The Effect of the Martin Koszta Affair on American Foreign Policy

by Rob Howell

Secretary of State William L. Marcy formulated the doctrine of domiciliation in 1853 as a response to the Martin Koszta affair. This doctrine helped form part of American foreign policy throughout the 19th century, and it continues today. A closer look at the Koszta affair shows the source and the need for the doctrine, and of course the primary application.

The Martin Koszta affair occurred in June and July of 1853 in the Turkish port city of Smyrna. Koszta was apprehended at the direction of the Austrian consul of the city and was placed on board the Austrian brig Hussar in preparation to send him back to Austria to be tried. The USS St. Louis, captained by Commander Duncan N. Ingraham, arrived in Smyrna the day after the abduction and American diplomacy, combined with the threat of force by Ingraham, brought about the release of Koszta.

This was, furthermore, a situation which could quite easily have caused the United States and Austria to go to war against each other on the eve of the Crimean War, which started less than four months after the Koszta affair. It was also an action that Ingraham was fully aware would have severe repercussions. In a letter to Secretary of the Navy James Dobbin, Ingraham wrote: "It becomes my duty to report to you an affair at this place in which I have taken upon myself to compromise the American Flag." How and why he chose to go down this path is a very interesting and important question, for this action helped to form American foreign policy in the latter half of the 1800s.

The seeds of this incident were sown in the Hungarian Revolution of 1848 in two ways. The first was Koszta himself, who was a refugee from the Revolution, having served in the Hungarian Army. He was a successful soldier, as seen by the fact of having risen from non-commissioned officer to captain, but he was not one of the leaders of the Revolution. Nonetheless, the Austrian government

1 Duncan Nathaniel Ingraham. The Letterbook of the USS St. Louis. Leaf 11-12. Ingraham to Secretary of the Navy James Dobbin, 5 July 1853.
knew him for his role in the Revolution, and hoped for opportunities to bring all of the Hungarian refugees to face Austrian justice.

The second seed was America, in the way that America and Hungary viewed each other. Hungarian leaders prior to the Revolution looked across the sea to America and saw much that appealed to them. Several books, including noted Hungarian academic Bölöni Farkas' *Voyage in North America* were written about America, and "for the progressive Hungarian intelligentsia America more and more represented the embodiment of democratic ideals."2

The Revolution, therefore, was based on the American model. The Hungarians sought, among other things, freedom of the press, personal and religious freedom, a jury system based on equal representation, and annual sessions of parliament elected by universal suffrage. These goals struck a chord with America and while the United States was watching with pride and hope all of the liberal revolutions of 1848, they were hoping even more for the ultimate success of the Hungarians. "How could Americans, seeming to hear echoes of the Boston Tea Party, of American independence, of inalienable rights, have failed to be moved."3

Moved America was and, in fact, sought ways to assist the Hungarians. The importance of this must be noted, as American foreign policy at this time was based upon two overriding principles, isolationism and neutrality. "The cardinal principle undergirding the foreign policy of the young republic was isolationism."4 "Second only to isolationism as a polestar of American diplomacy in the formative years was the principle of neutrality."5

Yet American interest in Hungary was sufficient for us to step away from both principles. President Zachary Taylor sent A. Dudley Mann, a member of the U.S. State Department to the scene and even invested him with the power to recognize Hungary's independence the moment it was sustainable. "The United States was the only major power whose government seriously considered the possibility of recognizing the independence of Hungary at this time."6

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2 Imre Lukinich, "American Democracy as Seen by the Hungarians," *Journal of Central European Affairs* 8, no. 3 (October, 1948): 278.
5 Ibid., 18.
Austrian leaders, once this was discovered, were naturally upset at this display of American temerity and interference in what was to Austria a strictly internal affair. Chevalier Johann von Hülsemann, the Austrian minister to the United States, made a stern protest to then Secretary of State Daniel Webster. This protest specifically covered the unjustified interference of the United States in the affairs “in contradiction of the principles of non-intervention professed by the United States.” It lightly touched upon the American internal difficulties pertaining to Abolitionism, and also said that if America took an active part in the liberal movements in Europe, it would be subject to potential acts of retaliation.  

Webster struck back, saying, “that European sovereigns had on occasion denied the lawfulness of the origin of the government of the United States did not disturb the latter, which covered a rich and fertile region, ‘in comparison with which the possessions of the House of Habsburg are but as a patch on the earth’s surface.” He furthermore went on to comment on the possibility of retaliation, saying, “the government and people of the United States are quite willing to take their chances and abide their destiny.” The American populace agreed with these sentiments, and “a New York newspaper announced, ‘if the Austrian minister [Hülsemann] does not like our interference in the affairs of Hungary, he may go home as soon as he pleases.”

