

President Thomas Jefferson and the Barbary Pirates

ROBERT F. TURNER

Thomas Jefferson was fundamentally a man of peace, known for his observation that “if there be one principle more deeply rooted than any other in the mind of every American, it is, that we should have nothing to do with conquest.”¹ In 1823, President Jefferson denounced “the atrocious violations of the rights of nations, by the interference of any one in the internal affairs of another.”²

This was radical thinking for the time; for example, when war with England seemed imminent near the end of Jefferson’s tour as secretary of state, he proposed what today would be termed “economic sanctions” as an alternative to force. In a letter to Tench Coxe, he wrote: “As to myself, I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, . . . [the] proposition of cutting off all communication with the nation which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, and then the experiment will have been a happy one.”³

However, when facing the threat of uncontrolled piracy along the Barbary Coast, he reacted very differently. Jefferson’s problem with the Barbary pirates during the early nineteenth century was exacerbated by a long history of European weakness during which payments of tribute and ransoms promoted a growth industry of terrorism. The Barbary regencies had preyed upon European commerce—and were generously rewarded for having done so—for two centuries before the United States arrived on the scene as an independent actor.⁴ The revolutionary victory deprived American ships of the protection of the British flag—like other European powers, the British were paying tribute to secure unmolested transit on the high seas. This lack of protection, combined with the increase in American commerce and the fact that American merchant ships “carried not an ounce of shot” to defend themselves, made the new nation’s commerce



particularly attractive for plunder.⁵ Jefferson's response to the Barbary threat was to use the nation's new naval forces to face down and destroy the pirate threat.

The Barbary Threat

So long as the American colonies were a part of the British Empire, their commercial vessels were protected from attack by the annual tribute London was paying the Barbary states. However, ratification of the 1783 Treaty of Paris recognizing America brought that protection to an end. In October 1784, the American merchant brig *Betsy* was seized on the high seas and taken with its crew of eleven to Morocco.⁶


Lacking both a naval force to protect American commerce and the ability to compel the American states to furnish the necessary funds to provide for a navy, the Continental Congress, deciding to follow the European lead, authorized eighty thousand U.S. dollars to "negotiate peace" with Morocco to obtain the release of the prisoners.⁷ Not surprisingly, two weeks after a ransom was paid and the crew of *Betsy* was freed, cruisers from Algiers seized two other American vessels, with twenty-one hostages. More soon followed. The conditions of imprisonment were such that by the time peace was purchased in 1796, only eighty-five of the 131 American hostages imprisoned in Algiers remained alive.⁸

As word spread across the North African coast that the Americans had signed a treaty to pay tribute to Algiers, the other Barbary states quickly threatened to prey upon American vessels unless they received equally generous treatment.⁹ Particularly troublesome in this regard was Yusuf Karamanli, pasha (or bashaw) of Tripoli, who had seized power upon the death of his father in 1796. Six years earlier, Yusuf had murdered his older brother Hasan, and he now held the family of his eldest brother Hamet—who had been out of the country at the time of their father's death—as hostages to dissuade the rightful heir from returning and asserting his claim to power.¹⁰



The few surviving historical accounts suggest that Yusuf Karamanli was "feared and hated" in Tripoli;¹¹ one American diplomat who dealt with him extensively described him as "a large, vulgar beast," "a bully," and "a cur who can be disciplined only with the whip."¹² One of Yusuf's first acts as bashaw was to sign with the United States on 4 November 1796 a treaty of "firm and perpetual peace and friendship," which was ratified with the unanimous (23–0) advice and consent of the Senate on 7 June 1796.¹³ Article 10 of this treaty specified that no "periodical tribute or farther payment is ever to be made by either party."¹⁴ Article 12 provided that in the event of a dispute neither party would resort to arms but that the dispute would be submitted to the dey of Algiers for binding resolution.¹⁵





Documents referenced in the treaty acknowledged a receipt of a one-time payment of forty thousand Spanish dollars, assorted watches, rings, and fancy cloth.¹⁶ Additionally, there was a “note” in which the U.S. government promised that each new consul appointed to represent the United States in Tripoli would bring twelve thousand Spanish dollars and specified quantities of artillery, anchors, pine and oak boards (wood being scarce in the desert), and other valuable commodities.¹⁷ This, of course, provided a strong incentive for the bashaw to quarrel with any American diplomat, as an excuse to declare him *persona non grata* and set the stage for a successor with a new installment of treasure. 

In July 1797, James Leander Cathcart was appointed American consul to Tripoli, and William H. Eaton became consul at Tunis. Despite the clear provisions of the treaty, the bashaw expressed displeasure that other Barbary leaders received nicer gifts. He suggested that if further tribute were not forthcoming, he would find it necessary to declare war. The threats intensified during the summer of 1799 and continuing into 1800.

