiers’ expense.²³

²¹ Congressman James Madison, an ally of Jefferson, introduced a resolution to subsidize the Portuguese in their contest with the Algerines. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 63-5.

²² Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 80-1.

²³ King to Eaton, 28 December 1800, Charles R. King, ed., *The Life and Correspondence of Rufus*

The treaty, at the insistence of the U.S. Senate, was later revised to eliminate two provisions. One provision would have allowed Tunis to commandeer (with compensation) the use of American merchantmen. The second provision would have required the United States to provide a barrel of gunpowder each time Tunis' guns saluted arriving American vessels (a clause which, *inter alia*, would have discouraged visits by U.S. Navy). William Eaton, the new U.S. consul to Tunis, was disgusted by the situation. "Can any man believe that this elevated brute has seven kings of Europe, two republics, and a continent tributary to him, when his whole naval force is not equal to two line-of-battle ships? It is so!"²⁴

The Dey also sent a letter to the Pasha of Tripoli, Yusuf Karamanli, demanding that he make peace with the United States for \$40,000. Yusuf turned down the initial American offer but later agreed to that amount after O'Brien, serving under the orders of then-Consul General Joel Barlow, promised informally to provide a vessel in addition to consular presents of \$12,000 cash and some naval stores. The total value of the treaty with Tripoli was

estimated at nearly \$57,000. The agreement formalized a role for the Dey of Algiers, as the treaty's guarantor and facilitator of adjustments of any disputes that might emerge between the United States and Tripoli.²⁵ It also included an unprecedented clause:

As the Government of the United States is not, in any sense, founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquility, of Mussulmen; and, as the said States never entered into any war, or act of hostility against any Mohomentan nation, it is declared by the parties, that no pretext arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries.²⁶

Some contemporary writers have pointed to this clause as a definitive statement of the Founders' position on domestic church-state relations. The American negotiators on the spot undoubtedly considered it instead as a way of removing the religious issue from U.S.-Barbary relations as much as possible.

The Treaty Structure Begins to Collapse

By 1797, then, the United States had a series of treaties in place with the Barbary regencies designed to provide for the security of American commerce in the Mediterranean. The treaty structure immediately showed signs of strain. One critical problem, not then fully appreciated, was the

King (New York: G.P Putnam, 1894), vol. 3: 355. Hereafter cited as *LCRK*. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 80-1, with the quote from Adams.

Eaton suspected Famin of undercutting American interests and pursuing his own financial interests, to the point where the two men came to blows. Joseph Wheelan, *Jefferson's War, Jefferson's War: America's First War on Terror, 1801-1805* (New York: Carroll & Graf, 2003), pp. 89-92. The treaty complicated rather than simplified American efforts to settle affairs elsewhere. A new Emperor in Morocco demanded new presents and tribute, since the United States had agreed to an annuity for Algiers. American diplomats refused tribute.

²⁴ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 86-90; Eaton cited in Allen, *Our Navy and the Barbary Corsairs, Our Navy and the Barbary Corsairs*, p. 64; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 86-90.

²⁵ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 83-4.

²⁶ The full treaty text is available at http://avalon.law.yale.edu/18th_century/bar1796t.asp, accessed 7 October 2009.

gross asymmetry between size and terms of the American settlement with Algiers; and those with the others rulers. This disparity created considerable resentment – and sense of future entitlement – on the part of the smaller regencies. The constant demands for presents and outright bribes from the rulers and subordinate officials frustrated U.S. officials, because in the end these demands amounted to little more than disguised tribute. The regencies, for their part, complained with considerable justice about non-performance on the part of the Americans. U.S. shipments of presents and tribute arrived months and years late, if at all. The regencies often found the stores that did arrive to be unsatisfactory and incomplete; something that the U.S. consuls privately acknowledged was the case.²⁷ On top of everything else Eaton believed that France and England were instigating trouble for the United States.²⁸

Matters reached a point of crisis when the U.S. frigate *George Washington* arrived in Algiers in September 1800 with a delayed payment of tribute. The Dey demanded that the American warship be sent under Algerine flag to Constantinople, to deliver an ambassador and presents to the Sultan. The Dey was anxious to placate the Turks because he had previously signed a treaty with France even though Napoleon had invaded Ottoman territories in Egypt and Syria. The Dey feared that the local Turkish troops would overthrow him or that the Ottoman fleet would punish him. O'Brien and the ship's commander, William Bainbridge initially refused the request but,

as the frigate had already anchored under the city's batteries, Bainbridge decided to comply. Algiers also threatened an immediate declaration of war. The Dey told Bainbridge: "You pay me tribute, by which you become my slaves. I have, therefore, a right to order you where I think proper." "There was no alternative but war with the Regency," Bainbridge explained to Rufus King. O'Brien estimated that the cost of diverting the *George Washington*, about \$40,000, was much less than the price of war. Bainbridge, as it turned out, was well received in Constantinople and obtained from the Sultan a firman (official edict) which guaranteed him protection in Turkish ports. Bainbridge used the firman to resist a new set of demands from the Dey, including another attempt to impress the *George Washington*. But America's problems continued: "At Algiers we are 2½ years behind in arrears of annuities [and] we are threatened with war if the stores do not arrive shortly," O'Brien warned the new Secretary of State, James Madison, in May 1801.²⁹

Meanwhile, Tunis and Tripoli continued to make clear their dissatisfaction with the relative inferiority of their treaties with the United States. The Bey of Tunis, hearing of the affair of the *George Washington*, wanted an American ship to carry goods to Marseilles. Eaton reminded him that, according to the Treaty of 1796, he had no right to demand that service. To

²⁷ The regencies could also find fault with a perfectly good shipment if they were searching for a pretext for war or for additional presents. American slowness in official payments was not limited to the Barbary Coast. The U.S. government often struggled to maintain its accounts with its official Bankers in Amsterdam, despite the importance of maintaining American credit in Europe.

²⁸ Wheelan, *Jefferson's War*, p. 93.

²⁹ Allen, *Our Navy and the Barbary Corsairs*, pp. 77-84. The Sultan, or Grand Signior sent back a message to Algiers demanding that it declare war on France and send him a million piasters within sixty days. The Dey complied by declaring war. Bainbridge to King, 28 November 1800, *LCRK*, 3: 381; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 92-5; Wheelan, *Jefferson's War*, p. 96; O'Brien to SecState, 12 May 1801, *Papers of James Madison, Secretary of State Series* (Charlottesville: University of Virginia Press, 1986-), vol. I: 167. Hereafter cited as *PJM-SS*.

avoid a potential conflict, however, Eaton arranged for the use of the ship for \$4,000. The Bey also complained to Eaton about the failure of the United States to provide naval supplies (Eaton had tried to substitute cash). He demanded as compensation presents of jewels and a cruiser. He threatened to make war on the United States beginning in January 1800 unless the U.S. met his demands. When some of the promised American supplies finally arrived, he complained of their quality. During 1800, the Bey gained significant concessions from Spain, Denmark, Sicily and Sweden, which pointed to a new corsair campaign against someone else. "I consider it sufficient to state that the United States are the only nation which have, at this moment, a rich and unguarded commerce in the Mediterranean, and that the Barbary regencies are pirates," Eaton warned the U.S. government.³⁰

Tripoli increasingly represented the most serious threat to American shipping. The current Pasha, Yusuf, was a member of the local Karamanlis dynasty that had ruled Tripoli since 1711. He had come to power through a coup against his brother, Hamet (Ahmad), several years after he murdered the presumptive heir, his eldest brother Hassan. In addition to struggles within the family, Yusuf had to overcome an Algerine adventurer, Ali Borghul, who ruled Tripoli for eighteen months with the support of the Turkish mercenaries. Yusuf was well aware that for some years Constantinople had

contemplated resuming direct control over Tripoli because of fears that this regency might otherwise fall victim to Britain or France. Years of misrule by the Karamanlis family had left their lands economically backward, divided by civil war and unrest, with insecure control of the lands outside the port. Tripoli had almost no naval force and thus lacked the prestige and access to tribute and revenue provided by privateering.³¹

Yusuf was determined to change things. Westerners who dealt with the Pasha described him as violent, uncontrollable, highly intelligent and inordinately ambitious for himself and his regime. He sought to make Tripoli a first-class Mediterranean power by building a strong navy and using it to gain international recognition of his independence and status from the Christian powers, the Porte and his Barbary neighbors. By 1797, the Ottoman Sultan sent the Pasha several warships, confirmed Yusuf in power, and elevated Tripoli to equal status with his other nominal provinces, Algiers and Tunis. By 1800, the Tripolitan fleet had expanded from three to nineteen corsair ships of various sizes, plus additional skiffs and gunboats. Yusuf expected the various European powers to reestablish proper treaty relationships (many of which had been allowed to lapse over the years) by forwarding the consular presents traditionally accorded a new ruler. Spain, Venice, and France complied. Those powers that did not immediately do so, including Sweden, Denmark, Holland, Austria, and Naples soon

³⁰ Wheelan, *Jefferson's War*, p. 99; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 98-100; Eaton to SecState, 8 December 1800, *American State Papers: Foreign Relations* (Washington, Gales and Seaton, 1832), Vol. II: 355. Hereafter referred to as *ASPF*. The arrival of one U.S. shipment caused the Bey to divert his cruisers, which had been waiting orders to sail against the Americans, to attack the Danes instead. Eight Danish vessels were soon captured. Allen, *Our Navy and the Barbary Corsairs*, p. 71.

³¹ For a discussion of Yusuf and Tripoli, see especially Folayan, *Tripoli During the Reign of Yusuf Quaramanli*, Chapters 1-2; Wheelan, *Jefferson's War*, pp. 102-3. See also the Editorial Note, *PJM-SS*, I: 197-9, which observes that the Americans misinterpreted the link between the regencies of Algiers and Tripoli. The changes that Tripoli was undergoing – the growing navy and political and economic independence in the area – rapidly altered the subordinate position that Tripoli had held to Algiers and Tunis throughout the 18th century.

found their ships at risk. In 1797-98, Sweden and Denmark decided to pay \$100,000 for restoration and ransom and agreed to an annual subsidy of \$5,000. The following year Denmark paid \$13,000 in penalties for allowing the unlawful use of its passports. Ragusa (\$30,000) and Sardinia (\$40,000) paid for their failure to promptly renew their treaties. In 1800 Russia contributed another \$100,000. Yusuf was also able to persuade many of these powers to increase the level of their annual tributes.³²

It was soon the turn of the United States, which according to its treaty paid no annual tribute. Yusuf refused at first to receive the new American consul, James Leander Cathcart, and complained that the United States failed to deliver a frigate and various articles promised by O'Brien. He made clear that he was especially resentful of any American suggestion that Tripoli was a dependency of Algiers. He insisted that he stood better with the Grand Seignior than did the Dey. Cathcart, once Yusuf had received him, agreed to furnish the Pasha with \$18,000 in cash in lieu of naval stores, and a consular present of \$4,000. Yusuf wrote directly to President Adams to accept these terms, on the condition that the United States would henceforth treat Tripoli on par with the other regencies. He continued to urge Cathcart to provide him with a cruiser or brig as had been provided to the Dey of Algiers. He was also angry to hear reports that the Bey of Tunis had received "splendid presents" from the United States. He resented Cathcart's repeated efforts to invoke the good offices of Algiers to settle their differences, per the terms of the Treaty.³³

³² Wheelan, *Jefferson's War*, pp. 102-3; Folyan, *Tripoli During the Reign of Yusuf Quaramanli*, p 7.

³³ Cathcart to SecState, 18 April 1800, *ASPFR*, II: 350; Cathcart to SecState, 4 January 1801, *ASPFR*, II: 354. Cathcart had been told that Yusuf had written to the Dey about the situation; in his opinion, "if the Bashaw of Algiers peremptorily

Yusuf finally showed all of his cards. He demanded to receive some substantial proof of American goodwill and declared to Cathcart that if he did not receive satisfaction and a new treaty – \$250,000 up front, an annual tribute of \$20,000, and no reference to Algiers or any other nation – he would declare war. (Sweden had just concluded a preliminary peace with those precise monetary terms.) To demonstrate the seriousness of the Pasha's intent, a Tripolitan corsair captured an American brig from New York, but released it several months later. Cathcart, for \$20,000, purchased a promise that the Pasha would delay any decision until he could secure a reply from the U.S. government; but in February 1801, the American consul warned Washington and American merchants in the region that hostilities were now likely.³⁴

The Consular Plan to Overturn the Treaty Structure

In light of these ongoing difficulties, the American consuls in the region warned that the United States could not sustain its current approach towards the regencies. They informed Washington that if the United States wanted to maintain the current treaty structure, it must at a minimum follow the best practices of the European states: first, remove the sources of grievances by paying promptly the required annuities and presents; and second, deter the regents from illegitimate demands by maintaining and

orders him to accept my offer; I think not withstanding all his bravado, that he will acquiesce." Cathcart to SecState, 13 March 1801, *PJM-SS*, I: 14-15.

³⁴ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 96-8; Folyan, *Tripoli During the Reign of Yusuf Quaramanli*, p. 35; Cathcart to SecState, 18 October 1800 [misdated 1801], *ASPFR*, II: 352.

displaying a significant naval force.³⁵ When the United States provided the jewels demanded by the Bey of Tunis, for instance, Cathcart recommended that an American ship of war deliver the presents. “This would work upon the Bey like electricity,” Cathcart assured the Secretary of State. He added: “I, therefore, can see no alternative but to station some of our frigates in the Mediterranean; otherwise, we shall be continually subject to the same insults which the Imperials, Danes, Swedes and Ragusans have already suffered, and will continue to suffer.” The United States must also do more than just show the flag, especially given the loss of prestige which the United States suffered from the affair of the *George Washington*. “History shall tell,” Eaton wrote sourly, “that the United States first volunteered a ship of war, equipt, a carrier for a pirate... Nothing but blood can blot the impression out.” No permanent peace could be established, Eaton contended, without “gold or cannon balls.” War alone, he insisted, could make the United States respected at Algiers. “There is but one language which can be held to those people, and that is terror.” In its relationship with the regencies, the U.S. government has “very much mistaken the character” of the regencies, whose rulers regard courtesy as cowardice, moderation as diffidence, and civility as submission” – “temporizing with these people will not do.”³⁶

³⁵ It should be noted that the American consuls were themselves often bitterly at odds over personal issues and private commercial matters, conflicts that would later spill over into their relations with U.S. naval commanders. The tension between Eaton and O’Brien, for instance, was based on Eaton’s belief that O’Brien had improper ties with Jewish merchants in Algiers. As merchants Cathcart and O’Brien had been captured by Algiers earlier in the 1790s and developed a dislike for each other during captivity.

³⁶ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 95, 101-2; Cathcart to SecState, 27 May 1800, *ASPFR*, II:

The most immediate threat remained a preemptive attack on American merchant shipping by Tripoli. The American consuls insisted that the United States must resist the demands of Yusuf Pasha, as the U.S. diplomats commonly referred to him. If the United States capitulated, Eaton warned, it would have to pay double that amount to Tunis and even more to Algiers, given their sense of the proper ranking among the regencies. Tripoli would again soon be dissatisfied and the demands would spiral out of control. “So long as they hold their own terms, no estimate can be made of the expense of maintaining a peace,” Eaton insisted. “They are under no restraints of honor or honesty. There is not a scoundrel among them, from prince to the muleteer, who will not beg and steal.”³⁷

U.S. diplomats in Europe, who were concerned about the general reputation of the United States, reinforced this recommendation. “To chastise that haughty but contemptible Power which now dares first to insult us by its aggression would certainly serve, not only as a salutary example to other piratical states, but it would produce an almost incalculable effect in elevating our national character in the estimation of all Europe,” Humphreys argued from his post in Lisbon.³⁸ John Quincy Adams, the American Minister to Prussia, advocated following up a proposal by Sweden for cooperative naval activities to protect merchant shipping in the Mediterranean. Adams rejected the argument that such cooperation was contrary to America’s treaty engagements with the regencies.

352; Allen, *Our Navy and the Barbary Corsairs*, pp. 68-9; Eaton to SecState, 10 September 1801, *PJM-SS*, II: 98.

³⁷ Eaton to SecState, 10 April 1801, *PJM-SS*, I: 79; Allen, *Our Navy and the Barbary Corsairs*, pp. 68-9.

³⁸ Humphreys to SecState, 14 April 1801, *PJM-SS*, I: 92.