Relations with Austria were therefore extremely cold. In fact, from late 1850 to Webster’s death on 24 October 1852 Hülsemann and Webster had such personal antagonism to each other that all business between the Austrian and American governments in Washington, D.C. were handled by their respective subordinates.

The position of the United States with respect to Austria and Hungary, along with the Hungarians perceptions of America, made the U.S. a natural place for many Hungarian refugees to flee to after the Revolution. In fact, the United States sent several U.S. Navy ships to Turkey to convey these refugees back to America. Included in this group was Martin Koszta, who came to the United States in 1851. He began to make his way in America and, on 31 July 1852,
appeared in a New York court and officially signed his first paper declaring his intent to become an American citizen. In spring 1853, he and his partners decided that Koszta should go to Turkey, taking advantage of Koszta's contacts in the Eastern Mediterranean to set up an importing business.

Immigration was a very touchy subject during the 19th Century. Citizenship questions throughout the world caused consistent diplomatic problems, although not ones that would break out into war.\textsuperscript{12} America had a completely different viewpoint about immigration and citizenship than the powers of Europe. "The United States held that citizenship was a status acquired by the voluntary choice of the individual, an affiliation assumed or rejected at will... All European states, by contrast, held to a dynastic view of the relation of subject to crown, by which the inherited loyalty and fealty of each person in the realm remained indissoluble, unaffected by emigration or change in place of residence."\textsuperscript{13}

This difference in philosophy had two results. One, all of the Hungarian refugees were still deemed by Austria as Austrian subjects, and therefore still under Austrian law should any of them fall into Austrian hands once more. Secondly, it meant that American immigration laws were completely foreign and generally misunderstood by European powers. "A so-called first paper, duly issued and recorded by a court of justice, was a thing peculiarly American and no one abroad knew for certain just how far its meaning and validity might extend."\textsuperscript{14}

That lack of certainty, unfortunately, extended also to the United States, at least with regards to the first paper. Each Secretary of State seemed to have his own interpretation, which they passed on to their ministers and consuls. Secretary of State James Buchanan said in 1848, "a foreigner who has merely declared his intention to become an American citizen without having carried that intention into effect, is not an American citizen." However, in 1852, Secretary of State Edward Everett said that those who possessed first papers should be accorded all proper aid American diplomats could give them, although "it will be for the European authorities to pay such respect to the document as they think proper."\textsuperscript{15}

The American Immigration Act of 1813 specified that a person must remain in the United States for a period of five years before becoming eligible to become a citizen. Koszta, therefore, in 1853 fell into that ambiguous category,

\textsuperscript{13} Ibid., 31-32.
\textsuperscript{14} Klay Daring Diplomacy, 34.
\textsuperscript{15} Ibid., 32-35.
having signed his first paper in 1852. He, however, felt that his first paper would provide sufficient protection in Turkey.

He had some reason to feel this way. Turkey was the home to refugees from across Europe. Koszta had originally come to Turkey when fleeing the end of the Revolution in 1849, and he was familiar with Turkish policies to foreigners. As long as the foreigner in question received the protection of any Western embassy, they were afforded protection in Turkey due to any citizen of that embassy. Protégés, as they were termed, existed by the thousands in Turkey. After the incident, American Minister to Turkey George P. Marsh remarked: “Austria herself has numerous protégés owing her allegiance neither by birth or naturalization, and the practice is too well established here to admit of its legality being questioned.”

Koszta in fact was able to obtain a tezkereh, an internal Turkish pass providing protection and privileges due to a visiting foreigner. He received this pass with the assistance of John P. Brown, who was the American chargé d'affaires in Constantinople in the absence of Minister George Marsh, who was elsewhere on another mission for most of the Koszta affair. The Turkish government, therefore, had no doubts as to the protection of Koszta. He was a citizen or a protégé of the United States, and either way was accorded due protection.

It is symbolic, however, of the whole affair that despite both the tezkereh and Brown’s assistance in Constantinople that Edward Offley, the American consul in Smyrna and the diplomat at the heart of this affair, had a different interpretation of his instructions from Washington. Ingraham comments about this: “He [Offley] told me the man was a Hungarian Refugee, who had a certificate of Intention to become a Citizen of the U.S. and came here in an American Vessel, but he did not consider him under his protection, having, to his knowledge, no passport.”

