

Article Title: Of The Seminole War. From the Nashville Tenn. Whig. The Subject Continued. A muted critique of Jackson's occupation of Floridas, saying it contravenes international law, and that the U.S. should guard against such actions in future.

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Published in: National Intelligencer

Place of Publication: Washington, DC

Publication Date: 10/20/1818

OF THE SEMINOLE WAR.

From the Nashville (Tennessee) Whig

THE SUBJECT CONTINUED.

To the editors of the Nashville Whig.

Having taken a cursory view of the circumstances in which Gen. Jackson found himself placed in the prosecution of this war, it remains to be seen, whether, by any fair mode of reasoning his acts can be considered of a hostile character. For it is evident that neither the President, nor Gen. Jackson, in subordination to him, could rightfully and constitutionally do any thing which would ipso facto, place their country in a state of war. By the constitution the president is charged with the command of the military forces of the nation, and with the duty of protecting the country from external violence. With the approbation of Congress, the nation was at open war with the Seminole Indians. The President, then, had full and ample power, constitutionally delegated to use all means, consistent with the laws of nations, to put an effectual end to this war. This power was, by the President, delegated to Gen. Jackson, who, unless he were limited by his superior, had the same latitude of discretion, in the selection of the means to be employed, that was possessed by the President himself. The President was not restricted by Congress in the means to be employed, and hence, in the conduct of the war, was left free to act as circumstances might require, governed by the usages and law of nations in regard to such cases. Under the circumstances above disclosed, was our government, or Gen. Jackson, acting as its agent, authorized to take possession of St. Mark's and Pensacola, as a precautionary measure of self defence, accompanied by an assurance of his design in doing so, and of their being given up so soon as Spain should be in a situation to cause her neutrality to be respected ; or, whenever the President should so order it ? It is difficult to suppose that any one would seriously dispute the propriety, nay, necessity of this measure. Gen. Jackson, in taking possession of these posts, in no instance, infringed the rights of personal property ; he possessed himself of these garrisons, thereby to enable him to keep down the hostilities of the Indians, which he could not otherwise effect other than by acting as the agent, not the enemy of the Spanish government, in doing what, by treaty, it was bound to performbut, not being able so to do, the United States were constrained, in self defence, to furnish the force necessary to effect the object. Independently of all treaties, the United States, or their agent, the commanding general, was authorized, by the general law of nations, to take his course. Vattel, b. 3, chap. 7, sec. 122, says, that " extreme necessity may even authorize the seizure of a place, and putting a garrison therein, for defending itself against the enemy, or preventing him in his designs of seizing this place, when the sovereign is not able to defend it." In sec. 132, of the same chapter, the author observes that, " to secure prisoners and spoil in a place of safety are acts of war, consequently not to be done in a neutral country, and whoever permitted it would break their neutrality, as favoring one of the parties. But I here speak of prisoners and goods, not yet perfectly in the enemy's power, the capture of which is not, if I may be allowed the expression, fully completed. A flying party, for instance, cannot make use of a neighboring and neutral country, as a staple for securing its prisoners and spoil." This law, published by Vattel as a rule of action for the government of nations in their neutral intercourse with each other, seems clearly intended by the author to embrace such a case as is furnished by the incidents of the Seminole war. In the Spanish garrisons the Indians found safety