The United States have since then experienced themselves how little reliance can be placed upon the faith of those Treaties, even when purchased at prices unusually burdensome. The expense of an armament like that proposed by the king of Sweden would probably not be heavier than that of the tribute we presume to pay. It would be a more efficacious protection to our navigation in the Mediterranean; and I presume, an expense infinitely more reconcilable to the feeling of every American.³⁹

John Quincy Adams, of course, was the son of John Adams, the man who had once argued for the cost-effectiveness of accepting a tributary relationship with the regencies. Implicit in John Quincy's argument was the rejection of the entire treaty relationship with the Barbary rulers, not merely resistance to the latest demands of Tripoli.

The American consuls in the region made this argument explicitly. They saw the crisis with Tripoli as an opportunity to revise the U.S. relationship with the regencies across the board, to eliminate any payment of tribute and the threat of enslavement (hostage-taking). Their general recommendations included the following points:

- Although America's concessionary relationship with Algiers was the ultimate source of the problem, the United States should begin by focusing on changing its relationship with Tripoli, which the consuls regarded as the least capable if most immediately threatening regency. "Prudence seems however to dictate the Necessity of adjusting our acct. with

Tripoli first, which I hope will be the means of obtaining respect at Tunis," Cathcart wrote to the Secretary of State, reflecting his views and those of Eaton. To take on the entire problem at once was beyond America's immediate capabilities. "Should we break with the whole of the Barbary States at once we must have a considerably greater force in this river of Thieves. I purpose [sic] chastising them one at a time . . ."⁴⁰

- To lay the groundwork for this comprehensive approach, the United States must establish a reputation throughout the Mediterranean for being willing to use force. "We must harass them until they become sensible of their inferiority, we must establish a National Character in this River of Thieves, as yet we are an infant Nation but little known & our flag has suffer'd & will continue to receive insults until we resolve to maintain our dignity among the Nations of the Earth by the rigorous laws of retaliation."⁴¹ A successful campaign against Tripoli would establish American credibility and, over the longer term, reduce the eventual amount of military power that would be required to coerce the other regencies.
- The United States should opportunistically seek the support of others to achieve its short and long-term goals. First, America should explore tactical and operational cooperation with willing European powers, while recognizing that such powers could not be depended upon to stay the course if they saw advantages in treating separately with Tripoli and the other regencies. Second, the United

³⁹ John Quincy Adams to SecState, 25 June 1801, *PJM-SS*, I: 348-9.

⁴⁰ Cathcart to SecState, 2 July 1801, *PJM-SS*, I: 370-2.

⁴¹ Cathcart to SecState, 2 July 1801, *PJM-SS*, I: 370-1

States, without sacrifice of its primary interests, should encourage Algeria to pressure Tripoli, according to the terms of the existing treaties with both regencies. In Cathcart's opinion, "if the Bashaw of Algiers peremptorily orders him [Yusuf] to accept my offer; I think not withstanding all his bravado, that he will acquiesce." The United States should implicitly threaten Algiers with adverse consequences if it failed to carry out its obligations. "If the Dey does not use his mediation in our favor in the present instance it can answer no purpose whatever to continue the [U.S.-Algiers] treaty in its present form."⁴²

- Perhaps most importantly, America should seek a treaty and relationship with the Ottoman Sultan that would encourage him to exercise his legitimate sovereignty over the regencies – a backdoor form of regime change brought about by a strengthening of rule by the Ottoman Empire. "His influence is almost absolute over the Barbary States," William Willis, an American consul in the region, argued. The American republic, oddly enough, had a certain status beyond its commerce that would appeal to the Sultan (Grand Seignior). "It would be much easier of the United States to support a preference with him than for any of the powers of Europe, as they each of them [is] almost undistinguished among the crowd of powers of Europe. But as America stands alone, his vanity would be much gratified in

having his friendship sought from so great a distance, as he is proud of having his friendly influence extend over a great part of the globe."⁴³ Cathcart believed that Washington and Constantinople had a fundamental common interest. "You will observe the many causes the Grand Seignior has had to complain of the arrogance of Yusuf Pasha, and no doubt will join with me in opinion that the war in which he was engaged [with France] was the only reason which prevented him from chastising him as he deserved; and that he only waits for a proper opportunity I believe is evident," Cathcart wrote to the Secretary of State. "...no act could ensure the Grand Seignior a revenge so prompt and efficacious, and attended with so little expense of both blood and treasure; ... as well as set a precedent to the other states of Barbary, whose incorrigible insolence has become insupportable at the Sublime Porte, and render an example not only expedient, but absolutely necessary."⁴⁴

The American consuls had recent evidence that the use of force against the Barbary regencies would have its effect. Cathcart reported to Washington that in May 1799, a Portuguese ship of 64 guns had

⁴² Cathcart to SecState, 13 March 1801, *PJM-SS*, I: 14-15. "Upon the whole our Peace being guaranteed by Algiers has been a service to our interests here, & I should recommend to government to continue the treaty in its present form was it not for the consideration that should we have a rupture with Algiers that Tripoli will immediately take the opportunity to break with us..."

⁴³ William Willis to SecState, 22 April 1801, *PJM-SS*, I: 110-11. Robert R. Livingston, American Minister to France, wrote jokingly to the new Secretary of State, James Madison: "Novelty, & superstition may perhaps allure their statesmen. By showing them a few federal election papers I can convince them that the presidents Christianity will not stand in the way of his proselytism to the doctrine of Mahomet, & tho I would not go so far as to stipulate for his circumcision, or even for that of his grand Vizer [Madison], I shall not scruple at building a mosque at Washington provided they destroy the prisons at Algiers." Livingston to SecState, 1 July 1801, *PJM-SS*, I: 368.

⁴⁴ Cathcart to SecState, 25 August 1802, *ASPFR*, II: 700.

destroyed a Tripolitan cruiser and captured a senior naval commander, after which Lisbon concluded a highly favorable treaty with Yusuf Pasha. Secretary of State Pickering found this report “encouraging” and “a happy demonstration of a mode of treatment of the Barbary Powers which all maritime Christian nations might successfully adopt.” On the other hand, Sweden had reached a provisional settlement with Tripoli for \$250,000 for peace and ransom and \$20,000 in annual tribute – precisely the amount that Yusuf demanded from the United States. The Pasha, in Cathcart’s opinion, was clearly looking for a new enemy, and American perfectly fit the bill.⁴⁵

The United States and the regencies were at a crossroads in 1800-1801. None of the parties was satisfied with the existing relationship. The regencies were dissatisfied with the failure of the United States to meet its treaty obligations, as they understood those obligations, and they still regarded America as a potential source of new revenue. Tripoli went even further and demanded a fundamental revision to its relationship with the United States, as part of a more ambitious program to achieve equality with Algiers and establish itself as a major player throughout the Mediterranean. American officials on the scene argued for a highly confrontational strategy – at a minimum to deter the regencies from challenging the treaty structure; and maximally to coerce those regencies into a more normal, “civilized” relationship with the United States. (Behind this lay an even more fundamental ambition, in the words of David Humphreys – “that the United States would be the Authors of the System for exterminating the piracies.”⁴⁶) Neither side accurately under-

stood the extent of the other’s objectives, motivations, or capabilities. Americans did not fully appreciate how their coercive program, aimed at changing the regencies’ behavior, threatened to bring about regime change. In addition, although the American consuls had laid out a rationale for the use or threatened use of force against the regencies, they had not defined precisely how that force should be applied.

III. The Conflict with Tripoli, First Phase: Failure of Limited Measures

These consular warnings about the breakdown of the treaty structure and the imminence of war, together with news of the treatment of the *George Washington*, reached the United States just as the Jefferson administration was entering office in the spring of 1801. “The sending to Constantinople [of] the national ship of war the *George Washington*, by force, under the Algerine flag, and for such a purpose, has deeply affected the sensibility, not only of the President, but of the people of the United States,” the new Secretary of State, James Madison, wrote to O’Brien. It demanded “a vindication of national honor.” The *George Washington* was then about to sail back for the Mediterranean to deliver the latest annuity to Algiers. Madison ordered O’Brien to refuse any impressments of American ships in the future; and to reserve the right to claim reparations from Algiers for the original incident.⁴⁷

Madison’s instructions reflected the administration’s general reconsideration of American policy toward the Barbary regencies. Jefferson, as noted above, had long advocated a more assertive policy in dealing with the threat of Mediterranean piracy. The circumstances of 1801 permitted him greater

⁴⁵ Cited by Irwin, *The Diplomatic Relations of the United States with the Barbary Powers, 1776-1816*, p. 102; Wheelan, *Jefferson’s War*, p. 100.

⁴⁶ Humphreys to SecState, 10 September 1801, *PJM-SS*, II: 96.

⁴⁷ Wheelan, *Jefferson’s War*, p. 98; SecState to O’Brien, 17 July 1801, *PJM-SS*, I: 424-5.

latitude than his predecessors enjoyed. The Quasi-war with France had recently been resolved. American naval forces were now free for duty elsewhere. With the end of that war, and with the anticipation of a general European peace, American merchant traffic flooded across the Atlantic; those ships would be vulnerable in the event of hostility with one or more of the regencies. Jefferson had the desire of every new president to distinguish his policies from those of his predecessor and his party would enjoy a decided Congressional majority when the new Congress convened in December 1801.

After consultation with the members of the Cabinet in May 1801, Jefferson dispatched to the Mediterranean a squadron of three frigates and a schooner, totaling 124 guns, as a “fleet of observation.”⁴⁸ The squadron commander, Richard Dale, was instructed to deter any or all of the Barbary regencies from breaking out of the existing treaty structure; or, if war had been declared, to “protect our commerce and chastise their insolence – by sinking, burning or destroying their ships and vessels wherever you find them.” In case of war with Tripoli, Dale was specifically authorized to blockade the port. The Navy Department deemed this force “fully adequate to the Destruction of the Naval Power of Tripoli & to meet the Navies of Algiers and Tripoli united.” The two 44-gun frigates were judged fully competent to blockade Tripoli because the forces of Tripoli were “contemptible.” “The Bashaw has but one ship Carrying 18 guns the other few Vessels that he possesses are of 12 Guns and under.” Given the uncertainties of the situation, Dale was not authorized to negotiate peace or a new treaty, although Cathcart was provided with

\$10,000 to encourage Yusuf Pasha to remain at peace. Dale’s squadron was to have an important deterrent purpose. “Tis thought probable, that a small squadron of well appointed frigates, appearing before their Ports, will have a tendency to prevent their breaking the Peace which has been made & which has subsisted for some years, between them & the United States. It is also thought that such a squadron...will give confidence to our Merchants, & tend greatly to increase the commerce of our country within those Seas.” Jefferson sent messages to Morocco, Algiers, and Tunis, offering assurances that he did not intend in any way for the American squadron to threaten them. He also took steps to ensure prompt payment of overdue annuities and stores, particularly to Algiers. Madison urged O’Brien to call upon the Dey of Algiers to exercise his influence over Tripoli to prevent or halt piratical actions.⁴⁹

Taken at face value, Jefferson’s new policy toward the regencies was much more limited than the aggressive revisionist course advocated by the American consuls. The President signaled that he did not intend to challenge the tributary system generally. He continued the American policy of giving pride of place to Algiers. The United States would prevent an outbreak of piracy through a combination of incentives (meeting formal treaty commitments, coupled with spontaneously rewarding good behavior) and deterrence (the implicit threat of punishment from the squadron). Jefferson intended this combination of policies also to discourage

⁴⁸ The Peace Reduction Act of 1801, passed by the outgoing Congress, required that six frigates be maintained in active service. The new President decided to retain two 12-gun schooners, *Enterprise* and *Experiment*. The latter was soon sold.

⁴⁹ Acting SecNav to Dale, 20 May 1801, Dudley Knox, ed., *Naval Documents Related to the United States Wars with the Barbary Powers, 1785-1807* (Washington, DC: U.S. Government Printing Office, 1939-1944), vol. I: 465-7. Hereinafter referred to as *Naval Documents*. Acting SecNav to Tom Fitzsimons, 4 June 1801, *Naval Documents*, I: 486; Jefferson to Hamouda Bashaw, 19 September 1801, *ASPF*, I: 356; SecState to O’Brien, 21 May 1801, *PJM-SS*, I: 213.

the regencies from making new demands for presents or tribute. If one of the regencies, most likely Tripoli, had already begun cruising for American merchant ships, the U.S. squadron was to act in an appropriate manner to coerce that regency to restore the existing treaty arrangement, while deterring the others from taking advantage of the situation. The policy gave the squadron commander considerable discretionary authority to determine exactly how coercion was to be applied, but the administration's clear preference was for the imposition of a naval blockade. The traditional choices of the European powers – either convoying merchant ships to deny the corsairs easy access to their prizes; or bombarding the main ports in order to signal determination and frighten the leaders of the regencies into peace – were decidedly less preferable to the Jefferson administration. Convoys gave little incentive for the regency to return to the original treaty arrangement, while Jefferson always believed that one-time bombardments were likely to fail. Direct attacks against the port Tripoli proper would require larger forces and expenditures than Jefferson was willing to accept in light of his plans to reduce dramatically the federal budget, including the U.S. Navy.⁵⁰

Jefferson, however, clearly did not believe Dale's cruise would be a one-time exercise that would solve the piracy threat; or that the existing the treaty structure was either legitimate or self-sustaining. "We have taken these steps towards supplying the deficiencies of our predecessors merely in obedience to the law; being convinced it is money thrown away, and there is no end to the demand of these powers, nor security in their promises," Jefferson wrote to one of his Congressional allies, referring to the

overdue payments to Algiers. "The real alternative before us is whether to abandon the Mediterranean or to keep up a cruise in it, perhaps in rotation with other powers who would join us as soon as there is peace. But this is for Congress to decide." He told Madison, "I am an enemy to all these douceurs, tributes & humiliations. What the laws impose on us let us execute faithfully; but nothing more.... I know that nothing will stop the eternal increase of demand from these pirates but the presence of an armed force, and it will be more economical & more honorable to use the same means at once for suppressing their insolences."⁵¹ Jefferson still held to the opinion that the United States could successfully coerce the regencies if it shifted their costs/benefit analysis in the direction of peaceful commerce; which meant, at least over the long term, some form of regime change for the regencies. Jefferson was also prepared to act alone if other nations were not prepared to cooperate. In that case, the United States would behave like a major naval power in its dealings with the regencies and claim the same level of respect.

The Initial American Naval Deployment

When Commodore Dale's squadron reached Gibraltar, he discovered that Tripoli had already declared war on the United States and that its corsairs were out hunting for American merchant ships. The first appearance of an American naval force in the Mediterranean caught the Tripolitans off guard. Dale blocked two Tripolitan cruisers, which he caught anchored at Gibraltar, including the *Meshuda*, commanded by Tripoli's grand admiral Murad Reis, the

⁵⁰ For a good account of this strategy, see Christopher McKee, Edward Preble: A Naval Biography (Annapolis, MD: Naval Institute Press, 1972, pp. 87-94.

⁵¹ Jefferson to Nicholas, 11 June 1801, cited in Wheelan, *Jefferson's War*, pp. 110-11; Jefferson to SecState, 28 August 1801, *PJM-SS*, II: 71.

former Scotsman Peter Lisle. Dale presumed that these cruisers would have been deployed in the Atlantic, where they could have done extensive damage to American traders. John Gavino, the U.S. consul at Gibraltar, estimated that the Tripolitans might have captured as many as twenty American merchant vessels if Dale's forces had arrived only a fortnight later. This coup would have seriously damaged the American negotiating position. "One single merchantman's crew in chains at Tripoli would be of incalculable prejudice to the affairs of the United States with that regency," Eaton warned Madison.⁵²

The Americans soon scored a major victory of their own when the schooner *Enterprise* defeated a Tripolitan polacca, the *Tripoli*. The Americans disabled the ship and allowed her to make her way back to port, where Yusuf Pasha punished and publicly humiliated her captain. For some time thereafter, very few Tripolitan cruisers ventured from the port. Murad Reis and his crews abandoned their ships at Gibraltar and set out for home by various means, an act which the Americans again attributed to demoralization caused by the victory of the *Enterprise*. The American squadron began to convoy American merchant ships in the western Mediterranean, operating in cooperation with Sweden, itself again at war with Tripoli after Stockholm rejected the preliminary settlement with Yusuf Pasha. Dale duly made appearances at Algiers and Tunis, carrying cash and asking their rulers for patience with overdue naval stores. O'Brien informed Dale that he had been warned by the Dey of Algiers "that the U.S. had not made its annual payments and had gone so far as to say he would not put up with it much longer." After a few days at Algiers, Dale reported to the Secretary of the

Navy: "He [O'Brien] was now confident... that the Dey would not speak so big, and had no doubt that the arrival of the *President* [one of the 44-gun frigates] at Algiers had much more weight with the Dey than if the *Washington* had arrived with stores.... From Mr. Eaton's information...the appearance of our ships will have the same effect on the great and mighty Bey of Tunis."⁵³

The squadron also appeared off Tripoli and briefly instituted a blockade of the port. Through the Danish consul, Nicholas Nissen, Dale requested a statement of the Pasha's grievances with the United States, offered Yusuf a truce and a \$10,000 present from President Jefferson, and reminded the Pasha that the treaty required Algiers to mediate the disputes. Yusuf replied by demanding direct negotiations with the United States for a new treaty of peace. The American insistence on interjecting the Dey of Algiers into Tripoli's affairs, Yusuf said, was the problem, not the solution. Dale refused the demands, citing his lack of negotiating authority.⁵⁴ Rough winter weather soon intervened and the American squadron returned to the United States, per the original orders.

