

“More than a Footnote: The Interest and Journey of Susan Decatur”

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Resolution Number 2: A Resolution granting a pension to Susan Decatur,
widow of the late Stephen Decatur.

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, [t]hat Mrs. Susan Decatur, widow of the late Commodore Stephen Decatur, be paid from the navy pension fund a pension for five years, commencing from the thirtieth of June, eighteen hundred and thirty-four, in conformity with the provisions of the act concerning naval pensions and the navy pension fund, passed thirtieth June eighteen hundred and thirty four, and that she be allowed from said fund the arrearages of the half-pay of a post captain from the death of Commodore Decatur to the thirtieth of June, eighteen hundred and thirty four, together with the pension hereby allowed her and that the arrearage of said pension be vested in the Secretary of the Treasury in trust for the use of the said Susan Decatur: provided that the said pension shall cease on the death or marriage of the said Susan Decatur."

Approved, March 3, 1837.¹

This paper seeks to examine the interests of Mrs. Susan Decatur. As the above Resolution Number Two indicates, the United States Congress enacted special legislation to provide her with financial compensation. This paper will travel the journey of Mrs. Decatur through the American system of government from the death of her husband, the Commodore Stephen Decatur on March 22, 1820, to her own death on July 21,

¹ Peters, Richard, Esq. Editor, The Public Statutes at Large of the United States of America, Vol. V. Boston: Charles C. Little and James Brown, 1848. P. 199.

1860. This paper consists of three distinct sections. The first section will invite the reader to learn about Commodore Decatur. It will briefly discuss his heroics on the behalf of the United States Navy. Second, the paper will examine the legislative efforts undertaken on the behalf of Mrs. Decatur. This section will look at the resolution passed by the Congress, her efforts to receive compensation from the United States Navy, and the resulting court case, Decatur v. Paulding (14 Peters 497). The third section will re-examine the claim of Mrs. Decatur from a modern perspective. In doing so, it seeks to identify what, if any, legal or administrative issues or procedures have changed in the ensuing one-hundred-fifty-seven years.

A footnote of American history, Mrs. Decatur's saga is important because it represents the travels of one individual, one interest, through the American system of government from the halls of the United States Congress to the Office of the President of the United States and finally to the United States Supreme Court and back to the halls of the United States Congress. Her's is an American story about the inner-workings of the American government, the rule of law, and public administration.

Commodore Stephen Decatur

Commodore Stephen Decatur was a gallant American hero who served his country in the United States Navy through four wars.² Decatur began his naval career in May of 1789 as a midshipman on the frigate *United States*.³ Decatur's first few years in the Navy coincided with an undeclared war with France. He would become a lieutenant a year after joining the navy.⁴ Decatur's naval service continued with the onset of the War of

² Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 1.

³ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 1.

⁴ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 2.

the Barbary Coast. This was a conflict brought on by the attacking of United States' commercial interests by pirates off the Barbary Coast of Africa. Decatur was now a first lieutenant. During this war, Decatur was to find naval glory and the beginning of his place in the annals of American naval history. The United States frigate, the *Philadelphia*, ran aground off the coast of Tripoli. The naval commander of the *Philadelphia*, a Captain William Bainbridge, was forced to give up his ship and crew. Decatur and a crew of seventy-four men, in a captured ship, renamed the *Intrepid*, sailed into the harbor where the *Philadelphia* lay waiting.⁵ On the night of February 16, 1804, they fought hand to hand and set fire to the *Philadelphia*, thereby sinking the vessel.⁶ Decatur continued the fight against Tripoli in at least five other sorties.⁷

The *Philadelphia* incident was filled with both triumph and tragedy. In recognition of the heroics displayed by Decatur and his crew, the United States Congress passed Resolution One stating:

"Resolution expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers of the United States ketch *Intrepid*, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

"Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the President of the United States be requested to present, in the name of Congress, to Captain

⁵ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 3.

⁶ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 3.

⁷ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 3.

