

Conclusion

The naturalization problem between England and the United States ended quietly, almost unnoticed. Though overshadowed by the First Rapprochement of 1795 and the Great Rapprochement of 1900, the accomodation of 1868, which resulted in the Naturalization Treaty of 1870, should take its rightful place as a small but significant step in the history of nineteenth century Anglo-American relations. The negotiation of the treaty provides an object lesson in the proper conduct of diplomacy. A vexing issue, potentially even a dangerous one, reached its resolution because pragmatic men of good will could deal with it out of the limelight of publicity. Once the emotionalism that connected this problem to the Fenian agitation had dissolved, Americans and their British counterparts could work slowly and surely toward a mutually satisfactory treaty. The larger issues of the Alabama claims controversy, the San Juan Island boundary, and the fisheries dispute have for too long eclipsed a constructive act of statesmanship by British and American diplomats.

In the Anglo-American settlement of the question of expatriation, one can see almost mirror image reactions by Great Britain and the United States to two major themes in nineteenth century history--immigration and nationalism. Emmigration had grown tremendously since 1800. The English government had not only allowed but encouraged large numbers of its subjects to leave the British Isles.¹⁰⁰ A majority of these emigrants had no intention of returning again to live in their native land, and many became naturalized citizens of their adopted country. In signing the naturalization protocol in 1868, the British demonstrated a realization that their emigration policy required a change in their traditional definition of citizenship. For the United States, too, the efforts to find a solution to the expatriation question signalled America's coming to grips with the immigration phenomenon. The influx forced American politicians seeking votes to take heed of the needs and interests of the newcomers. It should be noted that the Irish arrived already speaking English and were, therefore, a step ahead of other immigrant groups in adapting themselves to the American political system.

The 1860s saw the unification of Germany and Italy and the United States' struggle to remain a union. This was the age of nationalism and Britain had to deal with this force. Great Britain, for a number of years, had tried to stay out of affairs on the European continent. But with the changing balance of power in Europe, the British wanted to insure their ability to act without having to worry, at the same

time, about the possibility of war with the United States. In settling the expatriation question and the other points of Anglo-American friction, the British exhibited a recognition of the importance of a reunited American republic. Immediately after the Civil War, the United States experienced a new sense of nationalism--a new confidence in the strength of American institutions. ¹⁰¹ The Union had been preserved despite the aid and comfort Great Britain and other European countries had given to the Confederacy. This renewed sense of what it meant to be an American may have been one reason which influenced public opinion to favor the protection of American citizens abroad. Like Italy, Germany, and the United States, Ireland heard the call of nationalism, and rumors of revolt filled Ireland in the 1860s. Though the Fenians failed in their attempt to make Ireland a democratic republic, the troubles they caused influenced British politicians to make a number of reforms in that land of chronic rebellion. The Fenians had raised the issue of expatriation in the hope that increased friction would lead to war between the United States and Great Britain--a conflict from which Ireland, somehow, would emerge free. Ironically, the English and the Americans settled this problem which had long been a source of dispute, and this settlement opened the way for the solution of more critical issues. These agreements erased the possibility of war and helped decrease Fenian influence in America. Though Fenianism faded in Ireland also, a half century later new Irish revolutionaries would call on the memory of '67 for inspiration.

Epilogue

But how, one wonders, do the events traced in this paper fit into the general scheme of American diplomacy in the post-Civil War era? Robert Beisner, in From the Old Diplomacy to the New, 1865-1900, develops a useful hypothesis for relating the Naturalization Treaty to the larger dimension of diplomacy in the late nineteenth century. Beisner argues that the thirty-five years following the Civil War may be viewed as two distinguishable periods. He writes that the earlier of these periods, the one from approximately 1865 to 1889, is typified by a set of characteristics which he calls the "Old Paradigm." America's diplomatic relations in that period Beisner contends, were generally isolationist, non-interventionalist, unilateralist, passive and reactive; American diplomats were mainly amateurs, who in general received minimal and vague instructions. The author asserts further that America's foreign policy apparatus was ill-prepared for a strong international role. Members of Congress and other politicians, not sensing any threat to American security, felt free to use foreign relations--just as it

did domestic policy--for political ends. Finally, State Department officials, spent little time defining policy. Beisner says that these characteristics altered significantly in the late 1880s, and that such changes led the United States to take a more important role in the world arena.¹⁰²

On the whole, the events surrounding the signing of the two Anglo-American naturalization treaties fit well into Beisner's plan. It can certainly be argued that these episodes illustrate the claims of passivity and reactivity. For instance, the United States, for the most part, seems to have raised expatriation as an issue only when forced to do so by the actions of a foreign country against a naturalized American citizen. When time or diplomacy solved an individual problem the United States government lost interest until the next situation arose. Both in 1848-1849, during the Young Ireland troubles, and in 1865-1866, during the early Fenian scares, American diplomats waited to be contacted by the imprisoned naturalized Americans or their relatives before taking any action. In both instances, England solved America's problem by allowing the naturalized Americans to be released before the question of expatriation could reach crisis proportion. Between 1849 and 1865, little was heard about the issue in Anglo-American relations. Only Britain's lengthy suspension of habeas corpus beginning in February 1866, combined with the many irritations between the two countries and the increased importance of the Irish vote, led the United States to seek a permanent solution for the question.