U.S. Strategic Options: The View from the Mediterranean

On the face of things, the initial naval deployment of the United States to the Barbary Coast was a success, given the fact that Tripoli had already initiated hostilities. The U.S. government had followed the

⁵² Gavino to SecState, 24 July 1801, *PJM-SS*, I: 530; McKee, *Edward Preble*, p. 91; Eaton to SecState, 3 February 1802, *PJM-SS*, II: 438-9.

⁵³ Allen, *Our Navy and the Barbary Corsairs*, pp. 95-8; Dale to SecNav, 19 July 1801, *ASPF*, II: 360.

⁵⁴ Charles O. Paullin, *Diplomatic Negotiations of American Naval Officers, 1778-1883* (Baltimore: Johns Hopkins Press 1912), pp. 63-5. The precise sequence of Dale's activities is not clear. Wheelan, *Jefferson's War*, p. 114; Dale to Bashaw of Tripoli, 25 and 28 July 1801, *Naval Documents*, I: 531-3.

advice of the American consuls and demonstrated a willingness to use force to secure its interests in the region. The American naval squadron apparently provided enough cash and visible military presence to deter Algiers and Tunis from taking advantage of the situation and attacking U.S. shipping. The U.S. Navy had demonstrated its credibility by defeating a Tripolitan ship of war. Tripoli had seized no American merchant vessels and no U.S. citizen was a captive.⁵⁵

Despite these tactical successes, the American consuls believed that that the United States had missed a major strategic opportunity to coerce Tripoli. The sudden American deployment to the Mediterranean caught Yusuf Pasha off guard. His military buildup was in its early stages and food was scarce that season. Tripoli held no American citizens as negotiating leverage. The consuls calculated that if the United States had been able to maintain a close blockade of the coast, they might have brought Yusuf around to acceptable terms within a reasonable period. Unfortunately Dale's squadron had been too small and wrongly configured. His instructions did not allow him to undertake offensive operations, such as a direct attack on Tripoli – or at least Dale so interpreted his orders.⁵⁶

Commodore Dale and the U.S. consuls put forward to Washington their own ideas about how to proceed. The consuls now agreed that the option of using Algiers as a mediator or intermediary was not viable, despite the fact that the Dey had supposedly written letters of warning to Yusuf Pasha. "They [Algiers] might in some respect check the plundering ideas of

Tripoli but to arrange and secure this business, it will be requisite on the part of the US to give an extraordinary present and to show a respectable force in this sea," O'Brien informed Madison. Cathcart told the Secretary of States that the Dey of Algiers would never intercede on behalf of the United States but rather would come down in favor of "his brother pirate of Tripoli." O'Brien noted that the Dey had already received letters from Tripoli that requested help with food shortages and in obtaining the release of the ships blockaded at Gibraltar. Tunis and Tripoli both appealed to Algiers to reject the American right of blockade on the grounds that it could become a custom "very prejudicial" to them. When push came to shove, the consuls noted, the regencies would likely make a common front against the infidels. Nor were the long-term prospects for U.S. strategic cooperation with the smaller European powers encouraging. Cathcart informed Madison that the Danes had recently adjusted their terms of tribute with Tripoli rather than take advantage of the current opportunity to eliminate payments. The Danish commodore predicted to him that Jefferson's planned general reductions in the U.S. Navy would result in America's acceptance of every demand of the Barbary States, no matter how unjust. The Swedes were friendly but Cathcart thought they were unlikely to maintain a common cause with the United States and would seek an early peace treaty.⁵⁷

That left the unilateral military route. Dale thought that the United States had two basic choices. First, the U.S. Navy could engage in a passive blockade of the port of Tripoli with two frigates and two sloops of

⁵⁵ Cathcart to SecState, 10 August 1801, *PJM-SS*, II: 33.

⁵⁶ Allen, *Our Navy and the Barbary Corsairs*, p. 98. "I have no orders to make any attack on shore." Dale to Rufus King, 7 February 1802, *Naval Documents*, II: 54. See the Cabinet discussion of war power in *PJM-SS*, I: 198-9.

⁵⁷ O'Brien to SecState, 24 June 1801, *PJM-SS*, I: 346; O'Brien to SecState, 22 July 1801, *PJM-SS*, I: 457; Cathcart to SecState, 10 August 1801, *PJM-SS*, II: 33; O'Brien to SecState, 26 September 1801, *PJM-SS*, II: 138; Cathcart to SecState, 27 September 1801, *PJM-SS*, II: 141.

war, along with a small gunboat that could direct occasional harassing fire into the city. Second, the President could approve a combined arms attack on Tripoli and shipping in the harbor. For this purpose, the U.S. Navy needed four frigates and three bomb ketches to operate against the port. The naval operations would be aided by a ground force landed on the coast to threaten the city from inland, where the defenses were much less formidable. A detachment of gunboats would also be necessary to protect the frigates when they moved closer to shore from attack by Tripolitan gunboats. Dale himself favored the more aggressive course, especially if he could add Sweden's four frigates to the attacking force: "I would be answerable for Tripoli's being taken in two days after the force arrived off there." At the very least the shipping in the harbor could be destroyed without major risk to the attackers. Eaton agreed with the recommendation. "To avoid the expense of prolonging the war, Tripoli should be bombarded. This is a very practicable measure."⁵⁸

For the ground component of the campaign, Eaton thought that two thousand troops would be adequate to the task. He undoubtedly suspected that the American government was not likely to approve sending an army of this size to the Mediterranean. But he and the other consuls had already arrived at another means to threaten Yusuf Pasha. They had begun to appreciate Yusuf's larger regional ambitions and concluded that the United States must do more than compel him to back down from his immediate demands. "For so long as Yusuf Bashaw lives, our commerce will not be secure, allowing that we conclude a peace upon our own terms; the first time our frigates are off our guard or employed upon other service his cruisers will capture the

Americans in retaliation for having imposed upon him terms which he may consider humiliation."⁵⁹

The consuls therefore advocated creating a "second front" that would threaten regime change in Tripoli, by supporting the claims of Yusuf's deposed brother. Hamet Pasha had signaled a willingness to deal more favorably with the United States. He would either form an army from his supporters; or simply appear in a U.S. ship off the coast, provoking a revolt against Yusuf. The consuls believed conditions for such a change in leadership were in place. "The subjects in general of the reigning Bashaw are very discontented and ripe for revolt; they want nothing but confidence in the prospect of success: this confidence may be inspired by assurances of our determination to chastise the Bashaw for his outrage against U.S.," Eaton asserted. "The Bey of Tunis, though prudence will keep him behind the curtain, I have strong reasons to believe, will cheerfully prompt the scene: He is in favor of the elder brother [Hamet]." The other Barbary regents, insecure in their own realms, would undoubtedly take note of America's willingness to strike directly at Yusuf Pasha. "The idea of dethroning our enemy and placing a rightful sovereign in his seat makes a deeper impression on account of the lasting peace it will produce with that regency, and the lesson of caution it will teach the other Barbary States."⁶⁰

⁵⁸ Cited by McKee, *Edward Preble*, p. 93; Allen, *Our Navy and the Barbary Corsairs*, pp. 100-1.

⁵⁹ Eaton to Cathcart, 29 June 1801, *Naval Documents*, I: 494.

⁶⁰ Eaton to SecState, 5 September 1801, *PJM-SS*, I: 569-70.

The Administration Plans for a Second Deployment

The Jefferson administration considered these naval and consular recommendations as it prepared to deploy an expanded relief force to the Mediterranean in the spring of 1802, under the command of Richard Morris. The administration interpreted the Tripolitan diplomatic overtures to Commodore Dale as a sign that the initial American military actions had had a substantial effect on the Pasha and that he was eager for peace. The President obtained from Congress a Use of Force Resolution -- “an Act for the protection of the commerce and seamen of the United States against the Tripolitan cruisers.” The executive was given full discretion in the employment of the navy and authorized to commission privateers.⁶¹

The Secretary of the Navy instructed Morris to take a more visibly aggressive posture against Tripoli. “Holding out the olive Branch in one hand & displaying in the other the means of offensive operations, may produce a peaceful disposition towards us in the mind of the Bashaw, and essentially contribute to our obtaining an advantageous treaty with him.... You will proceed with the whole squadron under your command and lay off Tripoli, taking every care to make the handsomest and most military display of your force, and so conduct your maneuvers as to excite an impression that, in the event of negotiations failing, you intend a close and rigorous blockade.” Although the administration granted Morris wide discretion to meet unexpected circumstances, it clearly indicated its strategic preference for blockade. “Convoy must be given to our vessels as far as it can be done consistently with the plan of blockading.” The American General Consul, Cathcart, was authorized to

negotiate with Tripoli, with the expectation of making peace without purchase – essentially, a return to the *status quo ante* of the 1797 Treaty. Madison instructed Cathcart to let Yusuf make the first overture so that “awe inspired by a display of our force” could have its effect. Don’t buy a peace, Madison warned. “To buy a peace with Tripoli, is to bid for War with Tunis...”⁶²

The administration, as it calculated the difficult strategic and diplomatic geometry of deterring the other regencies while coercing Tripoli back into the treaty structure, believed that the expanded American naval deployment was adequate to the task. “Although I have directed you to lay your whole force before Tripoli,” the Secretary of the Navy instructed Morris, “you will yet consider yourself authorized, should you deem it necessary, to leave one vessel to watch the motions of the Emperor of Morocco, and to prevent the escape of the Tripolitan vessel at Gibraltar.”⁶³

The Jefferson administration also considered the consuls’ proposal to support Hamet Pasha.⁶⁴ Although the regencies did not qualify as “states” or “governments,” Madison was clearly squeamish about the broader implications of becoming involved in the domestic affairs of Tripoli and becoming an instrument of regime change. Nevertheless, Madison told Cathcart, “It cannot be unfair, in the prosecution of a just war or the accomplishment of a reasonable peace, to turn to...advantage the enmity and pretensions of others against a common foe.” Madison attempted to draw a distinction between American strategic objectives

⁶¹ McKee, *Edward Preble*, p. 94

⁶² McKee, *Edward Preble*, p. 94-5; SecNav to Morris, 20 April 1802, *Naval Documents*, II: 130; Wheelan, *Jefferson’s War*, pp. 127-8; Madison to Cathcart, 22 August 1802, *PJM-SS*, III: 504-5

⁶³ SecNav to Morris, 20 April 1802, *Naval Documents*, II: 130; Allen, *Our Navy and the Barbary Corsairs*, p. 114.

⁶⁴ On the firman, see Folayan, *Tripoli During the Reign of Yusuf Quaramanli*, p. 37.

and those of Hamet, a distinction that Madison knew would be difficult to maintain in practice. “How far success in the plan ought to be relied on, cannot be decided at this distance and with so imperfect a knowledge of many circumstances.... Should the rival brother [Hamet] be disappointed in his object, it will be due to the honor the United States to treat his misfortunes with the utmost tenderness, and to restore him as nearly as it may to the situation from which he was drawn, unless some other proper arrangements should be more acceptable to him.” The Secretary of the Navy offered somewhat clearer instructions to Morris. “In adjusting the terms of peace with the Dey [Pasha] of Tripoli, whatever regard may be had to the situation of his brother, it is not to be considered by you, of sufficient magnitude to prevent, or even to retard a final settlement with the Dey.” The American government considered Hamet’s cause of regime change, if not Hamet himself, to be expendable.⁶⁵

Tripoli Gains the Upper Hand, 1802-1803

Despite the buildup of the U.S. squadron and plans for a more aggressive military and diplomatic posture, the American strategic position in the Mediterranean, apparently so promising in 1801, deteriorated considerably over the next two years. The Tripolitans captured an American merchant ship, the *Franklin*, the first and as it turned out the only prize of the war. Two corsairs ran the American and Swedish blockade and, with the *Franklin* as prize,

slipped back into Tripoli. The event considerably boosted Tripolitan morale and the Pasha’s leverage. The United States eventually ransomed her captain and small crew for \$6500 through the agency of Algiers, which confirmed to all the regencies that, despite their bluster, the Americans would pay for captives. The Swedes soon decided to make their peace for \$150,000 and an annual tribute of \$8,000. France provided the Pasha with \$40,000 in gifts and an 18-gun cruiser. The Danish consul, Nissen, told the Americans that “Tripoli this year is well provided with provision by a rich harvest. [T]here are plenty of European goods by the arrival of several ships, & the Bashaw having Swedish money has wherewith to maintain his people & defray his expenses.... Under such circumstances it seems Sir that a *simple* blockade is as expensive as useless & that your navigation is not secure was seen last year.” The Pasha continued to build up his navy and especially improve Tripoli’s fortifications and coastal batteries, the latter of which had been judged negligible in 1801 – “barely enough to fire a salute” – but which consisted of 115 cannons two years later.⁶⁶

The Hamet Pasha option also seemed to be closed. Hamet had taken up refuge in Tunis and Yusuf held his immediate family hostage in Tripoli. Yusuf, who was well aware of the American contacts with Hamet, offered his older brother the governorship of Derne, an important port town, as well as security for his family. Hamet accepted the post but continued to plot against Yusuf. When a revolt in Derne failed in early 1804 Hamet was forced to flee, eventually making his way to Egypt.⁶⁷

⁶⁵ Madison to Cathcart, 22 August 1802; Madison to Eaton, 22 August 1802, *PJM-SS*, II: 505-7; SecNav to Morris, 28 August 1802, *ASPF*, II: 45; Folayan, *Tripoli During the Reign of Yusuf Quaramanli*, p. 37; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 144.

⁶⁶ Wheelan, *Jefferson’s War*, pp. 130-2, 183; Eaton to Morris, 16 October 1802, *Naval Documents*, II: 297; Nissen to Cathcart, 4 June 1803, *Naval Documents*, II: 440.

⁶⁷ Folayan, *Tripoli During the Reign of Yusuf Quaramanli*, pp. 38-9.

Commodore Morris, despite his orders, did not maintain a continuous blockade of Tripoli but focused instead on convoy duties. In May-June 1803, Morris at last brought the bulk of the squadron off Tripoli. He launched an attack against a number of gunboats and succeeded in destroying one large cruiser. A senior Tripolitan official, Sidi Mohammad Dghies, proposed a settlement based on U.S. payment of \$200,000, plus the expense of the war. He hinted that this offer was merely an opening gambit and that the Pasha was prepared to reduce the amount. Morris countered with an ultimatum: \$5,000 as a consular present and a second gift of \$10,000, to be paid after five years assuming there had been no violations of the treaty; or a 12-month truce while the Pasha stated his terms directly to the President. Morris' preemptory tone angered Dghies, who was generally regarded as well disposed to the Americans. The negotiations were broken off – Morris himself nearly became a captive when he came ashore – and the Commodore soon raised the blockade. With the withdrawal of the American squadron the official price of peace from Tripoli rose, to a payment of \$500,000 and annual tribute of \$20,000.⁶⁸

The American consuls were appalled by Morris' lack of activity and by what they regarded as his presumption in assuming the lead role in the negotiations. They were taunted by the other regencies. "Our operations of the last and present year produce nothing in effect but additional enemies and national contempt The Minister [of Tunis] puffs a whistle in my face, and says, 'We find it all a puff! We see how you carry on the war with Tripoli,'"

⁶⁸ Wheelan, *Jefferson's War*, pp. 153-4; Allen, *Our Navy and the Barbary Corsairs*, pp. 153-6; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 135. Wheelan, *Jefferson's War*, p. 153, reverses the order of the Pasha's offer as indicated by Allen and Irwin.