Stephen Decatur, a sword, and to each of the officers and crew of the United States ketch *Intrepid*, two months pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct and services of Captain Decatur, the officers and crew of the said ketch, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

Approved, November 27, 1804."⁸

Decatur and his crew were honored by the United States Congress for their heroics, but no prize money for the sinking was awarded to either Decatur or his crew. The granting of prize money for the sinking of enemy ships appears to have been a common practice during this time period in American history. Following the sinking of the *Philadelphia* Decatur was promoted to rank of Captain.⁹ The conflicts in Tripoli also took a personal toll on Decatur with the loss of his younger brother, Lieutenant James Decatur, and the loss of Captain Richard Somers, his best friend.¹⁰ The United States Congress expressed its "deep regret... for the loss of those gallant men..." in Resolution Number Two, approved on March 3, 1805.¹¹

The next major naval event in Stephen Decatur's life occurs in June of 1807. Commodore James Barron, the commander of the frigate *Chesapeake* is ordered to stop by the British frigate, the *Leopard*.¹² The *Chesapeake* refused to stop and was

⁸ Peters, Richard, Esq. Editor, The Public Statutes at Large of the United States of America, Vol. V. Boston: Charles C. Little and James Brown, 1848. P. 346.

⁹ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 4.

¹⁰ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 4.

¹¹ Peters, Richard, Esq. Editor, The Public Statutes at Large of the United States of America, Vol. V. Boston: Charles C. Little and James Brown, 1848. P. 347.

¹² Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 5.

fired upon by the *Leopard*. The British frigate wanted to search the *Chesapeake* for four sailors it claimed had deserted and come on board the *Chesapeake*. Apparently, the *Chesapeake* was "woefully disorganized"¹³ when it set sail. Almost totally unable to defend itself, the *Chesapeake* surrendered to the British ship which seized the alleged deserters. Commodore Barron was given a court marshal for not being militarily prepared when fired upon by the *Leopard*. Stephen Decatur was one of those voting to convict Commodore Barron. Barron was given a sentence that suspended him from the navy for five years.¹⁴ The four soldiers were later found to have been impressed into the British navy.¹⁵ Two of the four sailors were to die in captivity; the other two sailors were returned to the United States five years later.¹⁶ Decatur was given command of the *Chesapeake*.

In June of 1812, the United States went to war with Britain. On October 25th of that same year, Decatur, commanding the *United States* fought the British frigate *Macedonian* for two hours before defeating it.¹⁷ Decatur brought the *Macedonian* back to New London, Connecticut, where she was refitted and christened as the frigate *Macedonian* in the United States Navy. Decatur was given command of the newly christened ship. The *Macedonian*, along with the frigate the *United States*, was later taken up the Thames River and dismantled.¹⁸

¹³ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 5.

¹⁴ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 5.

¹⁵ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 5.

¹⁶ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 5.

¹⁷ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 6.

¹⁸ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 6.

Decatur was then sent to New York to command another frigate the *President*. When in New York, however, he was unable to get to sea and ended up commanding all of the naval forces involved with the defense of the city. Approximately, 5000 men were under his command.¹⁹ On January 14, 1815 Decatur finally set sail with his crew aboard the *President*. The next day, his ship came across the British frigate *Endymion*. After a battle lasting six hours, Decatur was forced to surrender his ship to the British. He and his crew were taken as prisoners to Bermuda until the end of the war.²⁰

Following the end of the War of 1812, Decatur returned to the United States. In May of that year, he was given command of the frigate, *the Guerriere*, which was sent to war with Algiers. On the way to Algiers, Decatur captured two frigates as prizes.²¹ It appears that no prize money was awarded to Decatur for the capture of these two frigates. On the 30th of June, Decatur and the Algerians signed agreements ending the war.²² Decatur returned home and was appointed to the Naval Board of Commissioners.

In 1818, Commodore Barron sought reinstatement to the United States Navy. He wanted to return to full and active duty, but his court marshal had already set the terms of any return Barron should make. Apparently, there was general opposition by senior naval officers, including Decatur, to the reinstatement of Barron to full and active duty.²³ Barron and Decatur began to correspond about the reinstatement. Barron blamed Decatur for preventing his return to full and active duty in the Navy; the result of which was

¹⁹ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 6.

²⁰ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 7.

²¹ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 8.

²² Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 9.

²³ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 9.

a duel between the two on March 22, 1820 near Bladensburg, Maryland.²⁴ While both Barron and Decatur were shot in the duel, only Decatur was shot mortally. Commodore Stephen Decatur died later that evening at his home in Washington, D.C.