from the pursuit of Jackson ; here they exposed to sale and received the price of their spoil from the frontier settlers ; and here, we question little, they would have secured their prisoners, had they been permitted to take any by the sanguinary cast of their warfare. In the spirit of peace and amity, however, which exists between Spain and the U. States, it is not allowable to believe, that the former power furnished the Indians voluntarily with this asylum for their persons, and security for the retention and enjoyment of their spoil. Supposing, then, that the conduct of the Spanish garrisons, pending the Seminole war, to have been the result of inability to perform the treaty with the United States, the case in relation to our government, is little altered, and equally justifies the means employed by the commanding general in effecting its termination. In support of this position, we refer also to Vattel's treatise on the laws of nations. It is stated by this justly respected jurist, "it is certain that on my enemy's being defeated and too much weakened to escape me, if my neighbor affords him a retreat, allows him time to recover and watch a favorable opportunity of making a second attack on my territories, this conduct so pernicious to my safety and interests, would be incompatible with neutrality. If, therefore, my enemy, on a defeat, retires into a neutral country, however charity may enjoin not to refuse a passage and safety he is to cause his troops, as soon as possible, to continue their march, and not permit them to watch an opportunity for attacking me. Because, otherwise, he gives me a right to enter his territories in quest of my enemy : a misfortune that too often attends nations unable to command respect. Their territory soon becomes the scene of war ; armies march into it, encamp, and fight, as in a country open " to all commerce." In the Seminole war, the savages had been defeated at Mickasukee, and fled before the pursuit of our army took refuge in the Spanish forts, where time was allowed them to repair their losses in battle, and cautiously to watch the first favorable opportunity of making a sudden descent upon our frontier, and steeping afresh their savage hands in the blood of its unprotected inhabitants. These being the facts, the course of our government, through its officer, Gen. Jackson, in relation to the Spanish forts in Florida, cannot be otherwise than justified : justified by the law of nations, by the plainest reasoning of mankind, and the more cogent and unyielding dictates of self defence. But if Gen. Jackson has been correct in taking possession of these forts, it is consequentially insisted by some, that the President has done wrong in ordering them to be restored to the Spanish authorities as he has done. In relation to the conduct of the President of the United States, it is hoped that the people have too much confidence in him, as a statesman, to doubt the correctness of his motives in the restoration of these forts. It would be sufficient to recollect, that there is a negotiation pending, by which a pacific cession of the country is, most probably, contemplated. The nature of our government, and the habits of our people, are pacific and just. It is not our interest to make war against any nation. Were it otherwise, the Executive alone is constitutionally inhibited to do so, unless in cases of self defence. The measures of Jackson have been of this latter character. Having effected the object of his command no war exists with the Indians, and, as the retention of these posts might not only embroil us in a war with other nations beside Spain, as well as embarrass the negotiation, it was certainly the most safe and dignified course, on the part of the Executive, to direct their restoration. This has been done, and, we doubt not upon conditions best calculated to promote the solid interest of the nation. To have held them after the object of the war with the Indians had been effected, and contrary to the remonstrances of the Spanish minister, might have changed the character of the whole transaction, and made the measure of taking possession by Jackson, an act of war, ab initio, which it was the interest and the duty of the Executive to avoid. Congress is alone authorized to declare or commence a war. Independently, however, of this constitutional objection, the course taken by the President was the one dictated by propriety. As a just and moral people, we ought to respect the laws of nations, and not wrest from others their territories by violence. The character of honesty, patience, and forbearance, is as essential to nations as to individuals. A lawless, turbulent, and verberating man, who is regardless of the rights of others, soon finds himself not only abandoned by the rest of mankind, but obliged ultimately to submit to their united influence, whatever may be his individual talents, power, and address. So it is in the society of nations ; and so it is stated by that eminent jurist, Vattel, b. 3, chap. 6, and sec. 97 ; who observes, " that this prudence of not always coming to an open rupture with those who give such assistance to my enemy, that they may not join him with all

their forces ; this forbearance, I say, has gradually introduced the custom of not looking on such assistance as an act of hostility." And again, " but if prudence dissuades us from making use of all our right, it does not thereby destroy that right. A prudent nation chooses rather to dissemble, than unnecessarily to increase the number of its enemies." Such being the state of facts in respect to the capture of the Spanish forts, and such the rules of action applicable, it is asked, why all the confusion and contrariety of opinion, which has succeeded, upon this affair ? Some say that the President has been remiss, others that Jackson has disobeyed his orders ! We have endeavored to show that both the President and General Jackson have acted correctly in their respective stations ; and we hope this effort has not been without effect upon those who will deliberately reflect on the nature of the subject. There is, it is believed, no misunderstanding between the President and General Jackson, nor does there exist, according to our understanding, any disposition in either likely to produce such a result. They are both great, honest, and patriotic men ; and equally, in their respective stations, meriting, and in the possession of, the public confidence and regard. It is presumed that the President will provide against future events, and, after evacuating St. Marks and Pensacola, will take care that the troops of the United States withdrawn from them shall be placed in such situations as to enable the nation to do itself justice with certainty and promptitude, in case Spain should hereafter be unable or unwilling to afford it.

The situation of Spanish affairs, particularly on the continent of South America and her islands in the Atlantic, with the probable policy of England in that quarter, renders vigilance and attention, on the part of our government, highly important in the present crisis

ARISTIDES.