EMPIRE REMADE: REFINING EMPIRE IN THE AMERICAN REVOLUTION, 1774-1795

A Dissertation

Submitted to the Graduate School

of the University of Notre Dame

in Partial Fulfillment of the Requirements

for the Degree of

Doctor of Philosophy

by

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Notre Dame, Indiana

June 2019
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Abstract

By

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In *Empire Remade: Refining Empire in the American Revolution, 1774-1795*, I analyze the political thought of the American elite during the collapse of British rule in North America and the formation of the United States, to better understand the centrality of empire to the American Revolution. I argue that American state-building was shaped by specific political debates of the period, fought within the intellectual constraints of empire, and forced to reconcile empire with republican government. The compromises that resulted from these debates, though unexpected, ended up making the American empire stronger. I argue that American leaders laid the groundwork to the United States’ subsequent rise to world power at the very beginning of the country’s independent existence, carrying over imperial dreams and ambitions from its colonial past.

*Empire Remade* begins with the imperial crisis of the 1770’s, as colonial elites attempted to reshape the British Empire from within through a range of policies, from petitions through to military resistance, culminating in the invasion of the neighboring
province of Quebec to leverage imperial redress. Only when this failed did Americans embrace independence. The second, central part of the project explores how the debates surrounding the ratification of the Constitution gave a forum for a union-wide interrogation of the nature of the US’ nascent republican empire. Shifting concepts of empire allowed American leaders to combine power and liberty in a way that allowed imperial expansion alongside free government.

Out of these debates, Americans forged a popular empire, which they then sought to manifest on the North American continent. Yet empire on the ground presented a new set of challenges, complicated by the empire’s very republican nature. US military and civil leaders debated how to balance the interests and power of the settler societies and native communities of the trans-Appalachian West. From another unhappy compromise between these groups’ demands came a form of imperial management, ensuring settler assimilation while temporarily accepting Native difference, that allowed for the United States’ unprecedented expansion through the nineteenth century.
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ACKNOWLEDGEMENTS

Writing a dissertation can feel like the world’s loneliest vocation, but a moment’s reflection reminds you of the multitude of contributors, invisible and unsung, without whom the work would never have got done. It’s my pleasure to record my debts to the many people who made this project possible.

Among the most significant debts is to Patrick Griffin. A tireless worker, a generous critic, and a masterful writer, it was an honor to learn the craft from a genuine role model of the historical profession. Rebecca McKenna has been unfailingly supportive, enthusiastic and insightful throughout the project, and John Deak, Jon Coleman, and Max Edling have all provided vital help and guidance. I have learned much about the profession from all of them. I extend special thanks to the four distinguished scholars who travelled to Notre Dame for a conference I hosted in 2018 on state-building and empire: William Doyle, Joanna Innes, Peter Onuf, and James Sheehan. Their generosity and collegiality were humbling, and their contributions were crucial to the conference’s success.

Other professional colleagues have, in a less formal role, also helped me to shape my ideas. My thanks go to Frank Cogliano, Christa Dierkeshiede, Pekka Hämäläinen, Thomas Kselman, Jake Lundberg, Paul Ocobock, Andrew O’Shaughnessy, Steven Pincus, Rory Rappel, Louis H. Roper, Roberto Saba, Jay Sexton, Jon Singerton, Jim Smyth, and Elliott Visconsi. I would also like to thank the members of Notre Dame’s
Atlantic working group, and US In The World working group, as well as all the participants in Global Dome 2018.

I have been fortunate in support from institutions as well, and I am pleased to record my gratitude to the Robert H. Smith International Center for Jefferson Studies, and Notre Dame’s Institute for Scholarship in the Liberal Arts, for funding my archival research. Especial thanks to Whitney Pippin at the former, and to Lauri Roberts at the latter. At the archives I visited I enjoyed the unfailing assistance of exemplary staff: my thanks to all those at the Historical Society of Pennsylvania, the Massachusetts Historical Society, the National Archives (UK), the National Archives at College Park (US), and the Library of Congress. And on campus, my unending thanks to Kevin Vaughn and Christina Ryan of the History Department, Beth Bland of the Keough Naughton Institute for Irish Studies, and the staff at the Hesburgh Library, for making the whole system function.

