**“The Jay Treaty” Political Cartoon**

**Background Information**

Relations between the United States and Great Britain had been contentious since the conclusion of the Revolutionary War; however, by 1794 these tensions reached a climax. Americans were upset by Britain’s refusal to honor all of the terms of the Treaty of Paris, which ended the Revolutionary War. They were particularly upset by Britain’s intransigence in refusing to turn over control of military posts in the Northwest Territory. These posts were not only strategically important, but the British presence at them inhibited American westward expansion through their financial and military support of the Northwest Indians. A problem of equal weight for Americans on the east coast was the closure of the ports of the British West Indies to American shipping and the seizure by the British navy of American ships and cargoes bound for French ports. Many Americans, including President George Washington, viewed these actions as threats of war. Washington was convinced the time had come to confront Great Britain, yet rather than declaring war, he decided to send a diplomatic envoy.

However, Washington found himself in a difficult situation. In his second term, political factions began to emerge in the government, and Washington was increasingly attacked in the popular press. The pro-French, Republican faction demanded that direct steps be taken against Britain, either military or economic. While Washington agreed that the time for action had come, he feared that the United States could not win a war against Britain. Instead, he heeded the advice of the Federalist faction, which encouraged sending a special envoy to Britain to negotiate a treaty. Washington was attacked by the Republicans as being naïve if he expected mere diplomacy to succeed when Britain had so long failed to acknowledge legitimate American concerns. They accused him of pandering to the mercantilists who, in the Republican’s view, wanted to continue British trade at the cost of American freedom. Furthermore, the method that Washington used to choose his envoy irritated the Republicans. Though he asked the Senate to ratify his choice of John Jay as Chief Justice of the Supreme Court, Washington acted independently in choosing Jay as his envoy. Washington also directly instructed Jay without Senate input. The Republicans accused Washington of overstepping his Constitutional authority in sending a representative to negotiate a treaty, which was not directly subject to Congressional oversight. The Republicans were also troubled by Jay’s selection because he was a sitting member of the Supreme Court. To many, this appeared to be two branches of government working together to dilute the power of the third. This seemed to be evidence that the power of the presidency was too great in comparison to that of Congress. Washington hoped that Jay would be able to negotiate a treaty that would lay Republican criticisms to rest.

Jay’s instructions were written by a committee of Federalists that included Alexander Hamilton, Alexander Ellsworth, Henry Cabot, and John Jay and submitted for Washington’s signature; however, Hamilton was the primary author. The treaty committee thought it important that Jay focus on gaining ground on the large issues even if it meant making minor, though politically-charged, concessions. They declined to send the instructions to the Senate for review even though the Constitution specifies that the Senate should give “advice and consent” for treaties. The Committee feared that Congress would overburden the instructions with impossible or unreasonable demands, so they chose to focus on a narrow range of achievable objectives in spite of popular sentiment. The committee, under Washington’s supervision, established a precedent for future Presidents regarding treaties: the President would establish the goals and boundaries for negotiation.

The treaty committee was not naïve enough to assume that Britain would agree to the major terms without a major concession in return. It was widely known that Britain’s most pressing issue with America was the unpaid debts owed to British merchants by individual Americans for goods purchased prior to the Revolutionary War. While a few Americans honored their pre-war obligations, many more used the war as an excuse to write off large debts. In return for Britain’s agreeing to the treaty terms, the United States government—with Senate approval—was prepared to assume responsibility for prewar debts up to £500,000 sterling. However, the idea of assuming pre-war debts was contentious in America. Those who did not have British obligations felt it unfair of the government to use tax money to pay the private debts of merchants and planters. While Hamilton and Washington saw this as an expedient way to put an old issue to rest, it would prove extremely controversial in the public arena.

Another impediment to a successful treaty negotiation was the popular sentiment against Great Britain and in favor of France. Because the French had been a strong American supporter during the Revolutionary War, many believed that the United States owed an allegiance to France at the expense of Great Britain. At the time of the negotiations, France and Britain were at war; even if America did not formally ally with France, many thought that conducting open negotiations with Britain was a betrayal of France. Furthermore, many argued that America should improve the commercial relationship with France, severing the strong economic ties between America and Britain. However, Jay’s instructions made it clear that Hamilton believed that the treaty would only be successful if built on a strong foundation of economic interdependence. In essence, the strongest argument for the treaty, from Britain’s perspective, would be in cementing strong trade relations with America.

Almost immediately, even before formally meeting with Jay, Lord Grenville, the British Minister of Foreign Affairs, and William Pitt, the Prime Minister, determined that the two most important American demands would be for restitution of seized cargo and the transfer of the Northwest posts. Britain decided to honor these two requests. Even with the British having decided to give in to the two most serious demands, the negotiations still took several months. Negotiations were conducted behind closed doors; secretaries were not even allowed to attend. In August 1794, Jay submitted a draft proposal to Grenville for consideration. The final version of the treaty was signed on November 19, 1794. Jay was satisfied that he had followed Hamilton’s instructions and that he had obtained concessions on the most important issues at the acceptable expense of the less important. Many in America were not impressed by the final terms once they became known.

The treaty had several provisions. Both Great Britain and the United States had won concessions. The most significant elements of the treaty were:

**United States’ Advantage**

1. The Northwest Territory posts occupied by Great Britain were to be turned over to the United States within one year of ratification.
2. American ships would be granted limited access to the ports in the British West Indies for the purposes of import and export.
3. Both British citizens in Canada and American citizens in the United States could freely pass into and out of the others’ territories for the purposes of trade.
4. Trade imposts, or taxes, would be relatively equivalent for British and American traders in each other’s ports in order to encourage free trade.
5. The British government would compensate American merchants whose cargoes had been seized by the British Navy.
6. American ships caught by the British Navy taking military stores into the ports of countries with which Britain was at war would be allowed to retreat without seizure of their cargoes.
7. Both sides agreed to remain neutral towards each other in times of world conflict.
8. Britain would end its support Spain’s efforts to limit American use of the Mississippi River.