The Legislative Efforts

When Commodore Stephen Decatur died, he left behind a widow, Mrs. Susan Wheeler Decatur and an estate of approximately one-hundred-thousand dollars.²⁵ A large portion of the Commodore's estate was held in property in Washington, D.C. and Connecticut. We are told that within approximately ten years, she was reduced to poverty and forced to sell furniture and other personal possessions.²⁶ Having come from a family that was well off, she was now forced to take employment "copying government documents."²⁷

In 1826, Susan Decatur started an effort to be compensated for her husband's heroic naval career. It is with this campaign for compensation that her journey through the American system of government begins. To date, she had not received any prize money for her husband's sinking of the frigate *Philadelphia*, the two frigates captured on the way to Algiers, nor had she received a naval pension for the loss of her husband. Political scientist Matthew Holden, Jr. states that, "[t]he record shows at least fifteen documents, presented in Congress, relative to her claims between 1826 and 1837, and

²⁴ Redon, Royana Bailey, [Decatur House](#), National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Stephen Decatur, pg. 9.

²⁵ Note: In "The Hero's Widow Claims a Pension: Six Questions from an Old Law Case," Matthew Holden, Jr. cites Charles Lee Lewis as placing this figure at \$75,000, pg. 12.

²⁶ Holden, Matthew, Jr., "The Hero's Widow Claims a Pension: Six Questions from an Old Law Case," 1993.

²⁷ Holden, Matthew, Jr., "The Hero's Widow Claims a Pension: Six Questions from an Old Law Case," 1993, pg. 13.

another five between 1837 and 1860."²⁸ Typical of many modern day interests fighting to be heard, Mrs. Decatur undertook a letter writing campaign in an effort to convince lawmakers to take up her cause. Decatur historian Royana Redon wrote that, "[h]er beautifully phrased letters appear in the files of nearly every leading statesman of the time."²⁹ Additionally, we are told that she received considerable support from a number of these statesmen. Mrs. Redon states: "[s]uch disparate individuals as Henry Clay, Daniel Webster, Andrew Jackson, John Quincy Adams, and James K. Polk all endeavored to assist her. Session after session the bill 'for the relief of Susan Decatur and others' would pass one House, only to be defeated or tabled in the other."³⁰ Finally, on March 3rd 1834, the United States Congress approved Resolution Number Two granting a pension to her. It was about this session that, "John Quincy Adams wrote with dry humor that 'the vote was carried by tellers and I went through arm-in-arm with Polk much to the amusement of the House.'"³¹ On this same day, the Congress also passed an act for the aid of naval widows. This act provided that, "the widow of any officer who had died in the naval service of the United States authority to receive, out of the navy pension fund, half the monthly pay to which the deceased officer would have been entitled under the acts regulating the pay in the navy in force on the 1st day of January, 1835."³² This sets up the question of public administration at issue in this paper -- is Susan Decatur entitled to both pensions.

²⁸ Holden, Matthew, Jr., "The Hero's Widow Claims a Pension: Six Questions from an Old Law Case," 1993, pg. 14.

²⁹ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Susan Decatur, pg. 5.

³⁰ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Susan Decatur, pg. 5.

³¹ Redon, Royana Bailey, Decatur House, National Trust for the Historic Preservation, Washington, D.C., 1967. Chapter on Susan Decatur, pg. 5.

³² 14 Peters 497, Decatur v. Paulding, 1840.

Executing the Laws: the Secretary of the Navy

When legislation is enacted under the Constitution, the intention of laws often must be interpreted by executive officers prior to being implemented; such was the case of Susan Decatur. Following the enactment of Resolution Number Two and the enactment of the navy widow's pension act, Susan Decatur put in a claim with the Secretary of the Navy, Mr. Dickerson, for both the arrearages afforded her via the aforementioned Resolution Number Two and the navy widow pension act. The Secretary of the Navy turned to the Attorney General of the United States for an interpretation of the law. In response to the Secretary's inquiry, the Attorney General of the United States wrote an opinion stating:

"Office of the Attorney General
Attorney General's Office, April 11, 1837

"Sir- I have had the honour to receive your letter of the 15th ult'o,
relative to the case of Mrs. Susan Decatur.