Beisner is correct, too, in saying that America acted unilaterally. Between 1865, when the Fenians began to return to Ireland, and late 1867, the United States made little mention of the possibility of a treaty to solve the expatriation dispute. During most of this time Seward seems to have been holding out for British recognition of America's right to protect its naturalized citizens. Only at the end of 1867, in an effort to get the Alabama claims on the negotiating table, did Seward suggest an Anglo-American convention on all issues. When the British countered with a call for a multi-nation conference on expatriation alone, Seward retreated briefly into unilateralism, saying that he preferred that each country adjust its own laws on the subject. Again, in 1871, when Britain discovered the discrepancy between the law on expatriation passed by Parliament and the treaty with the United States, Hamilton Fish refused to have the American government act on what he saw as a British problem.

There is a ring of truth in Beisner's assertion of American isolationism and non-interventionism. What the government did not do in this case was more important than what it did. While it did try to protect naturalized citizens in England and Ireland, the government did not make any move to stop the Fenians from leaving America. Also, it did not change its neutrality laws. After the Civil War and the episode of the Alabama, a good deal of pressure built up for a weakening of American neutrality laws to agree with the less strict British law. Such a move would have allowed the Fenians

to contract American shipbuilders to construct ships to prey on British shipping. The Johnson administration opposed such a measure. Similarly, the United States did not enact the law suggested by Nathaniel Banks which would have required the president to arrest citizens of foreign governments, which had arrested naturalized American citizens and refused to recognize their status as American citizens. Charles Sumner played a crucial part in defeating both of these bills. He saw that such laws might well lead the United States into war with England or, at least, into endless entanglements with vast potential for mischief.

Nathaniel Banks is a prime example of a politician who used foreign policy for political ends. Banks had been a general in the Civil War and had returned to Congress as a representative from Massachusetts, a state whose immigrant population had increased greatly in the twenty years, 1845-1865. Banks sought to ensure the support of these new voters by introducing measures favorable to the Fenians.¹⁰³ Banks was not alone in seeking the Irish vote. Starting in 1865, William Henry Seward began compiling a strong record of trying to protect naturalized Americans in Ireland. This is not to say that Seward was acting hypocritically. He had long been sympathetic to the needs of the Irish in America and the cause of Irish freedom. It might be better said that Seward had a habit of getting good political mileage from publicizing his efforts for the beliefs he held.¹⁰⁴

If the American government had wanted to take a wider role in world affairs, it would have required an upgrading

of its foreign policy apparatus. As Beisner points out, America often used its consular service as just another branch of job patronage; its ministers overseas were often amateurs who were supplied with minimal instructions. A look at the backgrounds of some of the men who took part in the solution of the problem of expatriation might be useful. Naturally, one should keep in mind that minister to London was the most important foreign post for an American diplomat.¹⁰⁵

Despite that, neither Charles Francis Adams nor his successor, Reverdy Johnson, had ever held a diplomatic post before being appointed minister. Adams had, of course, the advantage of being the son of John Quincy Adams, and fortunately, his reserved and rational personality fit in well in London. By the time Adams came upon the Fenian problem he had already spent five years finding out how to deal with the British. Reverdy Johnson's main qualification for the London post was his support of Andrew Johnson during his impeachment trial. Reverdy Johnson had not been the president's first choice. Originally, the president had wanted the diplomatically inexperienced General George McClellan, but for political reasons the Senate would not pass that appointment.¹⁰⁶

In the same way neither William Seward nor Hamilton Fish had held any diplomatic posts before being named secretary of state. Not all diplomatic appointments were as successful as those mentioned above; the appointments of John Savage and James Haggerty illustrate the unconcern or the lack of judgment which went into many appointments. Both these men had

worked in the 1868 political campaign, and both had strong Fenian attachments. Yet, despite those ties, both Savage and Haggarty received nominations for consulships in, of all
¹⁰⁷ places, England. Such appointments, along with the sometimes virulent rhetoric of Seward, kept alive British suspicions of American motives.