Many individual friends and colleagues deserve recognition for their practical help, sound advice, and moral support: Rachel Banke, James Breen, Philip Byers, Samuel Fisher, Garrett Fontenot, Ashley Foster, Clarissa Frigerio, Lauren Jean, Suzanna Krivulskaya, Samantha Lee, Andrew Mach, Sarah Naramore, Johnny Nelson, Laura Ortiz Mercado, Sara Morrow, Catherine Perl, Noe Pliego Campos, Jillian Plummer, Samuel Rostad, Daniel Rowe, Natalie Sargent, Charis and Jake Schepers, Johnjo Shanley, Emily Smith, Curtis Urban, Ian Van Dyke, Carla Villaneuva, Kathryn Vidrine, Anna Vincenzi, Laura Weis, and Nicole Winsor. Such a robust support network made the rocky road of graduate school and dissertation-writing more of an adventure than a trial.
My deepest thanks to Betsy McCue (and Penelope), for a special year exploring South Bend together. To Craig Kinnear and Courtney Wiersema, Dylan LeBlanc, and Alexa McCall, new friends who, more than anyone, made the Midwest feel like home.

And to Ben Jackson, Martyn Madren, Christopher and Nicola Morgan, and Philip Whitaker, old friends an ocean away, who’ve always kept a seat open at the bar.


And finally, to my parents, Janet and Malcolm Flanagan, without whose love and support I would have never made it this far, and to whom I owe a debt beyond words.
INTRODUCTION:
A REVOLUTION FOR EMPIRE

“…it is well known that empire has been travelling from east to west. Probably her last and broadest seat will be America.”

So claimed Jedidiah Morse, New England pastor, historian and teacher, in 1789. Observing the formation of the young United States in the 1780’s, Morse believed that Americans needed to understand their expansive country’s geography better. As his claim revealed, Morse foresaw that the grand, continental geography of the United States left it poised to become a great empire, perhaps the greatest in world history. His lifelong efforts to increase his fellow citizen’s education on the subject earned him the informal title “the father of American geography”.

Morse was in good company when thinking about the situation and future fate of British North America this way. Empire remained a central lens through which leading Americans understood their place in the world. In 1751, Benjamin Franklin rejoiced at the unprecedented increase in population of the British colonies “an Accession of Power to the British Empire by Sea as well as Land!”, and he looked forward to the next...

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1 Jedidiah Morse, *The American Geography; or a view of the present situation of the United States of America*, (Elizabethtown, NJ, 1789, Eighteenth Century Collections Online), 469

In the unstable aftermath of the Revolutionary War, George Washington revealed his fear that the independent states might decline into “insignificant & wretched fragments of Empire.” In the first Federalist, Alexander Hamilton warned that opposition to the new Constitution threatened “the subdivision of the empire into several partial confederacies”. And as Thomas Jefferson handed over the presidency to his friend James Madison in 1809, he echoed Morse’s sweeping vision, reflecting that if Canada would accede to the United States, “we should have such an empire for liberty as she has never surveyed since the creation.”

Empire was more than just a grandiose turn of phrase. The rhetoric of empire meant something tangible to these figures. Throughout the eighteenth century, British North Americans consistently used state power to achieve imperial ends. First calling on the British Empire, then on the government of the United States, Americans sought to acquire new land, increase their commercial wealth, and remove their geopolitical rivals: imposing colonial control over Native American populations, and annexing the colonies of other European powers on the continent. The unique ideological heritage of British

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North Americans complicated their relationship with empire, as they struggled to reconcile it with the tenets of liberty that ran so strongly through colonial society. Nevertheless, empire defined every major act of the American Revolution, from the beginnings of the imperial crisis in the 1760’s, through to the achievement of a Revolutionary settlement in the later 1790’s.

If we think about the term ‘empire’ in relation to the American Revolution, most of us would probably call to mind the British Empire that the Americans were rebelling against. Long a part of Britain’s Atlantic realm, thirteen of Britain’s colonies on the North American mainland came, in the late-eighteenth century, to oppose the hierarchical way that London ruled them from afar. When they failed to gain political redress from the capital they came together, first in rebellion, then in a full-blown war for independence. Focusing on the political debate that arose between colonies and metropole in the 1760’s and 1770’s, and knowing full-well that these events led on to 1776 and 1783, it is perhaps natural that subsequent historical observers have tended to define the American experience as a rejection of empire. The colonists fought hard against the forces of an empire that sought to keep them in colonial dependence, and along the way they forged a republican state that embraced a political and social order very different from the one found in Britain.