"It is assumed in your statement of the case, that Mrs. Decatur would be entitled to the pension granted by the act of the 3d ultimo, for the equitable administration of the naval pension fund, "were it not for the doubt created by the passage, on the same day, of the joint resolution for her special benefit. And on these two laws you inquire whether she is entitled under the resolution, or under the act, or under both."

... (abridged)

"After maturely considering the history and special provisions on which the present case depends, I am of opinion that but one pension can be allowed; but if the general provision includes the case of Mrs. Decatur, then I am of opinion she is entitled to take, under that provision, or under the joint resolution, at her election.

"I am, very respectfully, your ob't serv.

It is interesting to note that the Secretary of the Navy has implied to the Attorney General that Mrs. Decatur is eligible for the pension under the navy widows pension act. A careful reading of the navy widows pension act finds otherwise. The act extends pensions to "the widows of officers, seamen, and marines, who died in the naval service, since 1st January, 1824, or who might die by reason of disease, casualties, or injuries received while in the line of their duty."³⁴ It seems reasonable that Mrs. Decatur is not eligible for this pension for two reasons. First, it is not clear how Decatur's being shot while participation in a duel constitutes an injury received "while in the line of... duty." Second, even if one grants the first claim that Decatur's being shot, and subsequent death, was service related, he died in 1820. Decatur is not covered by the act because it's coverage begins four years after his death. It appears that the Secretary of the Navy either interprets Resolution Two as granting Mrs. Decatur this pension, or simply erred when interpreting Mrs. Decatur's eligibility for coverage under the navy widow's pension act.

Following his receipt of the opinion of the Attorney General, Secretary Dickerson sent the following letter to Mrs. Decatur:

"Navy Department, 14th April, 1837

"Dear Madam- The Attorney General has given his opinion, that in your case but one pension can be allowed; he, however, thinks that you have your selection to take under the general law, or under the resolution in your particular

³³ 14 Peters 497, Decatur v. Paulding, 1840, p. 504.

³⁴ 14 Peters 497, Decatur v. Paulding, 1840, p. 506.

case; as soon as your pleasure upon this subject be known, the warrant for pension shall be made out.

"I am, with great respect and esteem, your ob't h'le s't, M. Dickerson."³⁵

Susan Decatur claimed the arrearages and reserved her rights to claim the other pension in the future. The selection of the arrearages under Resolution Two was likely a tactical move on her part. This compensation had been granted to her specifically, not to any other naval widow. It was a special act passed by the United States Congress for her benefit. It was her belief, and could reasonably have been argued, that the Congress wanted to grant her special compensation because of the loss of her husband and the prizes owed him. Additionally, the Secretary of the Navy and the Attorney General had already acknowledged that she qualified for the navy widow's pension. Having received compensation under the first act, she then pursued her claim to the second pension through the judicial process. The result was the case of Decatur v. Paulding , (14 Peters 497) which was decided before the United States Supreme Court in 1840. The Paulding in the case was James K. Paulding who succeeded Mahlon Dickerson as Secretary of the Navy.

Decatur v. Paulding

At issue in Decatur v. Paulding was the following: Susan Decatur sought to have the United States Supreme Court issue a Writ of Mandamus ordering the Secretary of the Navy to pay her claim to a second pension. This appears to be the only fact at issue in the case. In essence, this case is about an issue of judicial procedure.

³⁵ 14 Peters 497, Decatur v. Paulding, 1840, p. 504.

The Court upheld the Circuit Court of the District of Columbia's refusal to issue a Writ of Mandamus. The controlling case on point was Kendall v. the United States, 12 Peters 524 (1838). At issue in Kendall was an action by the Postmaster General of the United States to act in accordance with the actions of the Solicitor to compensate a claimant. The act, as passed by Congress granted discretion to the Solicitor of the United States Postal Service to determine the amount of compensation owed the claimant. The Postmaster General, upon receiving the amount the Solicitor thought was owed the claimant, cut the amount of compensation. The result was the present case which sought to have a Writ of Mandamus issued ordering the Post Master General to act in accordance with a ministerial action. The Circuit Court issued the Mandamus ordering the Postmaster to pay the claimant in accordance with the figure determined by the Solicitor. The case made it's way to the United States Supreme Court which upheld the Circuit Court's order.