Eaton informed Madison. Distant or paper blockades and the use of convoys would not coerce Tripoli or deter other regencies from piracy over the long term. Eaton insisted that it was "absolutely necessary that the United States should once, and at once, show themselves on the *Barbary*, and not the European coast; and in a manner to make themselves known."⁶⁹

Morris countered by arguing that the American squadron under his command had been too small and improperly configured to meet the full range of missions that the Jefferson administration set out. He insisted that a system of convoys offered the most cost-effective protection of American merchant shipping. He could not be blockade Tripoli without a larger and much more diverse naval force. Small merchant ships and shallow-draft Tripolitan corsairs could hug the waters along the coast where the larger American frigates could not safely operate. "It is impossible to block Tripoli with large ships so as to prevent these row-boats from stealing out; it is equally impossible for large ships to catch them when out: they may have a rendezvous in every port on the Barbary coast, where they may sell their prizes and take in provisions," Eaton acknowledged. Morris added: "It is impossible a frigate can have any chance of capturing those cruisers in moderate weather: they generally cruise close in with the land, and make use of oars to get into shoal water, or some port." The harbor at Tripoli likewise did not allow safe access to the frigates, thus precluding a direct attack against shipping there. Nor was the U.S.

⁶⁹ Wheelan, *Jefferson's War*, pp. 138-9; McKee, *Edward Preble*, p. 113. A naval court of inquiry convened in the United States agreed with the consuls: Morris was censured for failing to display "the diligence or activity necessary to execute the important duties of his station." Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 129; Findings of the Court, *Naval Documents*, II: 528-9.

Navy large enough to cover the entire coast. Nissen reported that vital military stores, including gunpowder, were being conveyed to Tripoli overland from Tunis or from smaller ports elsewhere along the coast.⁷⁰

Morris, with considerable justice, pointed out that he needed to keep the squadron available to deter or meet other outbreaks of piracy. The naval campaign against Tripoli naturally caused incidents with the shipping of the other regencies, which refused to recognize the principle of blockade. The regencies wanted to use the cover of their flags in order to provide Tripoli with arms and ammunition as well as provisions, whether out of economic opportunism or solidarity with their fellow Islamic ruler. The Moroccan Emperor, for instance, claimed that he had obtained title to the Tripolitan cruiser *Meshuda* and demanded an American passport to sail that ship and another vessel, full of grain, to Tripoli. This would not only violate the American blockade of Tripoli but the American agents assumed that the Emperor would then turn the ship back over to Yusuf Pasha. When the American consul in Tangier, James Simpson, refused the passport, the Moroccan Emperor declared war on the United States. When Commodore Morris appeared off the coast with part of the American squadron, Simpson soon negotiated a return to peace, but his arguments with the Emperor continued.⁷¹

There were other trouble signs. Algiers and Tunis lodged the usual complaints that the United States had failed to provide agreed-upon annuities and consular presents. The Bey of Tunis

demanded a 36-gun frigate as a present from the United States. Morris was concerned with information (incorrect, as it turned out) that Tunisian corsairs appeared to be cruising together in preparation for attacks on American shipping. Morris hoped to coerce Tunis and Algiers into attitudes that were more reasonable by appearing off the ports with most of his squadron. The Bey claimed to be unimpressed, declared that he would continue to send ships to Tripoli, and threatened reprisals against American commerce if the U.S. Navy interfered with that trade. While Morris was ashore at Tunis, the Bey briefly detained him for non-payment of an American debt incurred to support Hamet Pasha. The Commodore agreed to pay \$22,000 in claims for Tunisian property seized by the U.S. Navy.⁷²

Morris's argument reflected the position of some senior officers in the Navy, who believed that the Jefferson administration's strategic objective – to coerce Tripoli to return to the terms of the 1797 Treaty, while deterring other regencies from breaking their own treaty commitments – greatly exceeded the present capabilities of the Navy and ignored the essential facts on the ground. “They are not a commercial people; therefore, we can make no impression on them,” Captain Alexander Murray, who had deployed with Morris, reported when he returned to the United States. The blockade of one of the regencies, he argued, would simply cause unnecessary trouble with the others and defeat the purpose of the administration's strategy of deterrence and conciliation. It was laudable to try to do away with tribute but unless the other European powers cooperated with the

⁷⁰ Eaton to Summert & Brown, 9 July 1802, *Naval Documents*, II: 196; Morris to SecNav, 15 October 1802, *Naval Documents*, II: 296ff.

⁷¹ Morris to Cathcart, 5 April 1803, cited in Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 126-7; Allen, *Our Navy and the Barbary Corsairs*, p. 113; Wheelan, *Jefferson's War*, pp. 127-8.

⁷² McKee, *Edward Preble*, p. 111; Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 65-7. Morris also had to sail to Algiers and attempt to deal with the Dey of Algiers, who objected to a consignment of \$30,000 cash in place of the annual shipment of timber and other maritime stores.

United States more generally, it would be more prudent to submit and pay.⁷³

The Jefferson Administration Reevaluates the Situation: 1802-1803

During the fall of 1802 and the spring of 1803, President Jefferson and his Cabinet reconsidered their policy toward Tripoli in light of these discouraging reports and in the context of an emergent strategic danger closer to home. After years of rumors, it was now clear that France had finally obtained title to the Louisiana Territory from Spain. The administration scrambled to prevent Napoleon from establishing a French strategic empire in the Caribbean and the American West. The peace between Britain and France was also on the verge of collapse. Once the two great European powers and their allies resumed war on the seas, as they did in May 1803, navies with far greater reach and capacity than the Barbary corsairs would again put American neutral shipping at risk.

Secretary of the Treasury Albert Gallatin was strongly influenced by Murray's reports on the deteriorating U.S. position and by the administration's overriding domestic goal of fiscal retrenchment. Gallatin argued for a quick resolution to the war in the Mediterranean. "Our object must clearly be to put a speedy end to a contest which unavailingly wastes our resources, and which we cannot, for any considerable period of time, pursue with vigor without relinquishing the accomplishment of the great and beneficial objects we have in view," he wrote to Jefferson in August 1802. "...I sincerely wish you could reconcile it to yourself to empower our negotiators to give, if necessary for peace, an annuity to Tripoli. I consider it no greater disgrace to pay them than Algiers. And indeed we share the

dishonor of paying those barbarians with so many nations as powerful and interested as ourselves, that, in our present situation, I consider it a mere calculation whether the purchase of peace is not cheaper than the expense of a war which shall not even give us the free use of the Mediterranean trade.... Eight years hence we shall, I trust, be able to assume a different tone; but our exertions at present consume the seeds of our greatness and retard to an indefinite time the epoch of our strength."⁷⁴

Secretary of the Navy Robert Smith, to the contrary, argued for a substantial increase in the American deployment to the Mediterranean to meet the collective threat posed by the regencies. "So far from considering that Tripoli is to be our only enemy, I am rather inclined to believe that nothing but a formidable squadron will prevent all the Barbary Powers waging war against us," he told Jefferson. "A superior force in the Mediterranean will insure us an early peace and will enable us to dictate the terms that will be the most honorable and beneficial to us. A feeble force, on the contrary, will subject us to the necessity of purchasing a peace upon the same terms that have from time to time been imposed upon the small powers of Europe." The United States ought to compel the regencies to recognize the United States to be in a class with the great European naval powers, a position Smith knew Jefferson was determined to obtain. "A formidable force displayed at this time will make a favorable impression, will repress every disposition hostile to us, and thus will save us a great trouble and much expense. It will acquire to us a character that will hereafter protect us against all such aggression." Smith believed that an expansion of the American Mediterranean squadron would force Tripoli to conclude peace within a year. "With less

⁷³ Cited by McKee, *Edward Preble*, pp. 108-9.

⁷⁴ Cited by McKee, *Edward Preble*, pp. 102-3.

force the war may continue for years, which would be playing a hazardous game.” One of the senior American naval officers in the squadron, Captain John Rodgers supported this position -- with “5 frigates, two brigs or schooners, and one mortar-ship we would be able to force a peace on any terms we care to dictate within two weeks after their arrival before the port of Tripoli.”⁷⁵

Jefferson sought a compromise between the two positions. The Cabinet agreed to explore a negotiated peace with Tripoli that included a major concession – annual tribute. “Considering that the Bashaw is no longer under the domestic distresses which at one time humbled his pretensions, that all the other nations at war with him have yielded to the customary terms of peace, and that the new terms which the concurrent policy of all civilized nations ought to force on those barbarians would now be pursued by the United States at a very great expense, not only without the cooperation of a single other power, but in opposition to the example of all, and at a period in different respects critical to their affairs,” Madison explained in the spring of 1803 to Cathcart, “it is thought best that you should not be tied down to a refusal of the presents, whether to be included in the peace, or to be made from time to time during its continuance, especially as in the later case the title to the presents will be a motive to its continuance.” The Secretary of State authorized Cathcart to offer Tripoli an initial payment of \$20,000 for peace, and an annuity of \$8-10,000 in cash, but not naval stores. Madison encouraged Cathcart to keep such a commitment out of a formal treaty if possible. Madison acknowledged that if Tripoli received presents and tribute from the United States, Tunis would demand the same. Cathcart was therefore authorized to offer annuities (tribute) to Tunis up to

⁷⁵ Quotations from McKee, *Edward Preble*, pp. 103, 118.

\$10,000 prior to beginning negotiations with Tripoli.⁷⁶

At the same time, to encourage a quick settlement from Tripoli, the administration decided to push its naval commanders towards a more aggressive posture. Jefferson had previously resisted an expansion of the American naval deployments on the grounds that Congress had authorized the executive to employ no more force than was necessary. He eventually agreed to a new squadron with more ships (although about the same number of guns) under the command of Edward Preble, which would arrive in the Mediterranean in the summer of 1803. The administration also took steps to reconfigure the American force to meet the special needs of blockading Tripoli and other Barbary ports. Congress voted funds to construct as many as fifteen gunboats and other smaller craft. The Secretary of the Navy authorized Preble to explore the loan or purchase of gunboats, bomb ketches and other shallow-bottom craft in Europe, which could aid in the campaign against the port.⁷⁷

Smith’s instructions to Preble were similar to those issued to Morris. He was to blockade the enemy and otherwise exert appropriate coercive pressure on Yusuf Pasha, while cooperating with the senior American diplomat in the region (now Tobias Lear, replacing Cathcart) to achieve

⁷⁶ Madison to Cathcart, 9 April 1803, *PJM-SS*, 4: 494-5; McKee, *Edward Preble*, p. 129; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 128. Fortunately for the United States, the Bey of Tunis rejected the terms – and Cathcart as consul. The Bey also repeated demands for a frigate. Allen, *Our Navy and the Barbary Corsairs*, p. 133.

⁷⁷ Wheelan, *Jefferson’s War*, p. 136. A further defect of the frigates was that they were not equipped for bombarding enemy land fortifications, as only the largest (the 44-gun ships) carried long guns heavier than 18 pounders; and their carronades, although of large caliber, were not suited to that purpose. Allen, *Our Navy and the Barbary Corsairs*, p. 137.

a negotiated solution. Smith reminded Preble that the American squadron had multiple tasks – “for it is not only to overawe Tripoli, that the equipping of the squadron was incurred, but upon a calculation of its salutary effect upon the other Regencies and especially Tunis, whose unfriendly conduct might require its presence.” Smith made the point that the administration expected Preble to be more aggressive than his predecessor: “The conduct for sometime past pursued by our squadron in the Mediterranean has, unhappily, not been calculated to accomplish the object of the government nor to make a just impression upon the enemy of our national character.”⁷⁸

IV. Second Phase: The Americans Take the Offensive

In the fall of 1803, Commodore Preble arrived in the Mediterranean determined to follow Smith’s injunction to adopt a more aggressive strategy towards Tripoli, rather than to continue the passive approach of convoying merchant vessels and maintaining a distant blockade. Preble decided that the key to coercing Yusuf Pasha was to prevent Tripoli from carrying on its coastal trade and from deploying its corsairs, by denying those ships safe haven.⁷⁹ “If Tripoli does not make peace, I

shall hazard much to destroy their vessels in port if I cannot meet them at sea. I shall endeavor to convince them their ports are not sufficient protection for them,” he informed the Secretary of the Navy. Preble envisioned “distressing the coast” – that is, destroying the smaller ports through which Tripoli received much of its military supplies and from which Yusuf received much of his personal revenue. This campaign would drive most of the population of the smaller coastal towns into Tripoli, where they would strain the resources of the capital. Preble then planned to carry out the reduction of Tripoli by direct naval action.⁸⁰

Or, even better, Preble hoped to use Hamet Pasha to capture rather than destroy those towns and roll up Tripoli from the land. “[Hamet] is now at Alexandria and has Arabs and mamelukes and wishes to march to the siege of Tripoli but is destitute of money, powder and field artillery,” Preble informed Secretary Smith. “This he thinks with our assistance by sea would put him in possession of Tripoli; and I am certain that it would in less than two months. He promises perpetual peace & will give us hostages and allow us to hold the principal fort at the entrance of the harbor, plus release of all Christian prisoners. I wish earlier notice had been taken of this man and his views.” Preble was “astonished the first and second squadron didn’t compel peace” – he calculated that he faced ten times the Tripolitan force as had Dale and Morris. Even so, “if you will allow me one hundred thousand dollars in such additional naval force as I think proper, I will take Tripoli or

⁷⁸ Madison to Lear, 6 June 1804, *PJM-SS*, 7: 287-8; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 142; Smith’s orders in Wheelan, *Jefferson’s War*, p. 209.

⁷⁹ Morris, at least for the record, had considered a similar approach. He said the he had planned to deploy the squadron off Tripoli in January 1803 and attempt to burn the shipping in the harbor, but that the weather had prevented the operation. He that claimed he would have destroyed most, if not all, of the Tripolitan cruisers that spring had he been supplied rather than ordered home. At the very least, he said, the destruction of the cruisers would have prevented the molestation of American

commerce for some time. Allen, *Our Navy and the Barbary Corsairs*, pp. 119-121; McKee, *Edward Preble*, p. 110; Murray Journal, 29 January 1803, *Naval Documents*, II: 350.

⁸⁰ Preble to Henry Dearborn, 9 August 1803, cited in McKee, *Edward Preble*, p. 138-9; Preble to SecNav, 9 August 1803, *Naval Documents*, II: 508; Preble to Smith, 16 July 1803, cited in McKee, *Edward Preble*, pp. 130-1.

perish in the attempt. I am confident it may easily be destroyed or taken in the summer with Gun & Mortar boats protected by our cruisers.” Preble thought that word of the new American deployment, and the U.S. support of Hamet Pasha, might lead to a quick settlement of the war without further military action.⁸¹

In the event, Preble’s campaign against Tripoli was delayed for the rest of the season when he was forced to deal with an emerging crisis in October 1803, just as he reached the western Mediterranean. He found that Moroccan corsairs were at sea with orders from the Governor of Tangiers to open hostilities against the United States, even though the Emperor himself had not formally declared war. Several American merchant ships had been captured and the American consul, James Simpson, was in detention. Simpson informed Preble that the Moroccan goal was to replace the Treaty of 1786 with one that required the United States to pay tribute.

