

1812: Congress's First Declaration of War Under the Constitution

Lesson Plan:

1812: Congress's First Declaration of War under the Constitution (Congress in History)

Summary: Students will examine primary sources from the historical records of Congress to analyze the reasons in support of and opposed to going to war against Great Britain in 1812. They will compare multiple perspectives to assess various rationales for whether to fight the War. Reflecting upon their evaluations, students will consider what is worth fighting for and who, under the constitutional separation of powers, should decide questions of war. The document studies conducted in Activities 3 and 5 are based on [Common Core State Standards](#).

Rationale: In 1812, members of Congress confronted complex issues when faced with the decision of whether to declare war for the first time under the Constitution. Examining the viewpoints of several actors in that decision, including the President, a congressional committee, and concerned citizens, allows students to gain an understanding of why and how a republic decides to fight a war. This understanding will shed light on other historical declarations of war or decisions to commit troops to combat. It also provides students with the tools to participate as a citizen in the nation's future decisions on war.

Guiding Question: Why and how did Congress declare war in 1812?

Materials: 3 Facsimile pages of *The War Manifesto* of June 3, 1812
4 Worksheets
3 Handouts

Recommended Grade Levels: 8-12

Courses: U.S. History, Civics

Topics included in this lesson: War of 1812, war, declarations of war, separation of powers, Constitution, Article I, Article II, Common Core, informational texts, primary sources

Time Required: The time needed to complete each learning activity is presented in parentheses at each step. The activities can be done in sequence or each can be done separately.

Document:

House Foreign Relations Committee report on the War of 1812, the "War Manifesto," June 3, 1812; Records of the U.S. House of Representatives

National Archives Identifier: 7347326

<http://research.archives.gov/description/7347326>

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Learning Activities:

1. Why and How Should America Go to War? (15 minutes)

Divide the students into small groups to address and discuss the questions and Venn diagrams on *Worksheet 1*. Instruct each group to select a spokesperson to report their discussion to the class.

2. The Founders and War: Constitutional Context for Declaring War (15 minutes)

Divide the students into small groups to discuss the excerpts from the [Constitution](#) on *Worksheet 2*, and answer the questions. Direct each group to report back to the class, and then engage the full class in a discussion of the questions.

3. Document Study: President James Madison's Third Annual Message to Congress, November 5, 1811 (30 minutes)

Divide the students into small groups to answer the questions on *Worksheet 3* about an excerpt from President James Madison's Third Annual Message to Congress, which is available as *Handout 1*. Direct each group report back to the class, then, engage the full class in a discussion of the questions. The questions on *Worksheet 3* are aligned with the [Common Core State Standards for reading informational texts](#).

4. Congressional Debate on Declaring War in 1812 (30 minutes)

Divide the class into five small groups to discuss quotes from congressional debate related to declaring war in 1812. Assign one quote from *Handout 2* to each group. For each quote students should answer:

- By whom, on what date, and in what manner (e.g. a report, speech, or petition) was the quote delivered to Congress?
- What is the main reason for or against war expressed in this quote?

On the board, draw a continuum with one end marked as Pro-War and the other marked Anti-War. Direct each group to mark on the continuum where they believe their quote falls, and to cite evidence from the quote to support their determination. Lead a class discussion of these questions:

- Which of the quotes presents the best justification for or against war in the context of the events of 1812? Why?
- Could this justification be applied to other wars? Why or why not? Do any of the other quotes present ideas that would reinforce this choice?

5. Document Study: The "War Manifesto," House Foreign Relations Committee Report on a Declaration of War, June 3, 1812 (30 minutes)

Divide the students into small groups to answer the questions on *Worksheet 4* about an excerpt from The "War Manifesto," House Foreign Relations Committee Report on a Declaration of War, which is available as *Handout 3*. You may also choose to distribute or project a facsimile of the Report. Direct each group to report back to the class, then engage the full class in a discussion of the questions. The questions on *Worksheet 4* are aligned with the [Common Core State Standards for reading informational texts](#).

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6. Reflection Questions: The War of 1812 and the Role of Congress in Decisions about War (30 minutes)

Draw upon the insights gained in discussing how and why the U.S. declared war in 1812 to consider the following questions that are applicable to the decisions made later to enter other wars as well as future decisions about war.

- a) Can Congress effectively and efficiently decide if the U.S. should go to war? Create a T-chart in which you list the strengths and weaknesses of the legislative branch as the decision maker on questions about entering war.
- b) Draw upon your response to the preceding question to answer the following question: What is the optimal division of authority between Congress and the President about decisions to commit U.S. forces to combat?
- c) Should a distinction be made between situations when a President is authorized to commit troops to combat and circumstances that warrant a congressional declaration of war prior to committing troops? Should this distinction be written as law or as an amendment to the Constitution?
- d) Return to the text of the Constitution you studied on *Worksheet 2* of this lesson. Would you suggest maintaining the language of Article 1, Section 8 and Article 2, Section 2 as they stand? Or would you suggest amending it to express a different allocation of authority over questions of how the U.S. decides to enter war? What would the amended version say?

