

Andrew Jackson to Henry Lee, December 25, 1826, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

TO MAJOR HENRY LEE.

Hermitage, December 25, 1826.

Sir, Your letter of the 2d of Oct. last from Quebec with that of 18th Novr from Washington has been received: being absent on business to Alabama when they reached Nashville will account to you for the delay in acknowledging their receipt.

The historical facts detailed in yours of the 2d October are highly interesting. The name of Wolfe must always live in the memory of every military Patriot, and every incident, therefore, of his life and death deserve attention. I tender you my hearty thanks for the gratifying detail which you have given me of his last moments.

Before the receipt of yours of the 18th November I had seen announced in the newspapers that you were about to write my Biography. I will with great pleasure furnish you with any official, public, document necessary to you for this purpose, that you cannot obtain from Latour's history of the southern campaign¹ —the cause shewn by me on a rule of the U states court at new orleans, why a writ of attachment should not issue against me;² my memorial to the senate of the U states on the subject of the report of its committee touching the measures of the seminole War;³ and the pamphlet written and laid on the tables of the members of congress in 1819, titled the vindication of the President and his commanding generals in the prosecution and termination of the seminole war by a citizen of Tennessee;⁴ and the correspondence between the President, secretary of State and myself on the subject of the affair with Callava⁵ (the copy of one of the most

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important communications from me to the Secretary of state you will find in the hand of Genl Houston). of this correspondence, all that you may not be able to lay your hand on in Washington, or obtain from my friend Majr Eaton will be furnished on application. But further than this, notwithstanding the confidence which I repose in your pledge, I cannot speak of myself, or relate anecdotes of myself which have not been worded by others—should I attempt this, the most secret recess, could not conceal my shame.

1 Lacarrière de Latour, *Historical Memoir*, etc.

2 In Eaton's, *Jackson*, pp. 450–466.

3 *Am. St. Pap., Mil. Aff.*, I. 754–760.

4 By Judge Overton (Washington, 1819); see p. 167, *ante*, note 1.

5 *Am. St. Pap., Misc.*, II. 799–913.

As to the praise bestowed upon the militia at the *Horse shoe*, and the complaint of Col Williams rumoured to have been made, it will be sufficient to refer you to my communications to the commg Genl Pinckney and to the secretary of War on that subject; also to Genl Houston who was an active agent in the affair, and got severely wounded there. From these sources you will at once discern upon what foundation rests this charge against me.

It is true that I wrote hastily those letters to Mr Monroe to which you refer, and that I never calculated that they would be published. the sacred confidence, however, which characterised them, served to increase the malignity of those who were anxious to destroy me, and the circumstance of incaution and looseness in the manner and substance encouraged the hope that their publication would effect all that was desired. But they have been mistaken, whether from a sentiment of disapprobation to the base manner by which

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I was thus brought before the public, and from a conviction that the views submitted to Mr Monroe were in the main right, or the contrary, rests with the people.

When I take a view, now, of the difference of duty operating on our citizens in a state of peace and War, the Constitution declaring our militia the bulwark of the national defence, that in time of War the President is commander in chief not only of the army and navy of the U states, but of the militia also when *called into service* , and that he is charged with the national defence; I cannot see upon what constitutional grounds he can be refused the power of punishing all delinquents who fail to comply with the legal orders of the government in the form and manner contemplated by the consitution and provided for by the Legislature in the rules and articles of War.

It cannot be said that our Government is constitutionally incompetent to its own defence and protection in a state of War, so long as these powers are admitted to be granted, and so long as in obedience thereto rules and articles for a state of war are declared to be in force, among which, in the 56th and 57th article I think it is written that all who aid the enemy or who hold correspondence with him, directly or indirectly, or who aid and comfort him in any way whatever, are made punishable with death by a courtmartial. Now if there be no mistake about the Powers referred to, and if there had been none in the Public prints, when they charged the Hartford convention with carrying on illicit correspondence with the enemy, by its agents, with a combination to disobey the calls of the President, for the just *quotas* of militia, thereby paralysing the arm of government and aiding and assisting the enemy by with[d]rawing themselves illegally from the ranks of their country, I ask if the conduct as charged against the members of the Hartford Convention, and the correspondence with the British agents (if true) did not bring them within the purview and meaning of the 56th and 57th rules and articles of war—if not then they are a dead letter and ought to be expunged. Surely it cannot be contended that when we are in a state of declared war and the President makes a legal call for the militia that he is not clothed with the power thro the medium of the *law martial* to take cognizance of delinquents who fail to comply with the order—otherwise his power would be a mere letter, and altho entrusted

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with defence and preservation of the country, the force competent thereto might be withheld from him. These are my impressions of the powers of the Government when involved in war, and when our energies must be brought into instant action for its preservation and safety.

From these remarks your discriminating mind will easily collect to what extent my observations to Mr Monroe relative to the members of the Hartford convention went, and all that may be necessary to do justice to the subject. I have not my confidential letters before me and therefore forget the precise language used in them, but I have no hesitation in saying that if I had been placed in command in that country by the orders of the President, I should have at once tried the strength of the Powers of the government in a state of war, Whether it was competent to wield its physical force in the defence of our country by punishing all concerned in combinations to aid the enemy and paralyse our own efforts. In this course if my judgement had been condemned, all good men would have at least commended the motion—wishing the joys of the season, respectfully yr mo obdt servt