The unexpected presence of Preble’s squadron preempted that plan. Preble insisted upon the release of the captured American merchantmen, the punishment of any Moroccan officials or sailors who had acted without the Emperor’s permission, and the formal reaffirmation of the treaty of 1786 for the duration of the Emperor’s reign. Preble lectured Moroccan officials on the value of American trade and argued that commercial advantages far outweighed anything they could hope to gain from war. If Morocco chose war, however, he made it clear that he was prepared “not only to destroy all their vessels, which would not much require much of our force to do, but we should send ships and batter down every

⁸¹ Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 72-3; Preble to SecNav, 17 January 1804, *Naval Documents*, III: 339; Preble to SecNav, 11 March 1804, *Naval Documents*, III: 485.

seaport town in the Empire.” Preble was able to assemble a particularly impressive force – six warships of 168 guns – which included two frigates under the command of John Rodgers that were just about to rotate back to the United States. “The activity of the Squadron was equal to its unexpected appearance – Every Sea port in the Empire, from Mogador to Tituan, had or more [sic] cruisers off, to prevent the entrance of departure of any Vessels.... Our Frigates were drawn up to destroy his town, if he should determine on hostilities. The impression was strong,” Tobias Lear noted from Tangiers. American naval forces also seized several Moroccan ships, including the ubiquitous *Meshuda*, which they had caught trying to run the blockade of Tripoli. The Emperor now insisted that he knew nothing of the orders to capture American merchant ships. After Simpson supplied presents to senior officials to expedite the negotiations, the Emperor agreed to recognize the American blockade of Tripoli; to ratify the treaty of 1786; to release an American brig; and to punish the Governor.⁸²

While Preble dealt with Morocco, any hopes for a cheap and quick settlement with Tripoli were dashed in October 1803 when the U.S. frigate *Philadelphia*, under the command of William Bainbridge, ran aground outside the port while attempting to chase down a blockade-runner. The crew, before they were captured, failed to destroy the ship and the Tripolitans soon managed to recover it intact. The stake of the war with Tripoli escalated dramatically. The Pasha now demanded \$3,000,000 for peace and ransom of the *Philadelphia*’s complement,

⁸² Cited in McKee, *Edward Preble*, p. 152; Lear to Davis, 12 December 1803, *Naval Documents*, III: 265; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 132-3; McKee, *Edward Preble*, pp. 139-59. The Governor of Tangiers was eventually able to buy his way out of punishment by the Emperor. McKee, *Edward Preble*, p. 171.

about 300 men in total. “Would to God, that the Officers and crew of the *Philadelphia* had, one and all, determined to prefer death to slavery; it is possible that such a determination might save them from either,” Preble complained to the Secretary of the Navy. “If it had not been for the Capture of the *Philadelphia*, I have no doubt, but we should have had peace with Tripoli in the Spring; but now I have no hopes of such an event.”⁸³

Preble was particularly concerned that Algiers or Tunis would take advantage of the weakened psychological as well as military position of the United States. Reports circulated that Yusuf Pasha planned to sell the *Philadelphia* to one of those regencies. If the Americans tried to prevent the transfer, they would likely find themselves at war with yet another Barbary power and be labeled as the aggressor. The addition of an advanced American warship to one of the regencies threatened to tip an already uncertain naval balance against the United States. “The Barbary Powers are daily increasing their naval force,” Preble reported to the Secretary of the Navy, “and will soon become powerful, if not seasonably checked.” The Bey of Tunis, meanwhile, once again demanded indemnification for property confiscated by Americans during the blockade, under the threat of an immediate declaration of war. A Tunisian minister told the U.S. consul that “the Americans are now like the ground.”⁸⁴

Preble was not in a position to undertake any comprehensive military campaign for some months, given the winter weather and the need to assemble the smaller craft for direct action against

Tripoli. He did however take action to deal with the problem at hand. In January 1804, an American assault force, carried by a disguised merchant ship, burned the *Philadelphia* in Tripoli harbor. The American consul in Tunis, George Davis, reported that “the success of this enterprise added much to the reputation of the Navy, both at home and abroad.” British Admiral Nelson called it “the most bold and daring act of the age.” But in the short term, positions hardened on both sides. Before the destruction of the *Philadelphia*, the Tripolitan agent at Malta had suggested that the Pasha would agree to a ransom of \$120,000 (after the Americans repatriated the 60-odd Tripolitan prisoners they held) and to an exchange of a schooner for the *Philadelphia*. Lear thought these terms better than the Jefferson administration had expected and advised their acceptance. Now, however, the Pasha refused to negotiate at all, reflecting his anger over the destruction of the *Philadelphia* and reports that the Americans had massacred some of the Tripolitan crew aboard the ship, an accusation that Preble indignantly denied. Lear authorized Preble to pay a ransom of \$600 per man – on the order of \$150,000-\$180,000 – in addition to whatever costs might be associated with the formation of a new treaty.⁸⁵

Preble consistently took a harder line on treaty terms than did Lear, who remained at his post in Algiers during most of this period. In June 1804, with campaign season approaching, Preble, with the assistance of former consul Richard O’Brien, offered a total settlement of \$60,000: \$40,000 in ransom, \$10,000 to various public figures,

⁸³ Preble to SecNav, 10 December 1803, *Naval Documents*, III: 256-7

⁸⁴ Preble to SecNav, 11 March 1804, *Naval Documents*, III: 485; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 140, Davis to SecState, 28 December 1803, *PJM-SS*, 6: 238-9.

⁸⁵ Allen, *Our Navy and the Barbary Corsairs*, p. 173; Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 74-5; Wheelan, *Jefferson’s War*, p. 198; Preble to Bainbridge, 12 March 1804, *Naval Documents*, III: 489; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 136. These secondary accounts differ somewhat in detail and the timing of proposals.

and the equivalent of \$10,000 in consular presents to be paid every ten years. Preble believed that Tripoli would likely have accepted Lear's more generous proposal; but Preble thought that the United States would be mistaken offering those terms. They would merely stimulate the other Barbary regencies to demand an upward revision of their arrangements with the United States. In any case, Yusuf Pasha rejected Preble's terms. The Pasha had recently concluded peace agreements with Holland and Denmark for \$80,000 and \$40,000 respectively, even though he held no citizens of those countries. Preble's offer was also well below that made by Commodore Morris before the Tripolitans captured the *Philadelphia's* crew. Preble argued to his superiors that the presence of a reinforced American squadron changed matters greatly. The United States, he said, should insist now on concessionary terms from Tripoli or press the matter home militarily. Preble was particularly insistent that the United States should never pay tribute; it would only stimulate the avarice of the other regencies and probably lead to a new outbreak of piracy.⁸⁶

The possibility of international cooperation was renewed when Robert R. Livingston, the outgoing American Minister in Paris, sought Napoleon's good offices to mediate affairs with Tripoli. (The U.S. representative in Russia, Levitt Harris, made the same request of the Tsar.) Talleyrand, the French Foreign Minister, told Livingston that he had instructed the French consul at Tripoli, Beaussier, to aid the American prisoners and if possible secure their freedom. When Beaussier quoted a higher price for ransom and peace than Preble had received from other sources – first,

\$250,000, then \$500,000 – Preble decided that the consul was working against American interests and decided to hold the negotiations strictly in American hands, insofar as possible. Preble also heard that the Spanish consul arranged for Spanish carpenters to build gunboats for the Pasha. He concluded that all the foreign representatives, except the Danish consul, Nissen, were working against the United States because they feared that settlement with America would cause the Pasha to unleash his corsairs on their commerce.⁸⁷

The Jefferson administration was irritated when it received word of these diplomatic initiatives. Madison, in his instructions to the new Minister to France, John Armstrong, stated firmly that “it was certainly better in all cases that our own objects be effected by our own means, than that resort should be had to the favor of other powers, and happily there is reason to expect that the means now provided for the existing case will be sufficient.”⁸⁸

Preble's Campaign

With the diplomatic track stalled, Preble prepared for an active campaign against Tripoli. He obtained from the King of the Two Sicilies, six gun boats and two bomb-vessels, partially crewed with

⁸⁶ Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 72-72, 78-80; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 137; Preble to SecNav, 17 January 1804, *Naval Documents*, III: 339.

⁸⁷ Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 136-138; Allen, *Our Navy and the Barbary Corsairs*, p. 180. Preble did not rule out any foreign assistance: “Would it not do for the Interest of our Country to have a Minister Plenipotentiary or Ambassador at the Ottoman Porte? Such a character might influence the Grand Seignior to guarantee our treaties with the Barbary Powers, and they would then never dare to infringe them.” Preble to SecNav, 11 March 1804, *Naval Documents*, III: 485.

⁸⁸ Madison to Armstrong, 15 July 1804, *PJM-SS*, 7: 453-4; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 138.

Neapolitan sailors and gunners; and he mounted longer-range guns aboard the *Constitution*. He also took steps to see that the other regencies remained quiet so that he could turn his full attention to Tripoli. The American consuls had reported a direct correlation between the length of time between port visits by U.S. warships and the size and frequency of demands by their rulers. Preble made a point of bringing part of the squadron periodically before Tunis, the regency most likely to engage in an opportunistic corsair campaign against American shipping. He and Davis concluded that they could deter the Tunisians successfully because of the substantial American presence in the Mediterranean, a shortage of grain, and the fact that the Bey was occupied with war against Naples. Davis also reported that Tunis was waiting to see the outcome of the impending attack on Tripoli. He thought it imperative that these operations be successful in order to establish America's reputation – "It must be dreadful to Barbary." Tobias Lear sent a message to William Bainbridge, still captive in Tripoli, which Lear obviously intended to be passed on to Tripolitan officials. "We are a Nation different from all others, we are now powerful, if we choose to exert our strength; and we are rising rapidly to a great pitch of importance, while most other nations, which are now here, are at their full growth, or on the decline."⁸⁹

Preble opened his campaign on August 3, 1804 with a bombardment of the town and attack on the Tripolitan gunboats. He followed this strike with another daylight strike and three night attacks over the next three weeks. The pauses were caused by bad weather and the need to reassemble the

ships, assess the damage, and plan the next attack. Preble's operational objective seems to have been to negate the harbor's defenses – the gunboats, fortifications and defensive batteries – so that he could operate his own forces with impunity and destroy, or at least hold at risk, the merchant shipping and corsair vessels in the port. Preble may also have hoped that the shock of the attack alone would persuade the Pasha to settle; or perhaps trigger a revolt against his rule. Preble tried several different methods of attack on the port itself. He did not have the time or resources to destroy the smaller port cities first, as he had initially planned. Nor had he been able to arrange to engage Hamet Pasha in the campaign. The Americans enjoyed some clear successes, including the capture or destruction of three Tripolitan gunboats in hand-to-hand fighting. This was regarded as a signal success for America's fighting reputation, as Christian navies were regarded as having superior seamen and gunners, while the corsairs supposedly held the edge in personal combat. "Some Turks died like men," one officer reported, "but most behaved like women." An American gunboat was destroyed with considerable loss of life, however; and a final attempt to damage or destroy the port by sailing a fire ship into the harbor failed when the American vessel blew up prematurely, taking most of its crew with it. Preble was never able to force the Tripolitan gunboats to engage outside the protection of the port's batteries. American counter-fire put some of those cannons out of commission but the defensive fortifications remained largely intact. Most of the shells from the mortar boats, at least early in the campaign, did not explode, apparently because of their poor quality. In mid-September 1804, Preble broke off the campaign. Deteriorating weather and low ammunition meant that he could no longer use the gunboats and mortar ketches. His own ships were

⁸⁹ Allen, *Our Navy and the Barbary Corsairs*, pp. 182, 219; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 142; Wheelan, *Jefferson's War*, p. 202; Lear to Bainbridge, 28 August 1804, *Naval Documents*, IV: 471.

operating at the limits of their crews and provisions.⁹⁰

During the operational pauses, Preble continued to negotiate by various indirect means with Yusuf Pasha. After the first attack, which he hoped demonstrated the seriousness of American's intent, Preble renewed his previous offer – a \$60,000 package, including ransom but no tribute. He warned that four new American frigates were expected to join the squadron momentarily. Preble claimed that he would then agree to no payment whatsoever and would dispatch a frigate to Alexandria to bring Hamet Pasha to the scene. “I am convinced by what I have already seen, that we can reduce Tripoli to a heap of Ruins: the destruction of Derne & Benghazi will follow, and the blockade will be constantly continued, unless the present terms are accepted,” Preble informed Beaussier, the French consul in Tripoli. Yusuf Pasha did not reply.⁹¹

Commodore Preble – perhaps influenced by the news that Captain James Barron would soon replace him as squadron commander – later increased his offer to \$90,000 and then to \$120,000, including ransom and presents. The Pasha reduced his demands to \$150,000. Preble refused to go that high. Although the difference seemed relatively insignificant, Preble consistently held to the view that \$150,000 exceeded the threshold at which the other regencies would demand changes to their treaties. (Had Tobias Lear been on the scene, he likely would have recommended or even ordered Preble to settle on those terms.) The Pasha, apparently growing in confidence that he could withstand the assault, eventually raised his demands to \$400,000. The French

consul reported that Yusuf had sworn “to encounter all your forces in Order that Europe & Africa may conceive a favorable opinion of his strength & courage.”⁹²

During the attacks, Preble received mixed reports on the damage the Americans had inflicted on Tripoli and its defenses. The captain of a Spanish merchant ship who had been in the town during the bombardment reported that the second attack had wreaked “great havoc and destruction” and killed “a vast number.” Beaussier, on the other hand, reported that the American bombardments had little effect. More importantly, this was the view of Nissen, the Danish consul, whom the Americans regarded as a friendly and reliable source. “On the whole bombardment & cannonade, have not had an effect sufficient to force the Bashaw, who, don't care much about his Town or his Subject's life.” The foreign consuls all agreed that Preble had made a serious error in making settlement offers in between attacks. “The Bashaw takes it as a necessity for peace & grows more obstinate,” Nissen concluded. “After every attack, there has been the next day a flag of truce – this is no good policy towards an Enemy as Tripoli.” Preble would have been better off, Nissen argued, had he continued the attacks without pause and forced Yusuf Pasha to make the first offer. (Preble, given his limited ability to assess battle damage and his uncertainty about the Pasha's mindset, may have adopted this fight-and-talk course as the only way of gaining intelligence about what types of attacks were having the most effect on Yusuf.)⁹³

Bainbridge, who was able to communicate surreptitiously with the American squadron from his prison in

⁹⁰ This account based on Allen, *Our Navy and the Barbary Corsairs*, pp. 192-7.

⁹¹ Paullin, *Diplomatic Negotiations of American Naval Officers*, p. 81; Preble to Beaussier, 11 August 1804, *Naval Documents*, IV: 397-8.

⁹² Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 138-9; Allen, *Our Navy and the Barbary Corsairs*, pp. 181-97, 217; Wheelan, *Jefferson's War*, pp. 222-4.

⁹³ Wheelan, *Jefferson's War*, p. 221; Nissen to Davis, 1 September 1804, *Naval Documents*, IV: 495.

Tripoli, was another important source of intelligence. He had long been skeptical of Preble's plan to coerce Tripoli solely with naval force. The city itself, he argued, was too well fortified to be forced to submit by bombardment alone (by chance, Bainbridge himself was nearly killed when an American shell struck near his living quarters). Bainbridge argued that the city was vulnerable only to attack by land, and that the deployment of three or four thousand U.S. troops would be necessary to force the Pasha to capitulate. Bainbridge did favor continuing to bombard Tripoli at night. Such harassing fire might drive the inhabitants into the country and encourage the Pasha into accept more moderate terms, even if not all that the United States sought.⁹⁴

V. The Final Phase: The Regime Change Option

In early autumn 1804, Commodore Barron officially relieved Preble. He commanded an expanded naval force and orders to prosecute the counter-piracy campaign with still greater vigor. The Jefferson administration made the decision for further military escalation after receiving news of the capture of the *Philadelphia*, and well before Preble engaged in the first direct attacks against Tripoli.

...the President immediately determined to put in commission and send to the Mediterranean a force which would be able, beyond the possibility of a doubt, to coerce the enemy to a peace on terms compatible with our honor and our interest. A due regard to our situation with Tripoli, and

precautionary considerations in relation to the other Barbary powers, demanded that our forces in that quarter should be so augmented as to leave no doubt of our compelling the existing enemy to submit to our own terms, and of effectually checking any hostile dispositions that might be entertained towards us by any of the other Barbary powers.⁹⁵

The Secretary of the Navy acknowledged to Barron that the forces under Preble's command had not been adequate to these multiple tasks, but "with this force it is conceived that no doubt whatever can exist of your coercing Tripoli to a Treaty upon our own Terms and of your preventing the effects of hostile dispositions which may be entertained towards us on the part of any other of the Barbary Powers." The following summer, when the entire force was assembled, Barron would have available at least thirty-one ships: six frigates, four brigs, two schooners, one sloop, two bomb-vessels, and sixteen gunboats.⁹⁶

Madison also toughened Lear's negotiating instructions by returning to the original U.S. position of no tribute. In view of the strong force under Barron's command, the Jefferson administration now believed that they should effect peace "without any price or pecuniary compensation whatever." Lear was authorized to make a one-time purchase of peace and the payment of ransom only in case of adverse events, such as an accident to the squadron or hostilities on the part of other Barbary powers. The administration, once it received reports of the American naval campaign against Tripoli of August-September 1804,

⁹⁴ Allen, *Our Navy and the Barbary Corsairs*, pp. 170; Wheelan, *Jefferson's War*, p. 202

⁹⁵ SecNav to Preble, 22 May 1804, cited in Allen, *Our Navy and the Barbary Corsairs*, pp. 198-9.