Related Resources from the National Archives:

President James Madison's Third Annual Message to Congress, November 5, 1811

National Archives Identifier: 7347265

<http://research.archives.gov/description/7347265>

Declaration of War with Great Britain, War of 1812, June 18, 1812

National Archives Identifier: 299950

<http://research.archives.gov/description/299950>

Treaty of Peace and Amity Between the United States and Great Britain (Treaty of Ghent), December 24, 1814

National Archives Identifier: 5730368

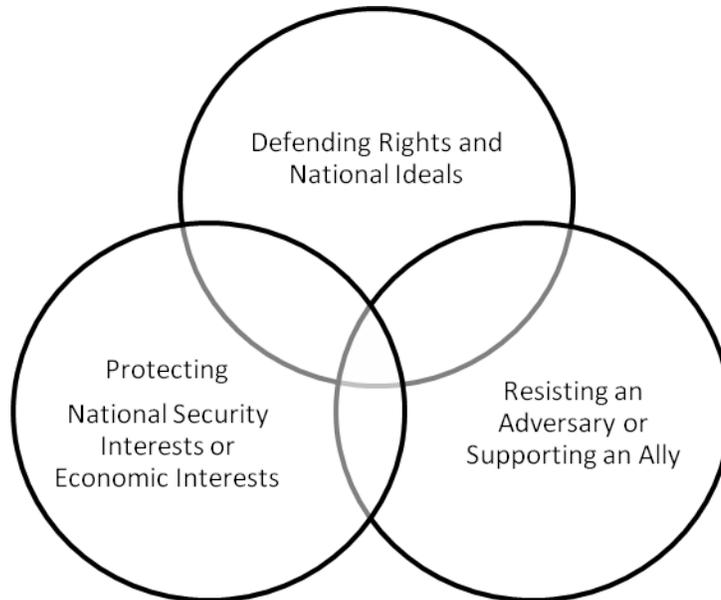
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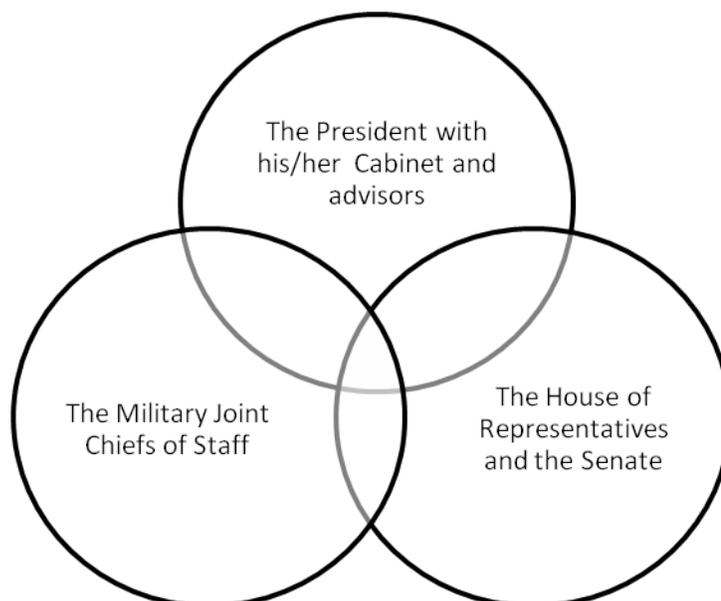
Worksheet 1: Why and How Should America Decide to Go to War?

Instructions: Discuss the following questions and Venn diagrams. Select a spokesperson to report your discussion to the class.

- Which single idea in this diagram do you think presents the strongest justification for war?
- If you could not select the intersection of all three as the strongest justification, what location would you choose?



- Which of the three groups should decide whether to go to war?
- If you could not select the intersection of all three, what location would you choose?



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Worksheet 2: The Constitutional Context for Declaring War

Instructions: Analyze and discuss the following excerpts from the Constitution. Select a spokesperson to report your discussion to the class.

The Constitution of the United States

Article I, Section 8

The Congress shall have Power To...

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress...

Article II, Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States

1. To which branch of government did the Founders assign the power to declare war?
2. What role did the Founders assign to the President in declaring war?
3. What roles did the Founders give to Congress and the President in prosecuting a war after the declaration? Overall, to which branch did the Founders assign more power over questions of war? Explain your answer.
4. To what extent does this division of war power reflect the Founders concept of separation of powers?
5. How are the constitutional war-related roles of Congress and the President different from one another?