Koszta in any case was going about his business in Smyrna. He had no concerns as to his personal safety, armed as was with his first paper and tezkereh. "Its [the first paper] certified copy, augmented by the Turkish passes obtained at Smyrna and at Constantinople, accompanied him like a bodyguard as he busily traveled around on business for some three months.”

These bodyguards were, however, to prove insufficient to prevent the upcoming crisis. On 22 June 1853 agents of the Austrian consul to Smyrna, Peter Ritter Von Weckbecker, kidnapped him. He was rowed out to the Austrian

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16 Ibid., 33
17 Ingraham. The Letterbook of the USS St. Louis. Leaf 10-11. Ingraham to Secretary of the Navy James Dobbin, 5 July 1853.
18 Klay Daring Diplomacy, 35.
brig *Hussar*, which happened to be in Smyrna at the time. The Austrian consul planned to take Koszta back to Austria where Koszta would be tried for his activities during the Hungarian Revolution in 1848 and most probably executed or imprisoned for life. The only thing halting this was the chance arrival in Smyrna on the next morning of the USS *St. Louis*.

The incident could have ended quickly and easily had the Turkish authorities stepped in. The kidnapping, after all, was a direct affront to Turkey. Weckbecker blatantly ignored the protection the Turkish government promised with the *tezkereh* and committed the act upon the soil of Turkey, without the right or permission to do so. Weckbecker, furthermore, knew he going against Turkey's wishes and "acted without authority and despite the refusal of the Turkish Governor to authorize the arrest." He had in fact gone to Ali Pasha, the Governor of Smyrna, asking permission to arrest "a dangerous Austrian criminal who had allegedly arrived in town," but the Governor declined, saying it was a job for the Turkish police.

Pasha, however, despite the urgings of Offley and Ingraham, did not choose to do anything about the abduction of Koszta when it came to his attention. Ingraham notes in one of his letters, "I demanded an audience of the Governor and told him I thought this act of the Austrian Consul an outrage upon the Flag of Turkey, and wished to know if he would demand Costa [Koszta]. He told me he could only report the case to Constantinople; the Consuls had a right of taking their subjects." At this point on the morning of 23 June 1853, Koszta was imprisoned upon the *Hussar*, with other Austrian vessels, a schooner and two mail steamers, in Smyrna. Collectively, these ships outgunned the *St. Louis*, which had just arrived. Commander Ingraham was being apprised of the situation with Offley, and Governor Pasha was choosing to stay out of the incident. This obviously meant that Koszta's hopes rested on Ingraham and Offley.

Ingraham was a career naval officer, having joined the United States Navy at the age of nine. He entered as a midshipman for the War of 1812, and by 1853 had commanded a brig, participated in the capture of Tampico, and for two years was the commander of the Philadelphia Naval Yard. He was very respected for his skill at seamanship, and in 1852 was named as the captain of the sloop-of-war *St. Louis*.22

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19 H Learned “William Learned Marcy,” in *The American Secretaries of States and Their Diplomacy*, 270.
20 Klay *Daring Diplomacy*, 57.
21 Ingraham. The Letterbook of the USS *St. Louis*. Leaf 8-9. Ingraham to American Minister to Turkey George P. Marsh, 28 June 1853.
22 Klay *Daring Diplomacy*, 49.
He was also a very considerate man, concerned with the well being of his crew. An incident later in the same cruise illustrates this very well. He placed one of his midshipmen under arrest for unspecified crimes. Less than a week later, he writes out this order: "As your case must be determined upon by the Commander in Chief, and having no wish to deprive you of an opportunity (which may not again occur) of visiting Rome, you have leave of absence until the 9th Oct. for that purpose." ²³

He was also sensitive to the plight of Koszta. Ingraham concludes one of his letters by saying, "This business has given me much pain and inquietude, but I have done what I thought right, and particularly as the Consul was unwilling on his part to make any claim being fully persuaded he had no right to do so." ²⁴

Edward was the third member of the Offley family to hold the post of consul in Smyrna. His father had held the post for some time, passed it on to his older brother David, and it fell to Edward when David died. He was also different from many consuls around the world, as it was common practice for businessmen to seek the position in order to further their own enterprises. While Offley was indeed a merchant, he definitely fulfilled the obligations of his post well. He was challenged, in fact, prior to the Koszta affair, by other businessmen in Smyrna who desired the post for themselves, but was retained by Marsh who "found no reason to be dissatisfied with Offley as consul." ²⁵