⁹⁶ SecNav to Barron, 6 June 1804, *Naval Documents*, IV: 152-3; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 157.

concluded that the American bargaining position had been further strengthened. “The possibility of any considerable sacrifices being necessary should be considered as diminished by the spirited attack made on the enemy of Commodore Preble, and the comparison which will naturally be made of their effect, with what may be expected from a repetition of them when the season opens, with equal animation on a larger scale.”⁹⁷

The Jefferson administration was also more open to the option of supporting Hamet Pasha, at least as an adjunct to the American strategy of coercing Yusuf into abandoning the war. William Eaton returned to the region with Barron’s squadron as the newly-designated Navy Agent to the Barbary Regencies, with authority to deal with Hamet. Eaton had maintained consistently that a ground campaign would be necessary to deal with Tripoli. If the United States was not prepared to conduct a substantial amphibious attack itself, it must use Hamet to recruit local troops for that purpose. But was the United States prepared to go so far as to support Hamet’s efforts to overthrow Yusuf? Secretary Smith’s instructions to Barron were predictably vague: “With respect to the ex-Bashaw of Tripoli, we have no objection to your availing yourself of his co-operation with you against Tripoli, if you shall, upon a full view of the subject, consider his co-operation expedient. The subject is committed entirely to your discretion.” At the same time, Barron was informed that Lear was “invested by the President with full power and authority to negotiate a treaty of peace with the Bashaw of Tripoli” – which indicated the administration had limited objectives that stopped short of the overthrow of Yusuf. Madison authorized Lear to spend up to \$20,000 on the Hamet Pasha project, but he added that

⁹⁷ Madison to Lear, 6 June 1804, cited in Allen, *Our Navy and the Barbary Corsairs*, p. 254; Madison to Lear, 20 April 1805, *ASPFR*, II: 702.

the primary instrument of pressure was to be the U.S. naval force, which should be “sufficient for any exercise of coercion which the obstinacy of the Bashaw may demand.”⁹⁸

Barron found that it was too late to do more than blockade Tripoli briefly in 1804 with the entire American squadron before he took up winter quarters. He deployed two or three ships to maintain a distant blockade of the port. The frigate USS *Essex* was stationed at Gibraltar to monitor events in Morocco because the Emperor continued to make noises that the Americans interpreted as part of a design by the regencies to divert American warships away from Tripoli. Barron began his initial planning for a resumption of the naval attacks on Tripoli during the coming summer.⁹⁹

Eaton, meanwhile, actively pursued the second-front, regime-change option. He persuaded Barron to support a ground campaign conducted under the auspices of Hamet Pasha. “Bringing Hamet forward with all his influence,” Eaton explained to the Secretary of the Navy, would aid Barron’s efforts by “intercept[ing] the supplies of the Enemy and to cut[ing] off his escape in the rear.” Eaton traveled to Egypt to meet Hamet, who was engaged in fighting with the Mamelukes then in rebellion against Turkish authorities. Eaton reported that Yusuf Pasha’s agents encouraged to the Turks to prevent Hamet from being allowed to return. “The subjects of Tripoli were getting weary of the war with these new infidels,” Eaton quoted the agents as saying, “they could not learn from their movement their intentions, and were attacked unaware:

⁹⁸ SecNav to Barron, 6 June 1804, *ASPFR*, II: 702; see also Madison to Lear, 6 June 1804, cited in Allen, *Our Navy and the Barbary Corsairs*, pp. 254, 259; Madison to Lear, 20 April 1805, *ASPFR*, II: 702, says those instructions still hold.

⁹⁹ Allen, *Our Navy and the Barbary Corsairs*, p. 219; Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 82-3.

the Bashaw [Yusuf] believed he could resist them with his batteries; but if they made a descent with his brother, his people would all leave him.”¹⁰⁰

Eaton’s original idea had been to convoy Hamet by ship directly to Tripoli. He decided instead to conduct an overland march with Hamet’s forces across the desert to Bomba, where the troops would be supplied by the U.S. Navy and move on to take Derne, the town where Hamet had once been governor. Hamet assured Eaton that he continued to have much local support there. In exchange for American participation in his campaign against Yusuf, Hamet agreed to a Convention extraordinarily favorable to the United States. Hamet promised upon resuming his station in Tripoli to indemnify the United States for the war; release all American prisoners without ransom; and conclude a permanent treaty with the United States that involved no tribute. A secret article committed Hamet to hand over Yusuf and Murad Reis to the Americans. Eaton was given title of general and commander in chief of the invasion force.¹⁰¹

Eaton’s march across the desert with a motley collection of Moors, Arabs, adventurers of other ethnicities, and a few U.S. Marines soon became part of American folklore. Eaton overcame repeated threats of mutiny and desertion (some of which came from Hamet himself) and shortages of food, water, and military supplies, to reach Derne in late April 1805. It was a trek worthy of Lawrence of Arabia. Several U.S. warships supported the attack against that town, which fell on April 27. The expeditionary force fought off several counter-attacks from forces dispatched from Tripoli by Yusuf Pasha. Eaton thought that the

expedition was on the verge of success. He wanted Barron to resupply Hamet’s forces so that they could press immediately on to seize Benghazi, 100 miles away. Once that attack succeeded, U.S. warships could carry the army the last 400 miles to Tripoli itself.¹⁰²

Commodore Barron, remote from the scene at Malta and suffering from a serious illness, was not nearly as sanguine. That winter he had been persuaded by Eaton’s enthusiasm to support the overland campaign but he had become alarmed at reports from his officers about the difficulties that accompanied the dealings with Hamet. Yusuf, meanwhile, sent signals of his serious intention to negotiate. Through the agency of Nissen, Sidi Mohammad Dghies, who had been opposed to the war from the beginning, said that peace could probably be bought at \$120,000, the figure which Preble had earlier proposed. Dghies said he was strongly in favor of peace, partly because his private fortune had suffered from the war – an indication that the commercial interests in Tripoli might now be willing to pressure Yusuf for a settlement. Bainbridge also predicted that Yusuf could be brought down to \$120,000. According to Bainbridge’s sources, the Pasha did fear that the United States would mount an even more serious naval attack against Tripoli in 1805. But if the attack did not meet those expectations, Bainbridge warned, the price of peace would undoubtedly be ratcheted back up.¹⁰³

Barron and Lear interpreted these signals from Yusuf as reflecting recognition of his growing weakness, especially given Tripoli’s economic difficulties (grain was

¹⁰⁰ Eaton to SecNav, 9 August 1805, *Naval Documents*, IV: 213-8.

¹⁰¹ Wheelan, *Jefferson’s War*, p. 251. Hamet pledged to use the tribute of Denmark, Sweden and the Batavian Republic to compensate the United States.

¹⁰² Wheelan, *Jefferson’s War*, p. 245. American officials typically used the term “Moors” and “Arabs,” at various times to describe various ethnic groups, with little attempt to make precise distinctions.

¹⁰³ Allen, *Our Navy and the Barbary Corsairs*, p. 248; Bainbridge to Davis, 27 January 1805, *ASPFR*, II: 703.

known to be scarce) and Yusuf's concern with internal threats other than Hamet. Yusuf was reported to have detained relatives of the senior officers who had been dispatched to the relief of Derne, to ensure their loyalty while away from the town. But the prospect of Hamet's campaign was also mixed blessing to the American cause. It increased pressure on Yusuf but it also ran the risk of hardening his terms and provoking a serious retaliation. "The Bashaw is now very attentive upon your transactions with his brother..." Nissen informed the Americans. "Give me leave to tell you that I have found your plan with the Bashaw's brother very vast, and that you sacrifice your prisoners' lives here in case of success." Bainbridge concurred. Yusuf told Bainbridge directly that if the Americans continued to support his brother, he would strike the United States "in the most tender part." When news of fall of Derne reached Tripoli, Yusuf convened his council, the Divan, announcing to them that he wished to execute the American prisoners.¹⁰⁴

The Americans on the scene thus faced a critical choice. Barron decided that the Convention that Eaton signed with Hamet was inconsistent with his instructions because it seemed to preclude a negotiated settlement with Yusuf Pasha. "You must be sensible, Sir, that in giving their sanction to a cooperation with the exiled Bashaw, [the] Government did not contemplate the measure as leading necessarily and absolutely to a reinstatement of that Prince in his rights on the regency of Tripoli," Barron chided Eaton. Once the peace was signed, he insisted, "our support to Hamet Bashaw must necessarily be withdrawn." Barron thought that the overland expedition had

already reached the point of diminishing returns. Eaton's request for resources to carry on went far beyond the approved level of \$20,000. If Hamet's pretensions to rule – and his claims of popular support – were to be taken seriously, he should be able to sustain himself with nothing more than limited U.S. naval support. "They [the U.S. government] appear to have viewed the cooperation in question as a means, which, provided there existed energy and enterprise in the Exile, and attachment to his person on the part of his former subjects, [he] might be employed to the common furtherance and advantage of his claims and of our cause, but without meaning to fetter themselves by any specific or definite attainment *as an end*, as the tenor of my instructions . . . and the limited sum appropriated for that special purpose, clearly demonstrate." The point of no return, Barron told Eaton, was Derne. Hamet, according to reports reaching Barron, was barely able to maintain control of that town, much less recruit and supply his own army.¹⁰⁵

Eaton argued vehemently that Barron was applying the wrong standards in judging Hamet. Poor harvests, the American blockade of Tripoli, and years of heavy taxation by Yusuf had left few resources for either brother to call upon. Absent American support, Hamet could only raise money by

¹⁰⁴ Lear to Madison, 5 July 1805, cited in Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 150-1; Bainbridge to Davis, 27 January 1805, *ASFR*, II: 703; Wheelan, *Jefferson's War*, pp. 246, 267, 289.

¹⁰⁵ Wheelan, *Jefferson's War*, pp. 290ff; Barron to Eaton, 22 March 1805, cited in Allen, *Our Navy and the Barbary Corsairs*, p. 260. See also John Quincy Adams' record of conversation with Barron the following year in Washington. "Barron says Eaton had no authority; when he learned of the commitment he decided to support him until he got to Derne with full warning that after that he must maintain himself at his own risk and on his own strength. But when he got there he was as impotent as before -- utterly unable to maintain himself a moment or to be of the smallest use to us." Charles Francis Adams, ed., *Memoirs of John Quincy Adams* (Philadelphia: J.B. Lippincott, 1874), vol. 2: 429-30. Diary entry for 6 April 1806.

adopting draconian measures that were sure to alienate the population, just as Yusuf had done. The United States could tip the balance decisively – and gain considerable future influence over the new ruler of Tripoli – if it provided ready cash and military supplies at this critical moment. The Arab troops especially were at the disposal of the highest bidder – “poor, avaricious, accustomed to despotism, [they] are therefore generally indifferent about the name or person of their despot, provided he imposes no new burdens.” Eaton believed he could easily raise an army of 20-30,000 Arabs and Moors. If this force successfully marched on Tripoli and installed Hamet, this example of American-sponsored regime change would reverberate throughout the region and “would very probably be a death blow to the Barbary system.” America’s reputation as well as its interest was now at stake. If the United States betrayed Hamet, it would dishonor itself in a culture that valued honor (at least in principle); and would weaken its long-term position in the region by eliminating or alienating those forces of opposition that might in the future become assets for the United States with the other regencies.¹⁰⁶

The deciding voice in the matter was the American Consul-General, Tobias Lear. Lear had long been an opponent of any sort of cooperation with Hamet. He thought that the man had little ability or influence. If the Americans did succeed in installing Hamet in Tripoli by the force of arms, they would find themselves allied with an unpopular and incapable ruler, the worst possible combination. A deal with Yusuf, on the other hand, was much more likely to stick. “I should place much more confidence in the continuation of peace with the present

bashaw, if he is well beaten into it, than I should with the other, if he should be placed on the throne by our means,” Lear argued. In fact Lear doubted that the Hamet himself really posed a threat to Yusuf – it was presence of the small American contingent with Hamet, and the supplies that the United States could provide the rebels, which had truly alarmed Yusuf. “I found that the heroic bravery of our few countrymen at Derne, and the idea that we had a large force and immense supplies at that place, had made a deep impression on the Bashaw.” But whatever the case, Barron (just before he relinquished command of the American squadron due to his illness) and Lear agreed that the time was ripe to open direct negotiations with Tripoli. Barron refused to provide Eaton with any further military supplies for a campaign beyond Derne and offered him only limited naval support.¹⁰⁷

Lear proceeded to Tripoli in late May and, though the agency of Nissen, began discussions on a settlement. The U.S. assault squadron remained over the horizon to provide coercive leverage in the negotiations. According to Nissen, the Pasha acknowledged that he was defeated and that the American squadron in the Mediterranean was sufficient to reduce Tripoli.¹⁰⁸ Yusuf threatened, however, to abandon the town with his American prisoners and retire to the interior, where he would continue resistance. The Pasha gave up his demand for a payment for peace and reduced his ransom requirements to \$130,000. Lear countered with what amounted to an ultimatum: a ransom payment of \$60,000 and the delivery of 81 Tripolitan prisoners held by the United States, in exchange for the crew of the

¹⁰⁶ Eaton to SecNav, 13 February 1805, *ASPFR*, II: 704; Wheelan, *Jefferson’s War*, pp. 292, 312; Allen, *Our Navy and the Barbary Corsairs*, pp. 232, 242.

¹⁰⁷ Wheelan, *Jefferson’s War*, p. 273; Lear to Eaton, 6 June 1805, *ASPFR*, II: 715.

¹⁰⁸ It is certainly possible that Nissen phrased Yusuf Pasha’s views on the war in a way he felt most likely to promote a settlement.

Philadelphia. The United States would offer no tribute although it was understood that America would observe the custom of giving a present (not exceeding \$6,000) upon the appearance of a new consul. In the event of a future war between the United States and Tripoli, prisoners would not be enslaved and would be exchanged without ransom at the conclusion of peace; or with payment based on a fixed exchange rate if one side held more prisoners than the other.¹⁰⁹

The new treaty made no reference to a special role for Algiers. The Pasha also insisted on an article to the effect that American troops would be withdrawn from Derne and U.S. pressure placed on Hamet to withdraw his pretensions. Lear asked in return that Yusuf commit formally to restore Hamet's family to him – but Lear also agreed to a secret clause that gave the Pasha four years to do so. Lear did not convey this qualification to Washington (at least not officially), which later caused considerable embarrassment when it became public in the United States.¹¹⁰ The Treaty also contained

an article, following on that of the Treaty of 1797, which attempted to remove the religious dimension from the relationship between the regimes (at least from the standpoint of the United States):

Article 14. As the Government of the United States of America, has in itself no character of enmity against the Laws, Religion or Tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan Nation, except in the defence of their just rights to freely navigate the High Seas: It is declared by the contracting parties that no pretext arising from Religious Opinions, shall ever produce an interruption of the Harmony existing between the two Nations; And the Consuls and Agents of both Nations respectively, shall have liberty to exercise his Religion in his own house; all slaves of the same Religion shall not be Impeded in going to said Consuls house at hours of Prayer. The Consuls shall have liberty and personal security given them to travel within the Territories of each

¹⁰⁹ Article 16, in English translation: “If in the fluctuation of Human Events, a War should break out between the two Nations; The Prisoners captured by either party shall not be made Slaves; but shall be exchanged Rank for Rank; and if there should be a deficiency on either side, it shall be made up by the payment of Five Hundred Spanish Dollars for each Captain, Three Hundred Dollars for each Mate and Supercargo and One hundred Spanish Dollars for each Seaman so wanting. And it is agreed that Prisoners shall be exchanged in twelve months from the time of their capture, and that this Exchange may be effected by any private Individual legally authorized by either of the parties.”

¹¹⁰ Article 3, in English translation: “All the forces of the United States which have been, or may be in hostility against the Bashaw of Tripoli, in the Province of Derne, or elsewhere within the Dominions of the said Bashaw shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the Subjects of the said Bashaw, who may be in hostility

against him in any part of his Dominions; And the Americans will use all means in their power to persuade the Brother of the said Bashaw, who has co-operated with them at Derne &c. to withdraw from the Territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him, his Wife and Children now in his powers.” American consul George Davis succeeded in bringing about a reunion of Hamet with his family in 1807. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, p. 159. In 1806, apparently unaware of the secret understanding, Jefferson's Cabinet had considered restoring the blockade to force the release of Hamet's family. Wheelan, *Jefferson's War*, p. 326.

other, both by land and sea, and shall not be prevented from going on board any Vessel that they may think proper to visit; they shall have likewise the liberty to appoint their own Dragomen and Brokers.

The new commander of the U.S. squadron, John Rodgers, informed Eaton that a peace had been signed and ordered him to remove himself and the small American contingent from Derne. Eaton reluctantly complied. The Americans and Hamet were evacuated by the U.S. Navy, leaving Hamet's furious Arab tribal allies and the citizens of Derne to make the best of the situation.