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Worksheet 3: Document Study—President James Madison's Third Annual Message to Congress

Instructions: Answer the following questions about President James Madison's Third Annual Message to Congress. Select a spokesperson to report your discussion to the class.

1. Identifying key evidence in the text:
 - a. On what occasion was the President writing to Congress?

 - b. What facts related to foreign affairs did he convey?

 - c. What was the President asking Congress to do?

2. Determining the central ideas:
 - a. To what long-term historical situation was the President referring?

 - b. Why would the President say that Congress was most the appropriate body to address this issue?

3. Identifying the logic of the argument:
 - a. According to the President, why was the present moment more urgently calling for action than prior moments?

 - b. What consequences of inaction did the President imply?

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Worksheet 4: Document Study—The “War Manifesto,” House Foreign Relations Committee Report on a Declaration of War, June 3, 1812

Instructions: Answer the following questions about the House Foreign Relations Committee Report. Select a spokesperson to report your discussion to the class.

1. Identifying key evidence in the text:
 - a. On what occasion was the Foreign Affairs Committee reporting to the full House of Representatives?
 - b. What facts related to foreign affairs did the Committee report?
 - c. What was the Committee asking Congress to do?
2. Determining the central ideas:
 - a. To what extent did this report repeat allegations from President James Madison's Annual Message of November 5, 1811?
 - b. In what ways did this report draw upon the Declaration of Independence as a model? Cite from the report to support your answer.
3. Identifying the logic of their argument:
 - a. Why did the committee feel war was the only appropriate response to the situation the nation faced?
 - b. What was the importance of the “impartial world” in this report?
 - c. Against what British passions was the logic of the United States contrasted? How did this contrast contribute to the power of the report?

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4. Taking stock of the vocabulary used in the document: Define the following words:
 - dispassionate
 - forbearance
 - vindicate
 - degradation
 - tyranny
 - sovereignty
 - edicts
 - redress
 - degeneracy
5. Understand how a text presents information:
 - a. Approximately how much of the information presented in the report was factual and how much was intended to persuade readers to act?
 - b. Provide examples of each.
6. Identify point of view:
 - a. According to the Committee's report, how dangerous was the national situation?
 - b. How strongly did the Committee feel about the issue? Provide two examples of language the Committee used to convey its point of view.
7. Optional question: What details of the facsimile of the War Manifesto contribute to historical insights not conveyed by the transcript of the document?

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Handout 1:

President James Madison's Third Annual Message to Congress (excerpt)

November 5, 1811; Records of the United States Senate,

National Archives Building, Washington, D.C.

Full online transcript: <http://millercenter.org/president/speeches/detail/3613>

In calling you together sooner than a separation from your homes would otherwise have been required I yielded to considerations drawn from the posture of our foreign affairs, and...to the probability of further developments of the policy of the belligerent powers toward this country which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress it was hoped that the Government of Great Britain [would] repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution...

In the unfriendly spirit of those disclosures indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexation to the regular course of our trade.

Under the ominous indications which commanded attention it became a duty to exert the means committed to the executive department in providing for the general security...In this disposition is included a force consisting of regulars and militia, embodied in the Indiana Territory and marched toward our northwestern frontier. This measure was made requisite by several murders and depredations committed by Indians....

I must now add that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations....

I can not close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my cooperating duties will be discharged, invoking at the same time the blessing of Heaven on our beloved country and on all the means that may be employed in vindicating its rights and advancing its welfare.

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Handout 2: Congressional Debate on Declaring War in 1812