In January 1801, the bashaw again threatened to cut down the flagpole in front of the American house—the method by which war was formally declared—and in February he formally repudiated the “perpetual” treaty of 1796 and demanded as an alternative to war a new treaty accompanied by US\$250,000 plus an annual tribute of \$50,000. Soon thereafter, Cathcart was informed by a messenger, “The door of the palace is closed to you until you pay the Bashaw his due.”¹⁸ The bashaw wrote personally to the American president lamenting the absence of new gifts and stating that “if only flattering words are meant without performance, every one will act as he finds convenient.”¹⁹

Finally, on 10 May 1801, the bashaw announced that he was declaring war against the United States, and four days later the flagpole at the U.S. consulate was chopped to the ground. Washington did not learn of the declaration of war for more than a month, as there was no wireless radio, intercontinental telegraph, or air transportation to relay such information. However, as the bashaw would soon learn, the election of 1800 was not a positive development for the future of piracy along the Barbary Coast.

Thomas Jefferson: A New Sheriff in Town

The problem of the Barbary pirates was not new to Thomas Jefferson, who took office as the nation’s third president on 4 March 1801. He had dealt with it as George Washington’s first secretary of state (1790–93); even before that, under the Articles of Confederation, as minister to France (1784–89), he had listened to shocking accounts of the barbaric treatment of American merchant seamen enslaved in North Africa. Jefferson had been frustrated that nothing could be done to help them, and while in Paris he had exchanged several letters with Secretary of State John Jay, the U.S. minister to  

Great Britain, John Adams, and others on this issue. In a 15 December 1784 letter to Jay, however, Adams argued that those who thought “it would be more manly to fight them” had “more spirit than prudence.”²⁰ In another letter, he reasoned that it was not “good economy” to spend “a million annually to save one gift of two hundred thousand pounds.”²¹

Jefferson too took an economic approach but understood there was more involved than money. He explained: “The question is whether their peace or war will be cheapest? But it is a question which should be addressed to our Honor as well as our Avarice? Nor does it respect us as to these pyrates only, but as to the nations of Europe. If we wish our commerce to be free and un insulted, we must let these nations see that we have an energy which at present they disbelieve. The low opinion they entertain of our powers cannot fail to involve us soon in a naval war.”²²

On several occasions Adams suggested that he might prefer Jefferson’s approach were it possible to protect American commerce by force, but, as he noted, the new nation had no navy and probably lacked the political will to persevere in such a policy. On 3 July 1785, he wrote Jefferson: “The policy of Christendom has made cowards of all their sailors before the standard of Mahomet. It would be heroical and glorious in us to restore courage to ours. I doubt not we could accomplish it, if we should set about it in earnest; but the difficulty of bringing our people to agree upon it, has ever discouraged me.”²³

These debates continued into the Washington administration, when Jefferson called for a military response.²⁴ As early as 1786, he had favored trying to “effect a peace” with the Barbary pirates “through the medium of war,” arguing that paying tribute was beneath the dignity of the new nation and would contribute to disrespect by others that might ultimately lead to war with a European power. In Jefferson’s view, both “justice and honor” favored a military response.²⁵

Washington agreed with Adams that it was wiser simply to follow the European practices. But as the years passed, it became increasingly clear that the problem could not be solved by buying “perpetual” treaties of peace, as these adversaries lacked honor and would merely respond to payoffs with increased demands. Jefferson believed that giving presents to the Barbary powers was “money thrown away,” as “there is no end to the demand of these powers, nor any security in their promises.”²⁶



In 1786, Jefferson proposed a collective security treaty with European states as a means of deterring or defeating armed aggression by the Barbary pirates against international commerce.²⁷ He explained that “the object of the convention shall be to compel the piratical States to perpetual peace, without price”—that is to say, without paying ransom—and “to guarantee that peace to each other.”²⁸

Jefferson proposed that each party to the treaty authorize its minister to the court of Versailles to participate in a committee for effecting the treaty, with decisions to be made by majority vote. He suggested further that the group first direct its joint actions against Algiers, the strongest of the Barbary regencies: “When Algiers shall be reduced to peace, the other piratical States, if they refuse to discontinue their piracies, shall become the objects of this convention either successively or together, as shall seem best.”²⁹ Although the scheme was well received in parts of Europe, it ultimately failed, because under the Articles of Confederation the American Congress lacked the legal power to compel the states to supply the necessary funds to sustain such a commitment. Indeed, it was in part to rectify shortcomings in the Articles that the Philadelphia Convention was convened in 1787 to write the Constitution.