Addendum: Maintaining Deterrence in the Absence of Regime Change

The settlement with Tripoli was an essential but not decisive point in the American campaign to establish a stable and favorable treaty structure with the Barbary regencies without pursuing a strategy of regime change. The United States still had to deal with outstanding problems with the other regencies, especially Tunis. For the moment, at least, the United States had a surplus of military capabilities in the region to apply to the problem. Commodore Rodgers was determined to take advantage of that situation before the inevitable drawdown of U.S. forces took place when the administration and Congress became aware of the peace with Tripoli.

The Bey of Tunis had never recognized the American blockade of Tripoli and, in the spring of 1805, he threatened to declare war over the disposition of three Tunisian-flagged ships that had been captured by the blockading forces. Rodgers deployed the main American squadron off Tunis in August 1805. He was accompanied

by Lear, despite the Bey's previous insistence that he would not treat with any American Consul-General. The Bey initially took a hard line. He complained that the appearance of the squadron was provocative and demanded its withdrawal. The Bey insisted that he would not be treated as Tripoli had been. "Europe shall never say that half a dozen frigates have overawed a prince who has kept in subjection such superior powers," he told the American consul, George Davis. If he submitted to a second-rate power like the Americans, how could he expect to be treated by more powerful states? He insisted that "never while I have a soldier to fire a gun will I accord peace." Davis told Rodgers and Lear that he was uncertain about the Bey's intentions. On the one hand, his pride might push him to extreme measures now that he had been confronted directly by the Americans. On the other hand, the general famine along the Barbary Coast, and the associated prospect of civil disorder in his realm, might incline him to peace. The Bey acknowledged to Davis that these latter factors had hitherto restrained him from sending out his cruisers against the United States.¹¹¹

Rodgers felt he was in a strong position to compel Tunis to affirm its pacific relationship with the United States. He demanded a written promise to abide by the terms of the Treaty of 1796. If the Bey did not comply, Rodgers threatened to place the regency under immediate blockade. Rodgers later wrote that he believed the American force "was sufficient, in ten days, to have made him call for mercy on his bended knees." Rodgers made this threat even though he did not have positive

¹¹¹ Lear to Madison, *ASFR*, II: 718; Various other quotes in Allen, *Our Navy and the Barbary Corsairs*, p. 268; Paullin, *Diplomatic Negotiations of American Naval Officers*, pp. 92-3; Irwin, *The Diplomatic Relations of the United States with the Barbary Powers*, pp. 161-2.

instructions from his superiors to coerce Tunis. He told Lear that he understood that he ran the risk of being disavowed by Washington. When the Bey tested American resolve by attempting to sail a merchant vessel out of the harbor, the U.S. squadron turned it back with gunfire. The Bey then agreed to enter into negotiations with Lear. He disavowed all threats against the United States, granted most favored nation trading status, and offered to send his own envoy to the United States to negotiate the disposition of the captured Tunisian ships. He also dropped his long-standing demand that the United States provide him with a frigate and assured Lear that he would keep the peace with the United States until the return of his ambassador.¹¹²

Rodgers took considerable satisfaction in the outcome. "I think I can almost with certainty say that he never will again attempt to behave in a similar manner, as I feel satisfied this lesson has not only changed his opinion of our Maritime strength, but has caused him to discover more distinctly his weakness in every sense," he wrote to the Secretary of the Navy. "If the government decides to chastise him, provided that intention is made known to me by March 1 [1806], before the ensuing September I will not only obtain an honorable peace but make him pay the expenses of the war, and this too with no more force than what remains this winter in the Mediterranean."¹¹³

VI. The Debate Over the Settlement with Tripoli

The Jefferson administration had no interest in fighting another war in the Mediterranean. It quickly embraced the settlement with Tripoli obtained by Lear and welcomed negotiations with the Tunisian envoy. The United States, by the President's calculations, had now successfully protected American commerce and resisted the demands of an ambitious, predatory entity in a way that discouraged future compensatory claims by the other regencies. Yusuf Pasha had obtained nothing like his maximum demands. He committed himself to a relationship that was much closer to the Western ideal of proper state-to-state relations: no tribute, no future ransom, and most favored nation trading ties. The United States, having established a credible deterrent relationship with the other regencies during the war with Tripoli, and having recently reinforced its position with Tunis, had laid the groundwork for a more defensible and stable treaty structure.

Lear's settlement with Tripoli, however, immediately became the source of considerable controversy in the United States. Jefferson's political opponents claimed that the United States had squandered the decisive political-military advantages which it obtained over Yusuf. America, they said, far from paying ransom, should have obtained an indemnity for war expenses and other concessions from Tripoli. The United States had acted dishonorably in its treatment of Hamet Pasha by failing to follow through on its promised support for regime change. America should have pressed its advantages much further with the other regencies, particularly Algiers, to eliminate that tributary relationship. These criticisms harkened back to the 1800-1801 maximalist proposals of the American Barbary consuls.

¹¹² Cited by Paullin, *Diplomatic Negotiations of American Naval Officers*, p. 95; Allen, *Our Navy and the Barbary Corsairs*, p. 269.

¹¹³ Cited by Allen, *Our Navy and the Barbary Corsairs*, pp. 269-70.

Prominent Federalists such as Fisher Ames of Massachusetts argued that Jefferson's willingness to compromise with Yusuf, rather than to fight on to victory, signaled unmistakable weakness to Napoleon, whom the Federalists regarded as the greatest threat to U.S. security and Western civilization:

WOULD Buonaparte calculate on the vigor of our government, as an insuperable obstacle to his military attempt on the United States? Would the congress majority, like a Roman senate, create means and employ them, with a spirit that would prefer death to servitude or tribute? The French Hannibal, surely, with our fifteen millions of tribute money already in his treasury, would have no discouraging fear of this sort. When he reads our treaty with Tripoli, by which it appears, that we chose tribute, when victory was within our reach; when he sees that the bey of Tunis presumes to say, by his minister at Washington, pay or fight, what can Buonaparte conclude, but that honor is a name, and in America an empty one; and that our national spirit can never be roused to a higher pitch, than to make a calculation. With us honor is a coin, whose very baseness confines it at home for a currency. Such a people, he will say, are degraded, before they are subdued. They are too abject to be classed or employed among my martial slaves. Let them toil to feed their masters, and to replenish my treasury with tribute.¹¹⁴

William Eaton, not surprisingly, was first and foremost among the post-war critics of Jefferson. After he returned to the United States, Eaton publicly challenged Lear's disparagement of the strategic leverage provided by Hamet Pasha and his threat of regime change; and Lear's willingness to settle at the expense of American honor. "What rendered the moment highly favorable to peace?" Eaton asked. It was not the American naval squadron under Commodore Barron, which had exhibited no visible preparations to engage Tripoli. "Nor was it 100 Christians on a coast left totally destitute of supplies.... No it was the dread of revolution moved by Hamet Bashaw being brought to his capital through our assistance that made the impression on the enemy." As to Lear's observation that the United States should make peace with the man best able to keep it: "If parricide, fatricide, [sic] treason, perfidy to treaty, already experienced and systematic piracy are characteristic guarantees of good faith Mr. Lear has chosen the fittest of the two brothers [Yusuf] for his confidence: Their ability to keep the peace is less essential than our ability to keep it, undoubtedly nothing but terror would bind either of them nor any other Barbary chief to a faith[ful] observance of treaty stipulation."

Lear, in Eaton's opinion, had completely missed one critical point. "Our negotiation ought however to have considered that Hamet Bashaw's was the popular cause and that this is fast gaining ground in Barbary – It was the cause of Liberty and freedom." At the very least Lear should waited for favorable naval weather and for further orders from the United States before he cut short the regime change option. As to the Pasha's threat to execute the American prisoners, Yusuf had issued the same warning before Preble attacked Tripoli but never carried out that threat. "On the contrary when ever that

¹¹⁴ Fisher Ames, *Dangerous Power of France*, *Repertory*, May 1806, in William B. Allen, ed., *Works of Fisher Ames, as Published by Seth Ames* (Indianapolis, IN: Liberty Classics, 1983), I: 337.

determined officer approached his walls after the first attack the terrible bashaw's first care was to provide for his own safety and he uniformly took refuge in his gardens or in his Bomb-proof and all experience has taught us that the more roughly he was handled and the nearer danger approached him the more tractable he has been rendered..." Eaton excoriated Lear and by extension the Jefferson administration for dishonorably cutting its ties with Hamet and abandoning the expeditionary forces at Derne.¹¹⁵

In Lear's defense, he seems to have gauged accurately the essential objectives of his superiors in Washington, as well as the limited resources they were prepared to commit to achieve them. Jefferson had never embraced the maximal object of using the war with Tripoli to overthrow Yusuf or overturn the tributary system, which would have meant confronting Algiers and the other regencies. In the midst of multiple international crises with the major European powers, and still committed to a policy of fiscal conservatism, the President was not in a position to insist on a more ambitious outcome. The war with Tripoli alone was costing \$2 million per year. The original deployment of four warships had expanded to twelve (plus the vessels obtained locally), manned by two thousand sailors. In early 1805, before news of the settlement with Tripoli reached America, Jefferson had already determined to reduce the American profile in the region back to the model he had always preferred. "If in the course of the summer they cannot produce peace, we shall recall our force, except one frigate and two small vessels, which will keep up a perpetual blockade," he wrote to a Virginian friend. "Such a blockade will cost us no

more than a state of peace, and will save us from increased tributes and the disgrace attached to them." He added optimistically that "the example we have set begins already to work in the disposition of the powers of Europe to emancipate themselves from the degrading yoke. Should we produce such a revolution there, we shall be amply rewarded for what we have done."¹¹⁶

Given Jefferson's views and the likelihood that America's expanded military posture in the Mediterranean would not be sustained beyond the present campaign, Lear understandably sought a settlement on less-than maximum terms – one that included important substantive concessions and face-saving elements for Tripoli. Most important, Lear agreed to provide Tripoli with relief from the implied subservience to Algiers that marked the first treaty, which Yusuf regarded as one of the chief irritants in his relationship with the United States. (This was a point of far greater importance to the Pasha than to the United States; the American consuls had long since concluded that Algiers was either unwilling or unable to exercise its influence in a way favorable to the United States.) Yusuf also succeeded in separating the United States from Hamet Pasha, thus strengthening his own rule while discrediting his older brother as the feckless tool of a foreign power. Yusuf received ransom – albeit below "market value" – for the release of crew of the *Philadelphia*. Some scholars argue that these provisions, taken in the context of the Yusuf's situation and ambitions, actually represented a considerable victory for Tripoli. This is something of an overstatement but Lear undoubtedly felt that tougher peace terms – e.g., no ransom, Tripolitan indemnities for the cost of the war, the U.S. right to hold fortifications that controlled the harbor at Tripoli – would likely spur Yusuf to seek

¹¹⁵ This and the preceding paragraph taken from Eaton to SecNav, 9 August 1805, *Naval Documents*, VI: 213-8. I have inserted punctuation to make Eaton's meaning clearer.

¹¹⁶ Cited by Allen, *Our Navy and the Barbary Corsairs*, p. 222.

revenge as soon as the main American naval forces departed the Mediterranean.

What if the United States had sought instead to obtain these maximum terms by restoring Hamet Pasha's rule over Tripoli and by placing American-regency relations on the basis of the Eaton-Hamet Pasha Convention? Lear, based on his assessment of Hamet's character – one that history seems to have borne out – simply did not believe that the man was up to the task of governing Tripoli and implementing a treaty opposed by significant elements of his own population. Lear reasoned that if Hamet had been left to his own devices, he probably would have been overthrown by Yusuf or some other rebel ill-disposed to the United States. Hamet might conceivably have preserved his rule with military support by the United States, but Lear had no reason to believe that President Jefferson was prepared to sponsor a problematic client state on the North African coast.

The Jefferson administration did not rule out the U.S. support for a change of foreign leadership under the right circumstances, as long as it did not become an end in itself. The President, in a message to the Congress that addressed Eaton's criticisms of U.S. policy, accepted the criteria for the support of regime change set out by Commodore Barron.

[C]oncerted operations against a common enemy are entirely justifiable, and might produce effects favorable to both, without binding either to guarantee the objects of the other. But given the distance and difficulties and uncertainty of intelligence, it [support of Hamet] was committed to our agents as one option which might be resorted to, if it promised to promote our success.... In the event it was found, that, after placing the ex-Bashaw in

possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as Governor, he was totally unable to command any resources, or to bear any part in cooperation with us. This hope was then at an end, and we certainly have never contemplated, nor were we prepared to land an army of our own, or to raise, pay, or subsist an Army of Arabs, to march from Derne to Tripoli, and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval;...¹¹⁷

The Jefferson-Madison policy came down to this. In this war of limited objectives, the United States was justified in supporting a foreign opposition faction for American purposes – up to the point where that faction should reasonably be expected to become self-sustaining. If that faction could not demonstrate the ability to rule in its own name, the United States was at liberty to follow its own interest and settle its dispute with the present leaders. The United States was obligated only to do its best to leave its former allies in a position no worse than when they began to cooperate. As far as Jefferson was concerned, if Eaton made any commitment to the contrary, he exceeded the letter and spirit of his instructions. Any dishonor rested personally with him, not with the United States government.¹¹⁸

¹¹⁷ Jefferson to the Senate and House of Representatives of the United States, 13 January 1806, James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, Volume I, Part 3, available at Project Gutenberg, <http://www.gutenberg.org/dirs/1/0/8/9/10893/10893.txt>, accessed 12 January 2007.

¹¹⁸ In Eaton's defense, the Jefferson administration and its successors demonstrated a disquieting tendency to rely on "plausible deniability" – to

Congressional critics of the President's approach to foreign policy and the Barbary regencies had opportunities to register their disapproval during the Senate's debate over the ratification of the Treaty with Tripoli. They also pressed to obtain official compensation to Eaton and Hamet as a way of rebuking the Jefferson administration. When the treaty was submitted to the Senate in December 1805, it was referred to a three-member committee that reported a resolution of consent to ratification. A few days later Connecticut Federalist Uriah Tracy, the minority member of the committee, submitted a resolution that reflected his own and his colleagues' general dissatisfaction with the affair – a dissatisfaction shared by many Republicans. Tracy's resolution was adopted with slight alterations. The fate of Hamet's family weighed particularly heavily on the Senate deliberations, both for reasons of honor and because the retention of the family by Yusuf would complicate if not prevent a renewed strategy of regime change if Yusuf resumed his predations.¹¹⁹

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before the Senate, the instructions which were given to Mr. Lear, the Consul General at Algiers, respecting the negotiations for the treaty with the

encourage its representatives privately to push beyond the limits of official policy and later to deny official responsibility if things went bad. The United States acquired as a result something of a reputation for encouraging foreign opposition groups – e.g., Kurds, Hungarians, and Iraqi Shiites – with at least implicit promises of political or military support, which did not materialize in the end.

¹¹⁹ This account of the Senate deliberations and debate, unless otherwise indicated, is taken from Ralston Hayden, *The Senate and Treaties, 1789-1817* (London: Macmillan & Co., 1920), pp. 156-78.

Bey and Regency of Tripoli; which treaty is now before the Senate for their consideration; and, also, the correspondence of the naval commanders, Barron and Rodgers, and of Mr. Eaton, late Consul at Tunis, respecting the progress of the war with Tripoli, antecedent to the treaty, and respecting the negotiations for the same; and whether the wife and children of the brother of the reigning Bashaw of Tripoli, have been delivered up, pursuant to the stipulation in said treaty; and what steps have been taken to carry the said stipulation into effect; and also, to lay before the Senate any other correspondence and information, which, in the President's opinion, may be useful to the Senate, in their deliberations upon said treaty.¹²⁰

Jefferson responded to the general demand for information in two messages on the subject. One was addressed to both Houses of Congress (cited above) and offered an explanation of the cooperation between the United States and Hamet. It also contained an application for assistance from Hamet. The other message was to the Senate in its executive capacity, claiming that all relevant documentation had been provided. The President's messages were referred to a select committee of five members, of which Tracy was the only Federalist. Even so, the Republican-controlled committee was clearly concerned that the President was not being forthcoming. The committee proposed and the Senate approved another resolution that requested Jefferson to transmit copies of eight particular documents, which they described in great detail. The administration

¹²⁰ Cited by Hayden, *The Senate and Treaties*, p. 159.

subsequently provided these documents or extracts from them.

In the full Senate, one of the select committee members, Vermont Republican Senator Stephen R. Bradley, proposed to ask the President to ascertain whether the wife and children of Hamet had been released. On behalf of the select committee, Bradley also presented a report and a bill favorable to Hamet's application for relief. Bradley laid out the case that the Jefferson administration, from the beginning, had given its officials on the spot the necessary flexibility to support a policy of regime change; and that those officials had made binding commitments to that effect to Hamet.