However, our haste in posing America’s republican experiment as the opposite of empire is a fundamental misunderstanding of the nature of the Revolution. This misunderstanding arose from the American revolutionaries themselves. From the moment of independence, American elites sought to justify their claim to that independence, and their legitimacy as an international force, in the highest political and
moral terms. The ideals of republicanism, liberalism and democracy all became powerful forces for change over the following decades, and these ideals were frequently put into stark rhetorical opposition to the illiberal ‘Old Regime’ of Europe. Just one aspect of ‘old’ Europe that Americans frequently critiqued was its penchant for warfare, conquest and tyranny over subjected populations. Writers in the liberal tradition brought these high ideals to the fore to explain what made the United States special, and so projected American republicanism as the antipathy to European imperialism and exploitation.\(^7\)

Particularly within the United States itself, it was, and often still is unthinkable for the United States to have, have had, or want to have an empire of its own.

Furthermore, the shape of subsequent history meant that the ever-more powerful United States put a deep political-ideological stamp on the world of the twentieth century. Europe’s colonial empires faded away, replaced by a world order premised upon sovereign, nationally-based political entities. American ideals, American diplomacy and American power played an important role in bringing around this form of global community, apparently absent of empires, and so it seems absurd to assert that the United States \textit{itself} could have been, or is, an empire.

Yet that is what this work will argue. It is not the first work of history to suggest that America has been, or is still an empire. But it will bring new focus on the earliest

\footnote{7 Classic works on the American Revolution focus on the rejection of the British political and social order, and the unique nature of the American political society that grew up in its place. Embracing to varying degrees a narrative of American exceptionalism, these works focus on what made the United States different and special. They overlook important continuities, of which empire is only the most important. Richard Hofstadter, \textit{The American Political Tradition and the Men Who Made It}, (New York, A. A. Knopf, 1948); Louis Hartz, \textit{The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution}, (New York, Harcourt, Brace, 1955); Robert Middlekauff, \textit{The Glorious Cause: The American Revolution, 1763-1789}, (New York, Oxford University Press, 1982); Gordon Wood, \textit{The Radicalism of the American Revolution} (New York, Vintage Books, 1993)}
years of the United States, to suggest that Americans wanted to be and acted like an empire from the very start. As members of the eighteenth-century British Empire, British North Americans shared many positive beliefs about the desirability of empire with the mother country. At the core of this project is the supposition that those beliefs did not suddenly go away on the 4th of July 1776. While Americans broke from Britain and its empire in 1776, they did not reject empire as whole. Instead, their political journey from the 1770’s through to the 1790’s, the 1800’s, and beyond, can be told as the story of Americans confronting the challenges of empire, and seeking to reform empire into a specific American model. The entity that arose, unlike any empire that had come before, would project American power out into the Atlantic world and across the North American continent in unprecedented ways. The empire would both protect their independence in the present and ensure their greatness in the future.

To understand the centrality of empire to the early American experience, we need a working definition of empire. Ever since the Roman republic invested the authority of *imperium* in their magistrates, ‘empire’ represented a language of power in the European political tradition. 8 The specific uses of this power separated ‘empires’ from the other political formations of history. In their simplest forms, the three defining aspects of an empire are territorial expansiveness, economic extraction, and managing difference within their borders.

That empires are large political formations, and seek to expand, represents the most easily recognized aspect of empire throughout history. In 1766, a British book on

the English language stated that “…the word empire, conveys an idea of a vast territory, composed of various people; whereas that of kingdom, implies one more bounded; and intimates the unity of that nation, of which it is formed”. Empires deployed power across these vast territories, to expand and then maintain their control. They did so to gain wealth from the various sources within the reach of their power, which could happen through exploiting conquered populations, extracting natural resources, or through expanding international commerce. While a superficial consideration of empire may summon images of armies, flags and shaded territories on a map, at their core these polities existed as vehicles of economic gain. To effectively extract the resources of their expansive territories, empires accepted and managed the differences between the various populations that fell within their power, and interacted with them in different ways. These relationships could range from hierarchical relationships of violence and coercion, to more relative, negotiated relationships between rulers and ruled. But all resulted in transformation of the participating societies, in uneven but mutual ways.