Jefferson, like so many of his contemporaries, believed that a nation wishing to be free and live in peace had to be able to defend itself and be willing to protect its rights. The issue was not whether we preferred war or peace but whether we would have the option of peace, lacking a credible ability and willingness to defend our rights. In a 1793 letter to James Monroe, he wrote: “I believe that through all America there has been but a single sentiment on the subject of peace and war, which was in favor of the former. The Executive here has cherished it with equal and unanimous desire. We have differed perhaps as to the tone of conduct exactly adapted to the securing it.”³⁰

Like President Washington, Jefferson believed that “the power of making war often prevents it, and in our case would give efficacy to our desire of peace.”³¹ He understood that war could result both from our own wrongs and from the wrongs of other states, and emphasized to President Madison that “it has a great effect on the opinion of our people and the world to have the moral right on our side.”³²

His strategy was set forth eloquently in a 1785 letter to John Jay, now secretary of state for the Continental Congress: “Justice . . . on our part, will save us from those wars which would have been produced by a contrary disposition. But how to prevent those produced by the wrongs of other nations? By putting ourselves in a condition to punish them. Weakness provokes insult and injury, while a condition to punish it often prevents it. This reasoning leads to the necessity of some naval force, that being the only weapon with which we can reach an enemy. I think it to our interest to punish the first insult: because an insult unpunished is the parent of many others. We are not at this moment in a condition to do it, but we should put ourselves into it as soon as possible.”³³

Jefferson’s Decision to Use the U.S. Navy to Defeat the Barbary Pirates

Jefferson’s success in the election of 1800 gave him the opportunity to try the policy of “peace through strength” that he had been advocating throughout his government

career. According to his own handwritten notes, his cabinet meeting of 15 May 1801 was devoted to a discussion of whether two-thirds of the new American navy—created by Congress during the Adams administration—should be sent to the Mediterranean to protect American merchant ships. The cabinet unanimously concurred in the desirability of the expedition and also agreed that if, upon arrival at Gibraltar its commander, Captain Richard Dale, learned that war had been declared against the United States, he was to distribute his forces “so as best to protect our commerce & chastise their insolence—by sinking, burning or destroying their ships & Vessels wherever you shall find them.”³⁴

Captain Dale was a superb choice to head the squadron sent to the Mediterranean, having distinguished himself as first lieutenant to John Paul Jones aboard *Bonhomme Richard*. Tasked with the assignment on 20 May 1801, he departed Hampton Roads on 1 June and reached Gibraltar a month later. (Captain Dale was given the honorary title of “commodore,” because he commanded more than one vessel at the same time.)

Reflecting Jefferson’s strong commitment to morality and enhancing the rule of law in international relations, Dale was given strict orders to treat any prisoners with compassion, “humanity,” and “attention.”³⁵ Shortly thereafter, Cathcart was instructed by Secretary of State Madison to refrain from initiating any negotiations, so that the bashaw would have to make the first move. Madison thought this would discourage any expectations of obtaining “the smallest contribution . . . as the price of peace.”³⁶

Historians report that the squadron “made a good impression on the Barbary Coast.”³⁷ When it appeared off Tripoli on 24 July “the Pasha was a good deal disturbed and anxious to treat for peace.”³⁸ One week later, the American schooner *Enterprise*, commanded by Lieutenant Andrew Sterrett, won a decisive victory in a three-hour battle with a larger Tripolitan cruiser without a single American casualty.³⁹

Unfortunately, for reasons that are beyond the scope of this chapter, when Jefferson reported on Lieutenant Sterrett’s engagement in his first annual report to Congress he misrepresented the facts and gave the impression that the absence of congressional authorization for the mission left the squadron with only the power to fend off attacks on American ships.⁴⁰ The consensus view of Jefferson’s cabinet was that the president needed no specific statutory authority to fight a war initiated or declared by a foreign state.⁴¹

Indeed, Congress does not appear to have even been formally notified of the dispatch of two-thirds of the nation’s navy into harm’s way for more than six months, although there is no evidence of any effort to keep the mission a secret and it was widely reported in the press. Nor, for that matter, is there evidence that Congress was unhappy about not having been asked to authorize the initial deployment. While Congress did



subsequently enact a variety of statutes authorizing the use of force as requested by Jefferson, few members seemed to view this minor confrontation against pirates as requiring a formal declaration of war. The primary effect of Jefferson's misstatement to Congress has been to mislead future generations of scholars.⁴²

The "Two Years' Sleep" and General William Eaton

A very important lesson to be drawn from Jefferson's war with the Barbary pirates is the importance of strong military leadership. After some initial successes, Commodore Dale returned to Washington in April 1802, just prior to the end of the enlistment period of his crew, and a new squadron—under the command of Captain Richard Morris—was dispatched to the Mediterranean with orders to wage war against Tripoli. Morris had all the social graces and ran a happy ship, but he had no stomach for war in North Africa. Indeed, he did not even set eyes on Tripoli for more than a year, though he had been instructed to blockade the state.