This unfortunate prince, by the treason and perfidy of his brother, the reigning Bashaw, was driven from his throne, an exile, to the Regency of Tunis, where the agency of the United States, in the Mediterranean, found him; and as early as August, eighteen hundred and one, entered into a convention to co-operate with him, the object of which was to obtain a permanent peace with Tripoli, to place the ex-Bashaw on his throne, and procure indemnification for all expense in accomplishing the same. This agreement was renewed in November following, with encouragement that the United States would persevere, until they had effected the object; and in eighteen hundred and two, when the reigning Bashaw had made overtures to the ex-Bashaw to settle on him the two provinces of Derne and Bengazi, and when the ex-Bashaw was on the point of leaving Tunis, under an escort furnished him by the reigning Bashaw, the agents of the United

States prevailed on him to abandon the offer, with assurance that the United States would effectually co-operate, and place him on the throne of Tripoli.

The same engagements were renewed in eighteen hundred and three, and the plan of co-operation so arranged, that the ex-Bashaw, by his own exertions and force, took possession of the province of Derne; but the American squadron, at that time under the command of Commodore Morris, instead of improving that favorable moment to co-operate with the ex-Bashaw, and to put an end to the war, unfortunately abandoned the Barbary coast, and left the ex-Bashaw to contend solely with all the force of the reigning Bashaw, and who in consequence was obliged, in the fore part of the year eighteen hundred and four, to give up his conquest of Derne, and fly from the fury of the usurper into Egypt.¹²¹

According to Bradley's report, then, the Jefferson administration's policy of regime change and its commitment to Hamet as the agent of that change was well in place before the fateful events of 1805. "After encountering many difficulties and dangers, the ex-Bashaw [Hamet] was found in Upper Egypt with the Mamelukes, and commanding the Arabs; the same assurances were again made to him, and a convention was reduced to writing, the stipulations of which had the same objects in view; the United States to obtain a permanent peace and their prisoners, the ex-Bashaw to obtain his throne." Hamet was on the verge of

¹²¹ This and the following references to Bradley's report are taken from the *Annals of Congress*, 9th Congress, 1st session, pp. 185-188.

success: “in several battles afterwards, one of which he fought without the aid of the Americans, (they having been restrained by orders, not warranted by any policy, issued as appears by Mr. Lear, the American Consul), defeated the army of the usurper with great slaughter, maintained his conquest, and, without the hazard of a repulse, would have marched to the throne of Tripoli, had he been supported by the cooperation of the American squadron, which in honor and good faith he had a right to expect.”

Unfortunately, according to Bradley’s report, Tobias Lear stepped in and snatched defeat from the jaws of victory and thus prevented a change of regime in Tripoli, which would have solved America’s strategic and commercial predicament in the Mediterranean:

...the committee [will not] condescend to enter into a consideration of pretended reasons, assigned by Mr. Lear to palliate his management of the affairs of the negotiation; such as, the danger of the American prisoners in Tripoli, the unfitnes of the ships for service, and the want of means to prosecute the war; they appear to the committee to have no foundation in fact, and are used rather as a veil to cover an inglorious deed, than solid reasons to justify the negotiator’s conduct. The committee are free to say, that, in their opinion, it was in the power of the United States, with the force then employed, and a small portion of the sixty thousand dollars, thus improperly expended, to have placed Hamet Caramalli, the rightful sovereign of Tripoli, on his throne; to have obtained their prisoners in perfect safety, without the payment of a cent, with assurance, and probable

certainty, of eventual remuneration for all expenses; and to have established a peace with the Barbary Powers, that would have been secure and permanent, and which would have dignified the name and character of the American people.

Massachusetts Senator John Quincy Adams, then in the process of shifting from the Federalist to the Republican Party, was the principal opponent of the bill for the relief of Hamet. Adams, who had earlier advocated an assertive policy towards the Barbary Regencies, did not record in detail his views on the morality or practicality of a policy of regime change against Tripoli. (In an editorial note that accompanied his published edition of Adams’ journal, his son, Charles Francis Adams, opined: “the whole proceeding...appears at this day singularly in contravention of the established policy of the country, not to give aid or support in any internal struggles of foreign nations, however insignificant.”¹²²) Adams objected less to the monetary relief of Hamet than to the argument in Bradley’s report that it was owed as a matter of right and justice.

Adams argued that the Bradley report had wrongly construed the policy and commitments of the Jefferson administration, which the President’s Message (in Adams’ view) had accurately described as one of limited liability towards the cause of Hamet and regime change. “[T]he committee represent Hamet Bashaw as having been inveigled, deceived, amused with promises to place him on his throne, and finally betrayed and sacrificed. They appear to think the United States were bound, at all events, and, by their exclusive exertions, to restore him to his dignity, and that the mere act of withdrawing their aid,

¹²²1 April 1806, *Memoirs of John Quincy Adams*, I: 425fn.

without accomplishing that object, was a treacherous violation of their faith plighted to him." But as Adams saw it:

...the discretionary power of Commodore Barron, to avail himself of Hamet's co-operation, was not unlimited – neither by the intention of the Executive, nor in his own understanding. It was limited both as to the nature of the engagement he was to contract, and as to the sum appropriated for the purpose; cooperation is a term of reciprocal import – it certainly means that there should be some operation on both sides. The operation in this case by sea, was to be conducted entirely and exclusively by the squadron of the United States. Hamet Bashaw could contribute, and was expected to contribute, nothing to that. His operation was to be by land; and, upon principles of ordinary reciprocity, it might have been required that this also should be exclusively at his expense. The Government, however, were willing to furnish him some aid even there. And the sum of twenty thousand dollars had been appropriated for that purpose. This was going as far as prudence would warrant, or as good faith could require. Hamet himself could have entertained no other expectation, since, in his letter to Mr. Eaton, of 8d January, he says: "Your operations should be carried on by sea; mine by land." And even after the peace was made, in his letter to Mr. Eaton, of 20th June, he acknowledges, as clearly as language can express it, that the failure of co-operation was not on our part, but his own; that his means had not been found to answer our reasonable

expectations; and that he was "satisfied with all our nation has done concerning him."

...If Hamet, after the capture of Derne, was totally unable to command any resources, or bear any part in co-operation with us, how can it be said that he would, without the hazard of a repulse, have marched to the throne of Tripoli, had he been supported by the co-operation of our squadron? But, further, I ask what were the means, what were the resources, of this sovereign prince, from the hour when Mr. Eaton received his orders to withdraw from him? The event, sir, is worth a thousand arguments. He could not support himself a day. He was compelled to take instantaneous refuge on board our vessels, and was saved from destruction only by being brought away. Does this look like marching to the throne of Tripoli?¹²³

Adams reviewed sympathetically Lear's claim that the American prisoners would have been in serious jeopardy if he had not come to an agreement that paid some ransom and that effectively abandoned the regime change option. Adams was inclined to think that they were not actually at risk – "I do not believe that in any event the Bashaw [Yusuf] would have sacrificed the lives of the prisoners. I believe he would have followed the course most useful to himself, and that, at the last extremity, he would have turned them to such account as he could, and given them up for peace rather than put them to death." But reasonable and well-informed men on the spot held other opinions; and Lear and Barron did not have

¹²³ Adams' statement to the Senate here and below is taken from the *Annals of Congress*, 9th Congress, 1st session, pp. 211-24.

all the information indicating otherwise at their disposal. “Yet, sir, when I consider the extreme solicitude manifested through this whole country for the fate of these our unfortunate fellow citizens, and how anxious we all were for their redemption, I can excuse that error which consisted in too tender a regard for their situations, though I cannot justify it altogether; I certainly can never brand as treachery, what, at worst, was virtue carried too far, on the borders of weakness.”

As to the assertion of the Bradley report that Hamet’s family had not been delivered up and that Yusuf did not intend to do so, Adams argued that the United States could not press for their release until it had ratified the Treaty. Adams flatly rejected the accusation that Lear had secretly agreed with Yusuf not to demand their restitution. (Adams was wrong, at least in part; Lear in fact had stipulated that they could remain in Yusuf’s custody for four years.) Such a secret agreement or article would have been communicated to the Senate. “Had he [Lear] incurred the guilt and folly of assenting to such a bargain, it could not take from us the right of insisting, as I hope we shall effectually do, upon the real and formal stipulation of the treaty. Such an intention must have defeated itself.”

Bradley’s bill for the compensation of Hamet was recommitted (by a 15-14 vote) to an expanded special committee, of which Adams was named a member. The committee sessions were marked by contentious debate. Adams was not averse to settling with Hamet on the proper grounds, that of “liberality and magnanimity,” rather than of national obligation. Adams privately approached Secretary of State Madison for his ideas about how to handle the matter; Madison suggested that some temporary provision for Hamet would suffice, which course Adams began to pursue. Bradley and his supporters now

favoured putting the matter off until the next session, in December 1806, when they might be able to bring additional political pressure to bear. While Adams was out of the Senate on other business, Bradley hurried through a resolution of postponement.

Bradley also argued for postponing consideration of the Treaty itself – at least partly on the grounds, so Adams believed, to leave in place a duty surcharge that Congress had levied specifically to support the war in the Mediterranean, but whose revenue the Republicans found generally useful and wished to retain. Bradley’s resolution, supported by the opponents of the Treaty, was defeated 20-10. The Treaty’s opponents also failed (20-9) to make the Senate’s advice and consent contingent upon prior delivery of Hamet’s family. On April 12, 1806, the Senate approved the Treaty by a vote of 21-8. After the ratification of the treaty Adams brought in a bill for the temporary relief of Hamet that passed before the end of the session.

Assessment of the Outcome

This leads us to consider the critical question: by what means did the United States coerce Tripoli into a favorable, if not optimal settlement? Perhaps better put, what was the calculation of incentives, disincentives, and independent variables that caused Yusuf to agree to largely peace on American terms? In addition, what role did the threat of regime change play? Any answers must be provisional, given the lack of records and authoritative information about the deliberations and policies of the regencies during this period. There are however several plausible conclusions.

First, the United States – as much by accident as design – was able to put at *comprehensive* risk Yusuf’s longer-term, revisionist ambition to raise his own

standing, and that of Tripoli, to the first rank among the rulers and regencies of Barbary. This ambition, as much as his own survival imperative, formed the basis of Yusuf's calculations when he dealt with the Americans.

- Neither the protection of American merchant shipping by convoy, nor the periodic blockade of Tripoli, proved sufficient to bring Yusuf to accept reasonable terms. Such defensive measures, nevertheless, did limit an important source of revenue and leverage for Tripoli, and they raised the cost of the conflict, especially when the United States cooperated with European powers for the purpose.
- The U.S. Navy, by its assault on Tripoli harbor, threatened to destroy in place the source of Tripoli's military power in the Mediterranean – its corsair fleet and the defenses that protected the harbor. Although Preble did not succeed in that task in 1804, Yusuf was undoubtedly concerned that subsequent attacks would prove more effective, especially if they included a land component. (That calculation would have changed had Yusuf been aware of Jefferson's determination to return to the blockade system after the campaign of 1805.) Perhaps equally important, the United States thereby made Tripoli a much less attractive destination for the other regencies, neutrals, and free-lancers, as the port was no longer a safe haven for shipping.
- Some sort of direct threat to Tripoli on the ground was probably necessary for the United States to achieve anything like its preferred outcome. American support for Hamet Pasha had the added advantage of threatening Yusuf's rule while obviating the need for a major

American ground force. Yusuf, to be sure, had demonstrated complete ruthlessness when it came to getting and maintaining power. His threat to continue the war from the countryside even if the Americans reduced Tripoli and reinstalled Hamet was hardly an idle threat – he had done it before. However, the costs and delays of a civil war, even if Yusuf eventually returned to power, would have retarded and probably destroyed his ambitions for future Tripolitan greatness under his rule.

Any one of these coercive elements – including the threat of regime change – probably would not have been enough for the United States to obtain a favorable peace in 1805, especially given the negotiating leverage that Yusuf possessed by holding the captives of the *Philadelphia*. Taken together with the ability of the United States to deter the other regencies from joining the conflict, however, this comprehensive threat to Yusuf's desire for regional status and prestige provided the necessary foundation for a relatively successful policy outcome. In the years after 1805, Yusuf emphasized a policy of strengthening Tripoli by consolidating his rule and developing his inland resources, rather than by expanding his naval capabilities and conducting corsair operations. This decision may already have been part of Yusuf's long-term plans, but the American campaign against Tripoli might well have influenced him to turn inward.¹²⁴

Second, the United States allowed Yusuf to save face by conceding certain points that were not essential to U.S. interests, particularly by excluding Algiers from an intermediate role in their

¹²⁴ Folayan, *Tripoli During the Reign of Yusuf Quaramanli*, Chapters 2 and 3; and Panzac, *Barbary Corsairs: The End of a Legend, 1800-1820*, pp. 102-32, discuss Yusuf's change of strategy after 1805.

relationship and by ceasing its support for Hamet's pretensions. The United States thereby signaled its limited objectives toward Tripoli and the other regencies. In doing so, the United States ran the risk of offending Algiers, the most capable of the regencies, and perhaps provoking its Dey to seek a revision of his treaty with the United States under the threat of war. In the short term, this risk was manageable through a policy of deterrence and coercion. The United States had temporarily deployed a surplus of naval power in the Mediterranean and had recently demonstrated its willingness to use that power. But the long-term problem of Algiers remained unresolved. The underlying logic of the Jefferson administration's policies was indeed revisionist – it pointed to the rejection of all tributary relationships with the Barbary regencies – but the United States would not be in a position to act on that point with Algiers for over a decade, until after the War of 1812.

Third, the long-term success of the American strategy of developing a stable treaty structure with the Barbary powers depended on the U.S. ability to deter the other regencies from directly or indirectly supporting Tripoli's cause. The expansion of the U.S. naval forces operating in the Mediterranean beyond the level required immediately to deal with Tripoli provided the necessary means to support a policy of deterrence. Some degree of conciliation also entered into the equation. The Jefferson administration worked to improve America's performance in meeting its treaty obligations with the regencies; and the U.S. consuls proved to be quite creative in satisfying unexpected demands for presents. The deterrent threshold seems to have been rather low. Periodic visits by even a single American warship generally calmed the diplomatic waters with Tunis, Algiers and Morocco. These regencies appear to have

been waiting upon the outcome of the U.S. campaign against Tripoli before coming to a final judgment on American capability and seriousness. Further, by 1805, Algiers and the other regencies may have pressed Yusuf to settle with the Americans because they found the ever-increasing activities of the U.S. squadron in the region to be detrimental to their particular interests.

Fourth, the United States gained from selective international cooperation; but such cooperation did not itself provide essential leverage to coerce Tripoli or deter the other regencies. The most promising avenue – a form of indirect regime change, by encouraging the Ottoman Sultan to exercise his sovereign authority over the regencies – never materialized. The United States lacked the political and economic leverage to engage the Porte, unlike some of the European powers, such as Austria, which did successfully call on Constantinople to take action against the regencies. Jefferson's anti-piracy league of small naval powers never materialized due to the opposition of Britain and France and to the general polarization of international politics after 1793. The United States did take advantage of temporary tactical opportunities, such as the naval cooperation with Sweden in 1801-1802, while recognizing that such cooperation was likely to be transitory. Friendly individual relationships with foreign nationals also aided the American cause. The Danish consul in Tripoli, Nissen, was a reliable source of intelligence and diplomacy. British officials in ports like Gibraltar and Malta, for reasons not perfectly clear, also allowed the U.S. Navy considerable privileges.

Fifth, various independent factors may have worked in America's favor, at least in the context of its disputes with the Barbary regencies. The maritime war between Britain and France, and the competing efforts of those nations to control

American and European neutral commerce, seems to have created lucrative new peaceful trading opportunities for the regencies, at least in North Africa and the Levant. Commerce became for a time considerably more attractive to the regencies than the spoils of piracy/privateering. A marked decline in corsair activity began in 1806, after the United States reached a settlement with Tripoli, so this calculation was not likely a direct cause of Yusuf's decision to agree to peace. But the lure of commerce quite possibly contributed to the maintenance of the U.S. treaty structure with the regencies despite the drawdown and eventual withdrawal of the U.S. Navy from the Mediterranean. When the economic calculus of the regencies changed after the end of the Napoleonic Wars and vigorous corsair activity resumed, the United States and various European powers decided independently to end the regency threat altogether.¹²⁵

¹²⁵ Panzac, *Barbary Corsairs: The End of a Legend, 1800-1820*, pp. 259-92.