A.	REPORT OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS: To sum up, in a word, the great causes of complaint against Great Britain, your committee need only say—That the United States as a sovereign & independent power, claim the right to use the ocean, which is the common & acknowledged highway of nations, for the purposes of transporting, in their own vessels, the products of their own soil, and the acquisitions of their own industry, to a market in the ports of friendly nations: and to bring home, in return, such articles as their necessities or convenience may require—always regarding the rights of belligerents, as defined by the established laws of nations. Great Britain, in defiance of this incontestable right, captures every American vessel bound to, or returning from, a port where her commerce is not favoured; enslaves our seamen; and, in spite of our remonstrances, perseveres in these aggressions. November 29, 1811
B.	REP. PETER PORTER: “We were a young nation, and he hoped we cherished a little pride and spirit, as well as a great deal of justice and moderation. Our situation was not unlike that of a young man just entering into life, and who, if he tamely submitted to one cool, deliberate, intentional indignity, might safely calculate to be kicked and cuffed for the whole of the remainder of his life; or, if he should afterwards undertake to retrieve his character, must do it at ten times the expense which it would have cost him at first to support. We should clearly understand and define those rights which as a nation we ought to support, and we should support them at every hazard. <i>Annals of Congress</i> , December 6, 1811
C.	REP. JOHN RANDOLPH: “If you go to war it will not be for the protection of, or defense of your maritime rights. Gentlemen from the North have been taken up some high mountain and shown all the kingdoms of the earth; and Canada seems tempting to their sights...Agrarian cupidity, not maritime rights, urges the war. Ever since the report of the Committee on Foreign Relations came into the House, we have heard but one word like the whip-poor-will, but one eternal monotonous tone—Canada! Canada! Canada!...It is to acquire a prepondering northern influence that you are to launch into war.” <i>Annals of Congress</i> , December 16, 1811
D.	CITIZENS OF ANNE ARUNDEL COUNTY, MD: To the Honorable The Congress of the United States ...It is urged, that war is the only recourse now remaining to vindicate our national honor and restore our national rights. Honor is an indefinite term: applied to individuals it is frequently considered as paramount to the duties of religion morality and law...If such is its meaning when applied to nations, we protest against it; the United States are, in the aggregate, a moral and religious people; they have not made honor an object of their federal compact; it is a term nowhere found in the instrument; the constitution speaks of common defense and repelling invasions, but offensive war, or the invasion of other countries never, we believe, was contemplated by those who framed or ratified it... Signed by Charles Carroll of Carrollton and 41 others, June 13, 1812
E.	SEN. OBADIAH GERMAN: “I will first call the attention of the Senate to the ability and strength of the nation we are about, by this bill, to declare war against. Gentlemen ought to recollect, that Great Britain has been almost constantly engaged in war for twenty years past against one of the most powerful nations that ever existed...Is Great Britain less powerful now, than she was twenty years ago? No, sir, the constant warfare has increased her powers instead of diminishing them.” <i>Annals of Congress</i> , June 13, 1812

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Handout 3: "War Manifesto"

House Foreign Relations Committee Report on a Declaration of War (excerpts)
June 3, 1812; Records of the U.S. House of Representatives
National Archives Building, Washington, D.C.

Reported to the House of Representatives, June 3, 1812

Mr. Calhoun, from the committee of Foreign Relations, to whom was referred the message of the President of the United States of the 1st of June, 1812, made the following report:

That, after the experience which the United States have had of the great injustice of the British Government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance than the measures to which it has become necessary to resort, to avenge the wrongs, and vindicate the rights and honor of the nation. Your committee are happy to observe, on a dispassionate review of the conduct of the United States, that they see in it no cause for censure.

If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace; none have ever cherished it with greater sincerity and zeal.

But the period has now arrived when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power, and commercial avarice of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral nations an alternative only between the base surrender of their rights, and a manly vindication of them. Happily for the United States, their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress...

From this review of the multiplied wrongs of the British Government since the commencement of the present war, it must be evident to the impartial world that the contest which is now worked on the United States is radically a contest for their sovereignty and independence....The control of our commerce by Great Britain, in regulating at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such of our vessels, which their cargoes as were said to have violated her edicts, often without previous warning of their danger; the impressments of our citizens from on board our own vessels, on the high seas, and elsewhere, and holding them in bondage till it suited the convenience of their oppressors to deliver them up, are encroachments of that high and dangerous tendency, which could not fail to produce that pernicious effect; not would those be the only consequences that would result from it. The British Government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof which so complete and disgraceful a submission to its authority would

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afford of our degeneracy, could not fail to inspire confidence that there was no limit to which its usurpations and our degradations might not be carried.

Your committee believing that the freeborn sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain a course commenced and persisted in which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force, in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms.

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1.

Given
of the Committee on Foreign Relations
to whom was referred the message of the
President, of the ~~first~~ ~~instant~~, ~~report~~
~~of the~~ United States of America of the 1st of
~~that~~ June, 1812, ~~Report~~, ~~that~~

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States have had of the great injustice of the British
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-tient forbearance, than the measures to which it
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Committee are happy to observe, on a dispassionate
review of the ^{conduct of the United States,} that they see ^{in it} no cause for censure.

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considered a virtue in any Nation, it is one which
peculiarly becomes the United States. No People ever
had stronger motives to cherish Peace: None have
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of America are worthy to enjoy ^{the} liberty which
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by Great Britain, a course commenced and persis-
-tered in, which must lead to a loss of National
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to the enemy and to the World that we have
not only inherited that liberty which our
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of the Nation, and confidently trusting that
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recommends an immediate appeal to
Arms -

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to the House of Representatives
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of Foreign Relations
30 June 1847
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