Finally, on 7 June 1803, Morris went ashore under a white flag to talk with the bashaw. Yusuf demanded US\$250,000 plus twenty thousand a year and reimbursement for all of the costs of the war. Lacking any authority to negotiate, Morris returned to Gibraltar, where he learned that the frustrated Jefferson had relieved him of command. A board of inquiry later found Morris guilty of gross negligence and recommended that he be court-martialed. Rather than approving the recommendation of the board, the president—who referred to the period as the "two years' sleep"—simply fired Morris and replaced him with William Eaton.⁴³

If Captain Richard Morris showed little courage or initiative, William Eaton made up for it in spades. The forty-one-year-old protégé of Timothy Pickering—who had served as secretary of state during the Adams administration—had served as consul at Tunis from 1798 until 1803. He was, to say the least, not disposed to kowtow to Yusuf Karamanli or any other Barbary tyrant. Indeed, he viewed his negotiating instructions under the Adams administration as so offensively weak that he wrote the secretary of state and suggested that his role might be better filled by a slave: "If we will have peace at such a price, recall me, and send a slave, accustomed to abasement, to represent the nation."⁴⁴

More than a century before the more famous British army lieutenant Thomas Edward Lawrence—"Lawrence of Arabia"—achieved legendary status promoting revolution in Iraq and Saudi Arabia, William Eaton learned the languages and culture of North Africa and attired himself in flowing Arab robes, inspiring those who served under him to follow him and making converts of people who at first dismissed him as an impractical dreamer. One biographer reports that Eaton "spoke at least four Arab dialects



without an accent.”⁴⁵ First Lieutenant P. N. O’Bannon, commander of a Marine detachment that followed “General” Eaton (as he was hereafter known, though his highest actual army commission, before his consulship had been as a captain) into war, wrote: “Wherever General Eaton leads, we will follow. If he wants to march us to hell, we’ll gladly go there.”⁴⁶

When in early 1801, as noted above, the bashaw of Tripoli sent his army commander, a renegade Scotsman named Lisle, to inform Consul Cathcart that the door of the palace was closed to him until the bashaw was given “his due,” Eaton had been present, and what happened next has been described by one of his biographers: “The bullying was more than William could tolerate. ‘Lisle,’ he said, addressing him in English, ‘if any harm comes to Mr. Cathcart, I give you my solemn, personal word of honor that I shall hunt you down, put a noose around your neck and hang you from the nearest palm tree. If I can, I shall do it with the aid of the United States Army and Navy. If possible, I shall also enlist the services of the Royal Navy, which has grown tired of the blustering of a traitor. But, if necessary, I shall do it alone!’”⁴⁷

On 1 August 1802—a year to the day after Lieutenant Sterrett won his naval victory—William Eaton achieved a similar success without a single ship under his command by simply announcing in Tunis, without the slightest authority, that Tripoli was in a state of blockade. Afraid of a run-in with American warships, merchant shipmasters simply refused to accept cargo bound for Tripoli. When Commodore Dale, who had returned to the United States, learned of this initiative he strongly approved. Eaton later wrote the Speaker of the House of Representatives in Washington: “I kept the enemy three months in a state of blockade when we had not a ship of war within three hundred leagues from his port; his chief commerce and whole supplies of provisions depending on Tunis.”⁴⁸



Forming Alliances with Your Enemy’s Enemy



Eaton’s greatest achievement was originally suggested by James Cathcart—an incredible land attack against Tripoli, to be led by Yusuf’s exiled elder brother Hamet. It reflects an important understanding about incentive structures: if one wants to get the bashaw of Tripoli to make concessions, success is more likely if the bashaw perceives that he has something valuable at risk should the quarrel go badly. Cathcart and Eaton proposed to locate the bashaw’s elder brother, Hamet Karamanli, and signal Yusuf that if he did not immediately make peace and release all American hostages he risked losing his job and perhaps his life to the rightful heir to the throne.