Using this formulation of empire allows for comparisons of large-scale power systems, both between contemporaneous rival empires and between different empires

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across time. This is not just a theoretical issue. The British of the 18th century compared and critiqued their own empire against the major polities of their own time, as well as the great empires of the past. And these definitions brings in political formations that may not immediately look like empires. Moving beyond the model of European colonial rule that marked the Atlantic and the wider world from the sixteenth to twentieth centuries lets us see more informal power dynamics outside of traditional state structures: such as the Native powers of North America, or the steppe nomad domains of central Eurasia. This wider perspective indicates that empire represented the global norm of political organisation for a majority of humans throughout most of history, and helps us to escape the teleology of nations and the nation-state in the modern world.

The history of the early American republic shows these three defining aspects at work from the beginning, as well as an American awareness of the role of empire in history. Americans in the eighteenth century were proud members of the British Empire, committed to the expansion and growth of that empire. And like the British, they harked back to the historic memory of Rome as an idealized model of wealth, glory and culture in Western European civilization. When the American Colonies broke with Britain, they did so based on diverging views of how the empire should operate, and immediately portrayed themselves as the successors and inheritors to the British empire in North

12 Kramer, “Power and Connection”, 1350; Armitage, Ideological Origins, 8; Richard Koebner, Empire (Cambridge, Cambridge University Press, 1961) 1-17
13 Hämäläinen, Comanche Empire, 3-4
14 Burbank, Cooper, Empires in World History, 2, 7-8
America.\textsuperscript{15} To this end, the independent United States consistently sought to dominate its European and Native neighbors and take control of the continental interior and its resources. Far from being a pacifistic nation, the United States claimed all of North America from the moment of independence, and carried out a series of wars, leveraged treaties and forced removals against Britain, France, Spain, Mexico and a host of Native nations across the continent, through the late 18\textsuperscript{th} and 19\textsuperscript{th} centuries.\textsuperscript{16} American elites prophesized this expansiveness from the very beginning. In the late 1780’s, Morse judged that “the Mississippi, was never designed as the Western boundary of the American empire”, and finding the Spanish monarchy poor custodians of the land, he looked forward to “the period, as not far distant, when the AMERICAN EMPIRE will comprehend millions of souls west of the Mississippi”. And Jefferson could make the

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sweeping claim that “Our confederacy must be viewed as the nest, from which all America, North and South, is to be peopled”.\textsuperscript{17}

American expansion also forced the republic to grapple with different types of peoples and different types of jurisdictions. The American union formed in 1776 compromised thirteen different states, each with their own political and legal institutions, and lacking any connective identity beyond their opposition to Britain. And to the west, the United States ultimately designated the territory between the Appalachians the Mississippi as separate from the states, to be ruled by the central government rather than by any of the subordinate entities.\textsuperscript{18} This territory contained a significant population of Native nations, resistant to the American claims to sovereignty. The government interacted with them very differently from its Euro-American citizens, engaging them through contested treaties and coercive violence in an attempt to control them. On top of this, the growing demographic prevalence of African slavery in the southern colonies embedded an entire category of inhabitants, treated to a distinct and inferior legal status, into the population of the United States. While treating Natives and African slaves differently than European citizens, the United States helped to cement the beginnings of American identity through contrast to these alien ‘Others’.\textsuperscript{19}

\textsuperscript{17} Morse, \textit{The American Geography}, p.469 & Appendix, note 1; “Thomas Jefferson to Archibald Stewart, Jan 25, 1786”, quoted in Van Alstyne, \textit{Rising American Empire}, p.81


These elements of empire, territorial scale and the diversity of peoples within the polity, undermined any clear boundary between domestic and foreign affairs. American created their governing documents to facilitate expansion and force subordinate jurisdictions to obey international treaties, shaped their laws to deal with the non-citizen populations in their midst, and formed political factions based on preferences over foreign alliances.\textsuperscript{20} The inextricable connection of empire to all elements of American politics resulted from the United States’ unique historical position of trying to forge a republican empire in the Western hemisphere.