The important point to note is that we have two men very capable in their respective fields, but who were unsure of how to proceed in this particular matter. Their instructions were mixed and uncertain, having received no particular directive from current Secretary of State Marcy, and having different instructions from previous Secretaries. There were also no references readily available to Offley. The first issue of General Instructions to the Consuls and Commercial Agents of the United States, a document prepared by the State Department, did not come out until 1855: Ingraham says: "I then came to the conclusion that I could not claim Costa [Koszta] as an American Citizen, for had I done so I should have at once used force to obtain him, and this I would have no right to do unless he was clearly an American Citizen." ²⁶ In another letter, he says: "Should the claim be made, that Costa [Koszta] is an American by

²³ Ingraham. The Letterbook of the USS St. Louis. Leaf 22. Ingraham to Passed Midshipman Jason Parker, Jr.
²⁴ Ibid., Leaf 8-9. Ingraham to American Minister to Turkey George P. Marsh, 28 June 1853.
²⁵ Klay Daring Diplomacy, 43.
²⁶ Ingraham. The Letterbook of the USS St. Louis. Leaf 8-9. Ingraham to American Minister to Turkey George P. Marsh, 28 June 1853.
adoption, it would have to be enforced; and how can this be done when by the Law [Immigration Law of 1813] he has forfeited this claim? 27

They decided therefore to obtain direction from chargé d'affaires Brown. Both wrote letters to Brown, explaining their respective viewpoints. Each hoped to draw out the situation until a response from Brown could be received. This they were able to do, despite several incidents and the maneuvering of the St. Louis to a position in the harbor to prevent the smuggling of Koszta onto a mail steamer and then taken to Austria. The mail arrived on the 2nd of July. Letters from chargé Brown to both Offley and Ingraham urged full support of Koszta.

In a letter to Ingraham, Brown states: "I believe that under the circumstances you have a right to persist in demanding him from the Austrian Commander. The Porte would wish to leave the matter open between us and the Austrians, and if we could see the poor fellow carried off and hung, to let us take the ignominy of the transaction on our own shoulders." 28 This statement is consistent with the statements of other foreign officers when dealing with immigration issues. "U.S. statesmen took a stand [on immigration issues] not in pursuit of some internal political advantage but out of the conviction that some U.S. ideological interest was involved. 29

American ideology was definitely involved. The American feelings towards Austria and Hungary almost certainly played a role in this decision making. The perception of the United States by other nations and people would have also suffered had the United States allowed Austria to determine Koszta's fate. Though they exceeded his authority, the State Department therefore upheld Brown's actions. In Secretary Marcy's ultimate treatise, he says: "...compliance with such a demand [to release Koszta to Austria] would be considered a dishonorable subserviency to a foreign power, and an act meriting the reprobation of mankind..." 30

The immediate result of Brown's letter to Ingraham was the issuance, by Ingraham, of an ultimatum to the Austrians. "I have been directed by the American Charge at Constantinople to demand the person of Martin Costa [Koszta], a Citizen of the United States taken by force from the Turkish soil and now confined on board the Brig "Hussar." And if a refusal is given to take him by force. An answer to this demand must be returned by 4o'clock P.M." 31 An important point of this note is Ingraham's reference to Koszta as a Citizen of the

27 Ibid., Leaf 6-7. Ingraham to Langdon, 24 June 1853.
28 Klay Daring Diplomacy, 88.
29 Tucker and others, ed. Immigration and U.S. Foreign Policy, 32.
30 Klay Daring Diplomacy,88
31 Ingraham. The Letterbook of the USS St. Louis. Leaf 9. Ingraham to the Commander of the Austrian brig Hussar, 2 July 1853.
United States, knowing this not to be the case, but also knowing that the Austrians would not understand the American legal distinctions. Another interesting point is Ingraham’s willingness to use force, echoing his comments in a previous letter, and this willingness succeeded in obtaining the release of Koszta at approximately 3:30pm.

"And now you Gentlemen of the pen must uphold my act..." Ingraham realized that he had perhaps overstepped his bounds, and he also knew that the ultimate resolution of the affair had to be determined between the cabinets of the two nations. "I know Sir, I have taken a fearful responsibility upon myself by this act, but after Mr. Brown had told me Costa [Koszta] had taken the oath of allegiance to the U.S. and forsworn all allegiance to Austria, and was an American Citizen & had been under the protection of the legation at Constantinople, I could not hesitate to believe he was fully entitled to protection."

Secretary of State William Marcy enters the picture at this point. Chevalier Hülesemann, on the 29th of August, brought the affair to the official attention of Marcy. He demanded the disavowal of the actions of Ingraham and Offley, as well as the return of Koszta to Austrian hands. He also demanded reparations to satisfy Austrian honor.