Immediately after the Civil War the United States took steps to weaken the other part of its foreign policy apparatus--the military. During the war, the Union had among the strongest armies and navies in the world. Maintaining such a military force imposed a heavy burden on the federal treasury; soon after Appomatox the army began to disassemble. The troops that remained kept busy fighting Indians in the West, maintaining order in the unreconstructed South, and occasionally chasing Fenians on the Canadian border. As to the other branch of the military, by 1867, countries such as France, Japan, Greece and Turkey had responded to the navy's
¹⁰⁸ offer to sell surplus warships. These were hardly the moves of a nation planning to throw its weight around in the international arena. Rather they were the actions of a country which, having weathered its greatest internal crisis, felt secure within its borders.

One would have a hard time arguing that the instructions Seward sent to American diplomats in Britain in regard to the protection of American citizens abroad were either minimal or vague. Seward, who had a keen interest in public relations, built a written record which could be called upon if

necessary. When Congress did ask to see this correspondence, Seward presented them with documents which when printed came to more than nine hundred pages.¹⁰⁹ Even when Seward sent clear instructions, the distance in both time and space between Washington and London allowed Charles Francis Adams to use his own judgment as to how to apply the exhortations from the secretary of state. Adams had worked with Seward all during the Civil War and had come to know when Seward was writing with one eye on public opinion. Adams often took the liberty of softening the wording of a dispatch to the British government, or delaying presentation of the message until an appropriate time. In the case of Michael O'Brien, one of the "Manchester martyrs," Adams totally disregarded Seward's instructions to make representations on the condemned man's behalf. Beisner's assertion about minimal and vague instructions is more applicable when applied to efforts to find a lasting solution to the expatriation issue. Until 1868, Seward appears to have had little to say about a solution except to insist on the acceptance of the American position. Until then, he made no mention of a treaty with Britain on the matter. With no positive instructions in this regard, American diplomats worked only for the solution of immediate cases.

When Robert Beisner writes that State Department officials spent little time developing policy, he uses "policy" to mean more than coming up with a response to a specific event. It is, rather, a long term response that takes into

account other related issues; Beisner asserts that "Old Paradigm" diplomacy lacked such complex responses. He says further that there was little attempt to shift the initiative for diplomacy to Washington, and that the American government rarely went beyond public opinion; it made little effort to educate opinion.¹¹⁰ The lack of any consistent long term response to the expatriation issue has already been noted; even within Seward's tenure at the State Department one can see at least two separate responses--one during the Civil War and one after the war. It is fortunate for the solution of the issue that Hamilton Fish did continue Seward's post-Civil War stand.

The United States perceived few, if any, vital interests outside the Western Hemisphere; ridding Mexico of the French intruders was vital; to a lesser extent, ridding Canada of the British was also important. The expatriation issue, which Seward told Reverdy Johnson had to be solved before either the Alabama claims or the San Juan Island controversy could be addressed, appears to have been one used as a means to gain votes and as a lever for other issues, rather than because of any great consequence in itself. America still followed its traditional policy of trying to stay out of European political affairs. Despite America's limited view of diplomatic interests, Seward did see Anglo-American relations as a mixture of issues, not merely a number of separate questions. For instance, if Seward related the settlement of the naturalization question to the settlement

of the Alabama claims (as noted), he saw the Alabama claims as something which could be traded for Canada or at least for British Columbia. Again, Seward pointed out to the British that the settlement of the naturalization question would deprive the Fenians of an issue which gained them much support in America; this in turn would weaken the organization and make raids on Canada less likely. Seward even called for a convention to deal with all Anglo-American disputes.¹¹¹

When the British responded to Seward's idea with the suggestion of a meeting of lawyers from various countries to deal with expatriation alone, one reason that the secretary of state did not accept the offer was a feeling that it would have been politically unacceptable to draw up a treaty on naturalization without coming to an agreement with Britain on the Alabama claims. Seward's anti-British rhetoric had been partly the cause of the American public's tendency toward Anglophobia. Beisner suggests that lack of interest in international affairs on the part of Americans during the period of the "old paradigm" caused politicians to pander to public opinion rather than educate it.¹¹² The actions of both Seward and Banks would seem to support Beisner's point.

For a related reason, diplomatic initiative seldom came from Washington. With America's perception of limited interests abroad, there existed the concurrent view that the nation had a mission--the United States was to be a city on the hill, set apart by the Almighty as a virtuous beacon to guide other countries. For the American government in

Washington then, it would have been politically risky to sound too interested in dealing with decadent European nations.

American diplomatic initiatives often came from individual diplomats abroad who responded to either opportunity or neces-

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sity. Often, the government in Washington rejected the products of these initiatives, and sometimes such individual efforts made the diplomat unpopular in America. For instance, Seward wrote numerous times to Charles Francis Adams instructing him to push for ideal goals--the principle of expatriation, and America's right to protect its naturalized citizens abroad. Adams instead played down principle in this case, preferring to work rather to defuse the Fenian problem by trying to get the Irish-American rebels released from prison. For these efforts the Irish American press chided Adams.