Americans’ held a conception of the British Empire rooted in the lack of a coercive center, mutual consent on policies from the various parts, and the respect for established constitutional norms. They wanted to British Empire to function more like a confederacy than a colonial hierarchy, and when they broke away from the intransigent mother country, they formed their own confederation along these same lines. Yet these concerns, for equal legislative bodies and for ‘republican’ political principles like the consent of the governed, existed alongside an ongoing commitment to empire.\textsuperscript{21}


Therefore, the union created in 1776 sought to reconcile republican government with governing different political communities spread over extensive space, by encouraging the thirteen states to work together toward imperial ends. When this experiment appeared in jeopardy by the mid 1780’s, and previous European examples of non-unitary states instilled no confidence in creating a stronger empire, Americans had to turn back to their experiences from the British Empire. Combining their background in British constitutional legal culture with the novel political idea of federalism, they forged a structure to support a stronger imperial union, while withholding the power to meddle with core interests of the constituent parts, such as the institution of slavery.22

Americans’ geographic location raised important opportunities and challenges for a new empire. North America hosted superabundant natural resources and had a numerically small Native American population in proportion to the continent’s land area. As a result, colonists viewed themselves as specially destined to take control of the entire continent. But, in common with the colonists of Spain’s Central and South American colonies, British Americans’ need to fully exploit the resources and native peoples of the continent led them to eject the non-continental imperial power they had previously sworn loyalty to.23


Finally, the American empire was shaped by the powerful ideological force of revolutionary republicanism at work among its populace. This entailed not the rejection of empire, but the embrace of a new kind of empire, underpinned by a powerful sense of the uniqueness of the American experiment. A long, European intellectual history suggested that free republics needed to expand to survive, and the only way Americans’ could stem the instability of the Revolution came through the expropriation of land, to diffuse the social pressures of the Revolution out to the West while funding the creation of a new government.\textsuperscript{24} Expansionism also came from below, by settlers empowered by Revolutionary rhetoric. Driven by these forces, the young United States attempted to craft a form of empire that could expand its borders while exporting two major elements of post-Revolutionary society: white settler communities based on individual rights and popular sovereignty, and a staple-crop economic system based on the perpetuation of black chattel slavery.\textsuperscript{25}

Understanding the young United States as an empire matters, because while the republican form of empire that the United States experimented with was something new,
American imperialism itself replicated the same dynamics of conquest and colonization as other world empires. The longstanding attempts by the American colonies, and then the United States, to appropriate both Native nations’ lands and the colonies of their imperial rivals, demonstrates the absolute centrality of geopolitics, diplomacy and war to the early American narrative.\textsuperscript{26} The plantation of new settler and slave communities in the midst of the North American continent, transforming the existing societies and economies of Native Americans and Europeans, shows how the “Empire of Liberty” established itself based on exploitative structures of colonialism.\textsuperscript{27} Retelling the American story in this imperial-geopolitical form highlights the imperial structures at play that underpinned American expansion, and explores the new challenges that the American form of empire confronted. This helps to recapture some of the uncertainty and contingency that marked the crucial years of the imperial crisis, the Revolution, and the early republic. While Americans sought imperial expansion from the early eighteenth century, the fate of the continent west of the Appalachian Mountains revolved around accidents of war, negotiations, misunderstandings and unintended consequences, as much as on large social, economic and demographic forces.\textsuperscript{28}

\textsuperscript{26} Francis D. Cogliano,\textit{ Emperor of Liberty: Thomas Jefferson’s Foreign Policy} (New Haven, Yale University Press, 2014); Leonard J. Sadosky,\textit{ Revolutionary Negotiations: Indians, Empires and Diplomats in the Founding of America} (Charlottesville, University of Virginia Press, 2009); Gould,\textit{ Among the Powers of the Earth}; Jay Sexton,\textit{ The Monroe Doctrine: Empire and Nation in Nineteenth-Century America} (New York, Hill and Wang, 2011), Weeks,\textit{ Dimensions of Early American Empire}