Eaton first raised the idea of using Hamet to put pressure on Yusuf with Secretary of State Madison in a letter dated 5 September 1801. In 1803, he returned to the United States to

plead his case in person. It is clear that Jefferson and Madison approved the idea of making some use of Hamet, at least in general terms, but they apparently sought to keep what in a more recent era would be called “plausible deniability” and so left much of the detail to Eaton’s discretion. Historians who have examined the record are divided over whether Jefferson or Madison knew of and actually approved what ultimately occurred. While several writers assert that the Hamet expedition was specifically approved by Washington, Jefferson’s biographer Merrill Peterson argues that the president “refused to endorse” Eaton’s “audacious plan . . . to lead a motley insurrectionary army overland against Tripoli.”⁴⁹ Historian Henry Adams may have captured the reality in noting that Eaton’s orders were “vague.”⁵⁰

Whatever Jefferson’s intention, near the end of 1803 Eaton was appointed naval agent for the United States on the Barbary Coast and was promised forty thousand dollars to further some sort of operation involving Hamet. In furtherance of Eaton’s plan, Commodore Barron instructed Lieutenant Isaac Hull to lead a group of Marines to accompany Eaton to Alexandria, Egypt, to try to locate Hamet. Hull and his party were instructed to “disguise the true object” of their mission, pretending to be on leave. In late February, Eaton made contact with Hamet and offered to assist him in regaining his throne, promising a sum of money as well to secure Hamet’s cooperation. The two entered into a “convention” that provided in part: “The government of the United States shall use their utmost exertions so far as comports with their own honor and interest, their subsisting treaties and the acknowledged law of nations, to reestablish the said Hamet Pasha in the possession of his sovereignty of Tripoli.”⁵¹

While some historians have observed that this agreement exceeded Eaton’s instructions, it is difficult to interpret the actual language used as committing the United States to do anything it did not conclude to be in its “interest.” In addition to initiating a covert operation with Hamet, to gain the cooperation of Tunis Eaton quietly promised its chief minister a payment of ten thousand dollars if the operation succeeded. This idea too apparently originated with James Cathcart.

The dozen Americans then put together a motley band of roughly five hundred Arab and Greek mercenaries from about a dozen countries, and in early March 1805 the party set out on a five-hundred-mile march across the Western Desert to Tripoli. As it traveled, the force grew to between six hundred and seven hundred fighting men, with roughly another five hundred family members and “camp followers” bringing up the rear. Eaton’s leadership skills were frequently put to the test during the arduous trip. As food and water supplies dwindled and the heat took its toll, there were demands for additional payments and threats of desertion. Eaton at one point cut off rations to the Arabs to end a threatened mutiny, and when Hamet refused to continue Eaton marched

off into the desert without him—to be joined by a frustrated Hamet two hours later. The situation worsened on 15 April, when the force arrived at Bomba to find that the promised American warships had not arrived. However, *Argus* arrived early the next morning, and the next day *Hornet* brought additional food and military supplies.

On 25 April the band completed the sixty-mile march from Bomba to Derne, the second-largest city in Tripoli, and learned that two-thirds of the city inhabitants were ready to welcome Hamet as their rightful leader. Knowing that the town was defended by a force of eight hundred and that Yusuf's army was about to arrive from Tripoli, Eaton sent a message to the governor under a flag of truce offering terms in the hope of avoiding further bloodshed. Receiving in reply a message saying, "My head or yours," Eaton's force commenced an attack.⁵² The governor fled, and Eaton's army soon took the city. Days later, Yusuf's army of twelve hundred arrived from Tripoli and attacked Eaton's army, but after Eaton's men demonstrated the accuracy of American cannon fire, Yusuf's men quickly lost their stomach for war. Eaton's army was prepared to move on Tripoli with the support of offshore American naval fire when his entire operation was undermined from Washington.

From the start, one of the strongest critics of Eaton's plan was Colonel Tobias Lear, the U.S. consul in Algiers, who believed that Hamet was simply too weak to be a viable ally against Yusuf and that the long march across the desert could not possibly succeed. Government leaders in Washington had no way of following Eaton's progress and did not know that Commodore Edward Preble was doing a brilliant job of putting pressure on Tripoli. Indeed, Preble's blockade was so effective that the Barbary pirates had been shut down completely for months. But at the end of October 1803, the frigate *Philadelphia* ran aground off Tripoli in strong winds and was captured by the pirates.

News of this setback was a shock to Jefferson and no doubt contributed to the decision to authorize Lear to pursue a diplomatic solution in Tripoli. In fact, three months after it was captured, *Philadelphia* was burned in a daring raid, led by Lieutenant (later Commodore) Stephen Decatur, in which scores of pirates were killed without a single American fatality and only one American sailor was slightly wounded. Professor Forrest McDonald notes: "Lord Admiral Horatio Nelson, the greatest sailor of the entire era of fighting sail, called Decatur's raid 'the most bold and daring act of the age.'"⁵³ But by the time news of Decatur's heroic escapade reached Washington, Lear had already been authorized to seek a negotiated peace.