The reason for the Court's upholding the issuing of the Writ of Mandamus was found to rest on the difference between a ministerial and executive action by an official of the Executive Branch of the United States government. What the Court found was that Congress had directed that the Postmaster was to pay in accordance with the determination of the Solicitor. In this instance, Congress was clear that the Postmaster was to undertake a certain action. When an executive official is commanded by law to undertake a certain action, then that official is charged with the carrying out of a ministerial function. If the law allowed the use of judgment or discretion on the part of the Postmaster General, then the Postmaster would have been carrying out an executive function. Because the law at issue did not grant the use of discretion to the Postmaster, and because he had failed to execute a payment of the Solicitor's determination, the Court agreed that the issuance of a Writ of Mandamus was in order. A Writ of Mandamus was a command for an official to act in accordance with the law. In this instance, the Writ of Mandamus was issued ordering the Postmaster to compensate the claimant in accordance with the Solicitor's determination.

In the case of Decatur v. Paulding, the Court ruled that Resolution Number Two did allow discretion on the part of the Secretary of the Navy. The Court states, "[t]he duty required by the resolution was to be performed by him as the head of one of the executive departments of the government in the ordinary discharge of his official duties. In general, such duties, whether imposed by act of Congress or by resolution, are not merely ministerial duties. The head of an executive department of the government, in the administration of the various and important concerns of his office, is continually required to exercise judgment and discretion. He must exercise his judgment in expounding the laws and resolutions of Congress, under which he is from time to time required to act."³⁶ The Court continues, "[t]he Court could not entertain an appeal from the decision of one of the Secretaries, nor revise his judgment in any case where the law authorized him to exercise discretion, or judgment. Nor can it by mandamus, act directly upon the officer, and guide and control his judgment or discretion in the matters committed to his care, in the ordinary discharge of his duties."³⁷ Therefore, when the Secretary of the Navy utilizes this discretion by allowing Mrs. Decatur only a single pension, the Court finds that he is fully within his authority. As a result, the Court sustained the Circuit Court's refusal to issue a Writ of Mandamus because the Secretary was acting in an executive manner, and was not exercising a ministerial function.

Back to Court

Re-Examining Mrs. Decatur's case and according to the law in 1997

The case of Susan Decatur occurred one-hundred-fifty-seven years ago. Since the Court's ruling in Decatur v. Paulding, the controlling law has not changed. Decatur v.

³⁶ 14 Peters 497, Decatur v. Paulding, 1840, p. 515.

³⁷ 14 Peters 497, Decatur v. Paulding, 1840, p. 515.

Paulding had been cited in at least two-hundred-sixty-one cases through 1994.³⁸ Writs of Mandamus' are not issued in instances of official action involving executive authority where judgment or discretion are involved. This point seems to have been well established through the Decatur case.

Modern Naval Procedure

The legal issues surrounding Susan Decatur's claims have not changed since she first staked her claim and lost before the United States Supreme Court. What has changed, however, is the law governing naval pensions. For many years naval pensions were, as found in Resolution Number Two, administered by the Secretary of the Navy. Today, the scope of United States military is much larger. As recently as 1992, each of the armed services possessed its own pension and retirement program. In 1993, however, these programs were merged into one joint services program covering all of our armed forces. Further, I am told that the military will not grant multiple pensions to one individual. Therefore, it is not likely that the internal disposition of Mrs. Decatur's claim would have changed much in the intervening years.

Conclusion

Susan Decatur's friends, or sponsors, in Congress wrote special legislation for her own financial interest. It appears that her case might have been treated differently if the Congress had ordered that the payment occur out of the general fund of the United States treasury for the prize or prizes owed to her for her husband's heroics with regard to the *Philadelphia* and/or the two Algerian frigates. Had Congress ordered funds to be paid out of the general fund, then the issue of discretion would have been removed much in the same manner as with the Postmaster in Kendall. The fact that the Congress ordered

³⁸ Shepherd's Citations, 1994.

the payment out of the navy pension fund appears to be what doomed Mrs. Decatur's claim. The naval pension fund was a fund created for navy personnel and administered by the Secretary of the Navy. It was not a slush fund for the United States Congress. In fact, Secretary Dickerson felt that he had a duty to all navy widows, not just to Mrs. Decatur. Therefore, by authorizing payment out of the naval pension fund the Congress allowed Secretary Dickerson to intervene in the carrying out or administering of the law. In effect, the Congress caused an executive action to occur. Had the Congress directed that the Secretary of the Treasury pay Mrs. Decatur a set amount of funds out of the general treasury, then a ministerial function would have occurred and the funds would have been paid out of the treasury. If, under this scenario, the Secretary of Treasury failed to pay a set amount of funds out of the general treasury, then Mrs. Decatur would most likely have been able to make a successful claim before the courts on the basis that such payment would have constituted a ministerial function.