The affair by this time had reached heroic proportions to the American people. Ingraham was acclaimed everywhere as a national hero, ultimately receiving a gold medal from Congress. Virtually every newspaper reported Hülesemann's demands, and the nation waited eagerly for Marcy’s response.

Marcy was a New York lawyer, had been the Governor of New York, and served on the New York Supreme Court. He came very close to winning the Democratic Party’s presidential nomination in 1852, an office he very much hoped to achieve. This affair afforded him an excellent opportunity, and “he set himself to write a diplomatic paper that should gain the good-will of the people.” From this paper came the doctrine of domiciliation.

The response was very detailed, and it addressed all of Hülesemann’s points at length. In short, though, it criticized Austria for abducting Koszta and supported the actions of Ingraham, Brown, and Offley. The most important point was the use of a person’s domicile as a determining factor for diplomatic protection. “And although he had not yet become a naturalized citizen, he had established his domicile in the United States and become thereby clothed with the national character.” Marcy continued: “Whenever by the operation of the law

32 Ibid., Leaf 11-12. Ingraham to George P. Marsh, 5 July 1853.
33 Ibid., Leaf 10-11. Ingraham to Secretary of the Navy James Dobbin, 5 July 1853.
of nations, an individual becomes clothed with our national character, be he native-born or naturalized citizen, an exile driven from his early home by political oppression, or an emigrant enticed from it by the hopes of a better fortune for himself and his posterity, he can claim the protection of this government, and it may respond to that claim without being obliged to explain its conduct to any foreign power; for it is its duty to make its nationality respected by other nations and respectable in every quarter of the globe."  

This, therefore, answered to great extent future questions that might arise from American diplomats overseas pertaining to an emigrant’s citizenship. The key point is that a first paper does not ensure American citizenship or protection, but the establishment of a permanent domicile in the United States, along with a first paper, does require the United States to offer some diplomatic protection. Sixteen years later, Assistant Secretary of State John Davis wrote: "...the Secretary [Marsh] rests the right of the government to clothe the individual with the attributes of nationality, not upon the declaration of intention to become a citizen, but upon the permanent domicile of the foreigner within the country."  

The reaction to Marcy’s response was also much more immediate than some possible future crisis. "Irrespective of party divisions, the country voiced approval of Marcy’s skill and discernment in handling a difficult matter."  The affair, not surprisingly, also set back American and Austrian relations for some time. It became, furthermore, the topic of legal arguments for many years culminating in the 1889 Supreme Court decision supporting the government’s handling of the case.

Thus the doctrine became a portion of American diplomatic policy. Ultimately, in 1907, the United States passed a law saying, “when any person has made a declaration of intention...as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of the government in any foreign country.” In the Instructions to Diplomatic Officers of the United States, Chapter XII, Part 4 says: “No passport shall be granted or issued to, or verified for, any persons other than those owing allegiance, whether citizens or not, to the United States.”

35 Ibid., 418.
36 Klay Daring Diplomacy, 185.
37 Learned “William Learned Marcy,” in The American Secretaries of States and Their Diplomacy, 272.
38 Klay Daring Diplomacy, 194.
note is the clause stating "whether citizens or not." Both Offley and Ingraham had hesitated due to the citizenship question of Koszta, hesitation that most likely would not have happened had this regulation been in effect prior to the affair.

Judging by the American people's response to the Martin Koszta affair, such a doctrine was also desirable. Though they were not anxious to involve themselves in European strife\textsuperscript{40}, from the Monroe Doctrine in 1823 forward, the American people were willing to sacrifice for the concept of self-rule.\textsuperscript{41} This meant, by extension, giving all possible support for the emigration of Europeans to the United States, providing a place free from the, in their minds, unjust authoritative monarchies of Europe. The sonnet on the Statue of Liberty reads: "...Give me your tired, your poor, your huddled masses yearning to breathe free..." Noble sentiments that the American people, a people so close to their own immigration, firmly believed in, even though it would be years after the Koszta affair before the Statue was built.

The ultimatum issued by Ingraham was perhaps the first ultimatum issued by America to another nation. The affair and Marcy's response to Hülsemann ignited the nation's spirit. It was, however, the long term affect of the doctrine of domiciliation espoused in that response that truly makes the Martin Koszta affair an important event in American history.

\textsuperscript{40} Bemis, \textit{A Diplomatic History of the United States}, 310.
\textsuperscript{41} Cecil V. Crabb. \textit{The Doctrines of American Foreign Policy, Their Meaning, Role, and Future} (Baton Rouge, LA: The Louisiana State University Press, 1982) 381.