On 11 June 1805, *Constellation* arrived off Derne with a message from Commodore Rodgers informing Eaton that a peace treaty had been signed on 5 June by Lear and Yusuf. Eaton was ordered to withdraw all the Christians and Hamet's party immediately; the Arab mercenaries were to be left ashore, abandoned to their fate. Historians

disagree about whether they were thereafter immediately slaughtered or allowed to return home, but this aspect of the operation was hardly a high point of American honor.

Even though his operation was terminated before achieving total victory, Eaton's bold adventure had a great influence on the outcome of the war. Two days passed between the arrival of *Hornet* with authorization for Lear to begin negotiations and Yusuf Bashaw's signing of a peace treaty aboard *Constitution*. Six months earlier, before Eaton's expedition with Yusuf's brother, the Spanish consul in Tripoli had sent word to Lear that the United States could probably negotiate a favorable treaty. By the time Yusuf learned of Eaton's expedition, Yusuf was genuinely concerned and therefore even more willing to negotiate. When Lear presented a draft peace treaty, Yusuf agreed immediately to sign it, asking only the addition of one article promising that Eaton would be withdrawn immediately and would no longer provide any support to Yusuf's domestic enemies.⁵⁴

The treaty was unprecedented in the relations of Western nations with the Barbary pirates. Even before Lear's arrival, the bashaw had reduced the price of peace from three million dollars to sixty thousand, but when Lear presented him with a draft that provided for no payment and no annual tribute it was promptly accepted. The treaty provided for the immediate exchange of all prisoners; since the bashaw held three hundred Americans while the Americans had only one hundred Tripolitans, Lear agreed to a payment of sixty thousand dollars for the difference.⁵⁵ The treaty further provided that in the event of future war, prisoners would be exchanged rather than enslaved and that the party holding more prisoners would be compensated at a fixed rate, depending upon each prisoner's rank.⁵⁶

Additional provision was made for the punishment of Tripolitan ship commanders who subjected any American to abuse or plundered property.⁵⁷ On 12 April 1806—only hours before President Jefferson's sixty-third birthday celebration—the Senate gave its consent to ratification by a vote of twenty-one to eight. President Thomas Jefferson quickly ratified the treaty.

Conclusions

In retrospect, Jefferson and Madison may have erred in undermining Eaton's bold adventure, although any difference in the final outcome probably would not have justified the additional loss of life that might have accompanied an attack on Tripoli. Scholars have speculated that Lear could have had a treaty without paying Yusuf sixty thousand dollars for the release of the three hundred American prisoners, and they are quite possibly right. Had President Jefferson and Secretary of State Madison been in possession of more timely and accurate information about the situation in the

Mediterranean, and had they been able to communicate on a real-time basis with Eaton and Lear, perhaps they would have taken a firmer stand.

Although bitter and feeling betrayed, General Eaton returned to the United States as a hero and for many months was feted at receptions around the nation. The Massachusetts legislature granted him ten thousand acres in what is now Maine, and Congress voted to settle his account equitably and to grant a small sum as well to Hamet. When Congress learned of the details of the covert operation that contributed to the peace, the only criticism voiced was that Hamet had been treated shabbily—although he had obtained the release of his wife and family from Yusuf pursuant to the treaty of peace—and that the abandonment of the Arab mercenaries might make it more difficult to recruit such forces in the future should that ever become desirable.

But it is noteworthy that no one in Congress criticized the administration for sending two-thirds of the American navy to attack foreign ships without notifying Congress. More broadly, this American venture sent shock waves across Europe and throughout the other Barbary states. Jefferson sent Stephen Decatur with a squadron to demand that Algiers abandon its efforts to extract tribute from the United States. When the dey asked for time to consider the demand, Decatur responded: “Not a minute.” The dey thereupon accepted the American demand—his concession was quickly followed by those of the other Barbary states. Emboldened European leaders quickly announced their own refusal to continue paying tribute, and centuries of terror on the high seas soon came to an end.⁵⁸

Jefferson was correct that deterrence should be the ultimate goal, but he also observed, “An insult unpunished becomes the parent of many others.”⁵⁹ If there is one lesson to be learned from Jefferson’s success against the state-sponsored Barbary pirates, it is the importance of creating appropriate disincentives. In this case, persuading Yusuf Karamanli that his own interests were at stake made a crucial difference. In the final determination, deterring pirate leaders is the only way to ensure the end of piracy.

Notes

This chapter is based in part upon an earlier essay by the author that appeared under the title “State Responsibility and the War on Terror: The Legacy of Thomas Jefferson and the Barbary Pirates” in *Chicago Journal of International Law* 4 (2003), pp. 121–40.