Whether Mrs. Decatur was entitled to both pensions is a moot point. The Court held that the Secretary of the Navy possessed the executive discretion to grant or deny the pensions, and he did. Did the Congress intend for Mrs. Decatur to receive both pensions? The answer is most likely, yes. It seems reasonable that the Congress sought to compensate Mrs. Decatur for the prize money her husband never received for the sinking of the *Philadelphia* and the capture of the two Algerian frigates, as well as to give her a pension. When one looks at laws, one must pay particular attention to the ordering of the text, the word choice, and the punctuation. The changing of a word or the movement of a comma can have the effect of changing the entire meaning of the law. In Resolution Two, one must pay particular attention to the word "together." Congress granted the arrearages of half the pay of a post captain "together with the pension hereby allowed her." If, as was argued above, Mrs. Decatur was not entitled to the pension before Resolution Two was enacted, then the text of the resolution implies that she was entitled to the arrears "together with" the navy widows pension, after the resolution was

enacted. Additionally, pensions imply payment into the future. In this resolution the pension payments were to last for a period of five years. The payment of arrearages, however, imply compensation previously owed. Since the arrearages were to commence with Decatur's death in 1820 and end on June 30, 1834, and the pension was to begin on June 30, 1834 and last for five years, it seems clear that Congress meant for her to claim both the arrearages and the pension. The Court, however, never reached this issue because it was forced to address the procedural issue of the Writ of Mandamus. Had Mrs. Decatur's legal advisors litigated the case on other grounds, the Court might have ruled differently.

The campaign for official financial compensation for her husband's naval heroics did not end with the defeat in Decatur v. Paulding. Mrs. Decatur continued to press her case and in 1856 was given a pension by Congress. Resolution Fifteen, approved August 18, 1856, directed the Secretary of the Interior to "cause a pension certificate to be issued... at the rate of fifty dollars per month, for five years, to cease on the death or marriage of said Susan Decatur."³⁹ Mrs. Decatur died on July 21, 1860 with a claim still pending.

The journey of Susan Decatur serves to demonstrate what can be learned through a re-examination of American history. For many, the saga of Susan Decatur is but a footnote to the heroic stories of her gallant husband, the late Commodore Stephen Decatur. Truth be known, Susan Decatur's journey is one made by many people, organizations, and corporations, every day. Her's is the journey of an interest fighting to be heard above the fray. Whether it was by virtue of her earlier social standing, the heroics of her husband, or her having friends in high places, the interests of Susan Decatur were not only heard, but enacted into law. But her journey tells us even more, it tells us about the powers of government officials to interpret and carryout the laws through the

³⁹ Minot, George, and Sanger, George, Editors. The Statutes at Large and Treaties of the United States. December 3, 1855 to March 3, 1859. Boston: Little, Brown, and Company, 1863

use of their executive and ministerial powers. Her journey is important because it tells us how governments really work and how laws are really administered. Decatur v. Paulding serves to remind each of us that the actions of a government are not always directly commanded by the governing law, in many instances laws must be interpreted and discretion utilized. People must exercise care to administer the laws. This is basic public administration. This is how governments work.

Her journey also tells us about the inner workings of the American judicial system and how justice is administered. I think it is a significant fact that the rules governing the issuance of a Writ of Mandamus have not changed in the one-hundred-fifty-seven years since Decatur v. Paulding. In fact, even Mrs. Decatur realized that having failed to prevail in court, she could begin her journey anew through the enactment of a new law; this is exactly what she undertook. It is the administration of this a new law, one directing the Secretary of the Interior to see that warrants were issued granting her a pension, that was passed in 1856 and still pending at the time of her death in 1860. All in all, it seems fair to conclude that Susan Decatur's journey through the American system of government is a well worth taking and constitutes much more than a footnote to American history.

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