**Great Britain’s Advantage**

1. Britain would not compensate Americans for slaves carried off or induced to run away during the American Revolution.
2. Britain refused to remove her naval vessels from the Great Lakes.
3. Britain refused to forgo the assistance of Indian allies in the event of war.
4. The United States would not be allowed to re-export commodities, including molasses, sugar, coffee, cocoa, or cotton imported from the British West Indies.
5. British traders and ships would be given free access to the Mississippi River.
6. The United States government would re-pay the pre-Revolutionary War debts American citizens owed British creditors.
7. No provisions were made for the return of American sailors impressed into the British navy.

Upon Jay’s return to the United States, the treaty was laid before the Senate for confirmation. As a group, the Senate immediately opposed the provision that forbade the re-exportation of West Indian commodities. The re-export trade was too vital to the American economy to consider ending. In regarding the rest of the Treaty, the Senate split along strict party lines; there were 20 Federalist senators and 10 Republicans. (While Washington was not a member of a political party and was a strong opponent of them, the Federalists were most reflective of his views and supportive of his policies). The Federalists carried the day on every issue and on the final vote for approval. On June 24, 1795 the Senate ratified Jay’s Treaty subject to the renegotiation of the commodities re-exportation article. The treaty was then returned to President Washington for subsequent action and implementation.

Following the Senate’s approval, Washington was convinced that it was important to introduce the Treaty to the American public on his terms. Given the popular opposition to the treaty before it was even negotiated and some of the concessions in the final document, Washington wanted to manage its release. He authorized publication for July 1, 1795 but was beaten to the punch when a Republican senator, Stevens Mason of Virginia, sold his copy to a French minister who in turn sold it to a Republican newspaper editor. The editor quickly printed the treaty in pamphlet form and sold it at Fourth of July celebrations up and down the east coast. The popular reaction was negative in part because the timing and source proved incendiary. Towns throughout America organized public meetings and events to protest the treaty terms. John Jay was burned in effigy in Philadelphia, New York, and Boston. It appeared for a time that the Treaty was sunk.

However, in the space of one year American sentiment had turned entirely in the other direction to full support of the Jay Treaty, much to the Republicans’ embarrassment. While the initial reaction to the treaty was based on wounded national pride, the turnaround came from pure national and regional self-interest, for which the treaty provided in great measure. Several events in early 1796 convinced Americans to support the Jay Treaty. When General Anthony Wayne defeated several Northwest Indian tribes in the spring of 1796, the prospect of expanded settlement into the Northwest became a far more realistic possibility, especially when coupled with the British surrender of the Northwest ports. At the same time, Spain dropped its opposition to American navigation of the Mississippi River because, under the Treaty, Britain no longer supported its policy. With navigation secured, Americans had an outlet for frontier goods. In the east, due to expanded shipping and ship-building, the economy had vastly improved since the time that Jay had been first dispatched. America’s failure to ratify Jay’s Treaty would have threatened this new prosperity. Moreover, following the initial outpouring of overblown, anti-treaty rhetoric, the treaty’s supporters--including Alexander Hamilton and Noah Webster-responded with reasoned, measured, and articulate printed rebuttals. The persuasive arguments in its favor and the realization that the Treaty provided new avenues for economic advancement prompted Americans in all parts of the country to pressure the House of Representatives to support ratification by voting in favor of the necessary implementation of funds. Washington emerged the victor from the most heated public relations battle of his administration.

The intricacies of the Jay Treaty’s effect on American politics between 1794 and 1796 can be divided into four issues:

**Anti-British vs. Pro-French Sentiment**

Americans harbored harsh feelings towards Britain following the Revolutionary War. Because France had been America’s chief ally and financial supporter during the Revolution, many argued that America should abandon diplomatic and commercial ties with Britain, in spite of a shared culture and economic self-interest, in favor of a formal alliance with France.

**British Atrocities**

Many Americans saw British actions on the American frontier and the high seas as assaults on the sovereignty of the United States that could only be answered militarily. In addition to being a violation of the Treaty of Paris, British support of hostile Indian tribes on the southern and northwestern frontiers prevented territorial expansion and participation in the lucrative fur trade. The British Navy was preventing vessels from conducting trade in the British West Indies, contrary to years of tradition; seizing ships and cargoes; and impressing American seamen into the British Navy. These were seen as direct acts of war.

**Rise of Political Parties**

Politics became contentious during Washington’s second term. Some historians see the Jay Treaty as being the single most important issue leading to the formation of political parties in the United States. The Republicans used the Jay Treaty as a tool to undermine the Federalists. The Federalists supported Washington, were the stronger faction, and favored a strong central government over the states and promoted a national fiscal policy. They drew support from the merchants and capitalists in the northeast and large cities. The Republicans, whose best-known members were Thomas Jefferson and James Madison, were pro-French and more inclined to cede power to the states over the federal government. Their power base rested primarily in the agricultural south and west.

**Treaty Provisions**

Many Americans held an inflated opinion of American influence and power. When the actual treaty provisions became known, many were convinced that Jay had given away too much and failed to secure enough. Washington himself was not overly enamored with the provisions, but did not think that America was in a strong enough position to secure a better treaty.