1. Jefferson to William Short, 28 July 1791, in *The Papers of Thomas Jefferson*, ed. Julian P.

Boyd and Ruth W. Lester (Princeton, N.J.: Princeton Univ. Press, 1982), pp. 686–88.

2. Jefferson to James Monroe, 24 October 1823, in *The Writings of Thomas Jefferson*, ed. Andrew A. Lipscomb and Albert Ellery Bergh (Washington, D.C.: Thomas Jefferson Memorial Association, 1903), pp. 477–78.

3. Jefferson to Tench Coxe, 1 May 1794, in *ibid.*, pp. 284–85. Later, as president,

- Jefferson sought to stave off war by persuading Congress to enact the Embargo Act of 1807.
4. Merrill D. Peterson, *Thomas Jefferson and the New Nation* (New York: Oxford Univ. Press, 1970), pp. 310–11.
 5. For increase in American commerce, Ray W. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers, 1776–1816* (Chapel Hill: Univ. of North Carolina Press, 1931), p. 101. For “ounce of shot,” Stanley Lane-Poole, *The Story of the Barbary Corsairs* (New York: G. P. Putnam, 1890), p. 274.
 6. Peterson, *Thomas Jefferson and the New Nation*, pp. 310–11.
 7. *Ibid.*, p. 311.
 8. Joel S. Sorkin, “The Piratical Ensigns of Mahomet,” *National Review*, 28 March 1986, pp. 50, 52.
 9. Lane-Poole, *Story of the Barbary Corsairs*, p. 275.
 10. For useful background on this period, see Gardner W. Allen, *Our Navy and the Barbary Corsairs* (New York: Houghton Mifflin, 1905), pp. 88–89, and Francis Rennell Rodd, *General William Eaton: The Failure of an Idea* (n.p.: Minton, Balch, 1932), p. 59.
 11. Donald Barr Chidsey, *The Wars in Barbary: Arab Piracy and the Birth of the United States Navy* (New York: Crown, 1971), p. 60.
 12. Samuel Edwards, *Barbary General: The Life of William H. Eaton* (Englewood Cliffs, N.J.: Prentice Hall, 1968), p. 84.
 13. “Treaty of Peace and Friendship,” art. 1, 8 Stat 154, 154 (1797). Also, see *Journal of the Executive Proceedings of the Senate of the United States of America, 1789–1805* (7 June 1797), available at memory.loc.gov/.
 14. “Treaty of Peace and Friendship,” art. 10.
 15. “In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever. But if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision.” *Ibid.*, art. 12.
 16. Receipt available at Yale Law School, Lillian Goldman Law Library, *The Avalon Project: Documents in Law, History, and Diplomacy*, avalon.law.yale.edu/18th_century/bar1796t.asp.
 17. Note available at *Avalon Project*, avalon.law.yale.edu/18th_century/bar1796t.asp.
 18. Edwards, *Barbary General*, p. 86.
 19. Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 97.
 20. Allen, *Our Navy and the Barbary Corsairs*, p. 35.
 21. Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 46.
 22. Jefferson to John Page, 20 August 1785, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, Mina R. Bryan, and Elizabeth L. Hutter (Princeton, N.J.: Princeton Univ. Press, 1953), pp. 417–19.
 23. John Adams to Jefferson, 3 July 1785, quoted in Allen, *Our Navy and the Barbary Corsairs*, pp. 36–37.
 24. See, for example, Thomas Jefferson, *Report [to Congress] on American Trade in the Mediterranean* (28 December 1790), in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, Ruth W. Lester, and Lucius Wilmerding, Jr. (Princeton, N.J.: Princeton Univ. Press, 1971), p. 423.
 25. *Ibid.*, p. 47. See Jefferson to John Adams, 11 July 1786, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, Mina R. Bryan, and Fredrick Aandahl (Princeton, N.J.: Princeton Univ. Press, 1954), p. 123.
 26. Jefferson to Wilson Cary Nicholas, 11 June 1801, in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G. P. Putnam, 1897), pp. 62–63.
 27. See William Kirk Woolery, *The Relation of Thomas Jefferson to American Foreign Policy* (Baltimore, Md.: Johns Hopkins Univ. Press, 1927), pp. 29–33.
 28. Thomas Jefferson, “Proposals for Concerted Operation among the Powers at War with the Piratical States of Barbary,” November 1786, in *Writings of Thomas Jefferson*, ed. Lipscomb and Bergh, pp. 145–46.
 29. *Ibid.*, pp. 147–48.
 30. Jefferson to James Monroe, 28 June 1793, in *The Papers of Thomas Jefferson*, ed. John Catanzariti and Eugene R. Sheridan (Princeton, N.J.: Princeton Univ. Press, 1995), p. 392.

31. Jefferson to George Washington, 4 December 1788, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, William H. Gaines, Jr., and Joseph H. Harrison, Jr. (Princeton, N.J.: Princeton Univ. Press, 1958), p. 328. This letter was mistakenly dated 4 November 1788 by Jefferson, who corrected his error in a subsequent letter of 5 December 1788 (ibid., p. 336). See also Jefferson to James Monroe, 11 July 1790, reprinted as “Whatever enables us to go to war, secures our peace” in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd and Lucius Wilmerding, Jr. (Princeton, N.J.: Princeton Univ. Press, 1965), p. 25.
32. Jefferson to James Madison, 19 April 1809, in *Writings of Thomas Jefferson*, ed. Lipscomb and Bergh, pp. 273–74.
33. Jefferson to John Jay, 23 August 1785, in *Papers of Thomas Jefferson*, ed. Boyd, Bryan, and Hutter, pp. 426–27.
34. Samuel Smith to Richard Dale, 20 May 1801, in *Naval Documents Related to the United States Wars with the Barbary Powers*, ed. Claude A. Swanson (Washington, D.C.: U.S. Government Printing Office, 1939), pp. 465–67.
35. Allen, *Our Navy and the Barbary Corsairs*, p. 93; Rodd, *General William Eaton*, p. 73.
36. Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 113.
37. Rodd, *General William Eaton*, p. 77.
38. Allen, *Our Navy and the Barbary Corsairs*, p. 95.
39. This encounter was at the heart of Jefferson’s 8 December 1801 report to Congress in his first annual message, but Jefferson’s portrayal of Lieutenant Sterrett’s orders was both at odds with the decision of his cabinet the previous March and clearly contrary to the actual orders found in naval records. See Robert F. Turner, “War and the Forgotten Executive Power Clause,” *Virginia Journal of International Law* (1994), p. 903.
40. For a general discussion of Jefferson’s reasons, see ibid., pp. 910–15. See Thomas Jefferson, *First Annual Message to Congress* (8 December 1801), quoted in ibid., pp. 910–11.
41. See Turner, “War and the Forgotten Executive Power Clause,” pp. 912–13.
42. Among the dozens of scholars who have relied upon Jefferson’s first annual message to Congress as evidence that Commodore Dale sailed to the Mediterranean with very limited authority, see generally Forrest McDonald, *The Presidency of Thomas Jefferson* (Lawrence: Univ. Press of Kansas, 1976), p. 61; Rodd, *General William Eaton*, p. 80; Lane-Poole, *Story of the Barbary Corsairs*, p. 276; and Chidsey, *Wars in Barbary*, p. 75.
43. Henry Adams, *History of the United States of America during the First Administration of Thomas Jefferson* (New York: Scribner’s, 1889), p. 137; Peterson, *Thomas Jefferson and the New Nation*, pp. 798–99; Chidsey, *Wars in Barbary*, pp. 83–84.
44. Chidsey, *Wars in Barbary*, p. 68.
45. Edwards, *Barbary General*, p. 5.
46. Ibid., p. 3; Eaton’s highest government rank had been captain in the Army, but he acquired the “courtesy” title as a result of his exploits in North Africa.
47. Ibid., p. 86.
48. Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 110.
49. Peterson, *Thomas Jefferson and the New Nation*, p. 799. But compare Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 143.
50. Henry Adams, *The Formative Years: A History of the United States of America during the Administrations of Jefferson and Madison* (London: Collins, 1948), p. 283.
51. Allen, *Our Navy and the Barbary Corsairs*, p. 231.
52. Rodd, *General William Eaton*, p. 233.
53. McDonald, *Presidency of Thomas Jefferson*, p. 78.
54. Irwin, *Diplomatic Relations of the United States with the Barbary Powers*, p. 152. According to Adams: “Immediately upon hearing that his troops had failed to retake Derne, he entered into negotiations with Tobias Lear, the American consul-general at Algiers, who had come to Tripoli for the purpose; and on this occasion the Pasha negotiated with all the rapidity that could be wished. June 3, 1805, he submitted to the disgrace of making peace without being expressly paid for it” (p. 285).
55. “Treaty of Peace and Amity,” art. 2, 8 Stat 214 (1805).
56. Ibid., art. 16.
57. Ibid., art. 6.

58. John W. Foster, *A Century of American Diplomacy: Being a Brief Review of the Foreign Relations of the United States, 1776–1876* (New York: Houghton Mifflin, 1900), pp. 207–208; Lane-Poole, *Story of the Barbary Corsairs*, p. 291.
59. Jefferson to John Jay, 23 August 1785, in *Papers of Thomas Jefferson*, ed. Boyd, Bryan, and Hutter, pp. 426–27.