\textsuperscript{27} Bethel Saler,\textit{ The Settlers’ Empire: Colonialism and State Formation in America’s Old Northwest} (Philadelphia, University of Pennsylvania Press, 2015); Smith Rosenberg,\textit{ This Violent Empire}

\textsuperscript{28} François Furstenberg, ‘The Significance of the Trans-Appalachian Frontier in Atlantic History’, in\textit{ The American Historical Review}, 2008, vol.113(3), 647-677
Bringing together the rich, existing historiography on US expansion, diplomacy and state power makes it clear that the history of the early United States needs to be viewed through the lens of empire. American attempts at imperial expansion brought them into different relations with other empires, through revolution, war, negotiations and trade, and the inescapable connections between domestic and foreign policy meant that these relationships defined all the major events of late eighteenth century North America: the imperial crisis, the crisis of the Confederation, the forging of the American state under the Constitution, and the conquest of the Ohio Valley. When Americans’ constant desire for westward expansion takes the foreground, an entirely new narrative of these pivotal years emerges. The history of the early republic is the history of the clash of empires in the West.²⁹

The West, in this reading, is fairly analogous to the lands claimed by the French empire in North America at its height in the 1750’s. Stretching from Quebec on the lower St. Lawrence River, crossing the breadth of the Great Lakes, to New Orleans at the mouth of the Mississippi, conquest of this region would form the central goal of policymakers, British and American, across the second half of the 18th century.³⁰


Success would herald the epoch-making Anglo-American dominion anticipated by Benjamin Franklin, where the population, “doubling, suppose but once in 25 Years, will in another Century be more than the People of England, and the greatest Number of Englishmen will be on this Side the Water”.  

This work will retell the early American story by arguing that the particular character of this new imperial polity was created in Americans’ debates over empire. To

31 Observations Concerning the Increase of Mankind, in Papers of Benjamin Franklin, 4:225–234
understand the unique and durable form of empire that emerged in the early nineteenth century, we need to understand why these debates occurred, and how they affected events at the time. While inherently desirable to British Americans, empire had a complex intellectual heritage. Imperial power’s tendency to destroy liberty, and the inevitable corruption and decline of empires through history, combined with the specific grievances Americans discovered against the running of the British Empire, challenged the concept of empire in a society deeply attached to its rights and freedoms. At several crucial moments through the imperial crisis, the Revolution and the early republic, American statesmen confronted the dilemmas of imperial power. Practical politicians, as well as rhetoricians and budding philosophers, American leaders could just as easily engage in debate through legislature chamber speeches, through partisan pamphlets, or through policy enacted amid the contention of political factional struggles. 32

Three key moments emerge when Americans confronted the dilemmas of power and sovereignty and reconsidered their imperial designs and policies. These moments appear off-center to the critical moments that traditionally take precedence in the narrative of the Revolutionary period. The Continental Congress’ debate over how to respond to the Intolerable Acts of 1774, particularly the Quebec Act, takes precedence over the Declaration of Independence and the Revolutionary War. The union-wide ratification debates surrounding the Constitution hold greater significance than the initial act of political design carried out in Philadelphia. And the challenges of territorial

governance west of the Appalachians in the 1790’s appear in place of the great debates over political economy that took place between Hamiltonian and Jeffersonian factions in the east.

Reassessing early American history through the lens of empire, these moments take precedence as moments of imperial formation, of the steps American leaders took to construct a new sort of empire amid geopolitical and ideological instability. Even in rebelling against the British Empire, Americans attempted to build, or in their minds rebuild, an idealized form of free empire that British reforms in the 1760’s and 1770’s had jeopardized. This process of construction went beyond building a stronger, or a larger empire. Through their political debates, and through the hard-won experience of the Revolutionary period, Americans gradually built a more nuanced sense of their empire, and constructed more refined imperial tools to achieve imperial ends within republican constraints. The confederal empire of the 1770’s joined concepts of power, liberty and expansion in ways that made sense to late-eighteenth century thinkers. But when its failures became manifest, Americans forced themselves to reconceptualize many of these core ideas, in ways that did not always reconcile themselves comfortably in pure intellectual terms, but did achieve the most important end, facilitating a republican-imperial regime.

The story winds outward from the center, through the provinces, to the agents of empire on the ground. This structure suggests that empire building became progressively more difficult as the process of building and legitimising empire descended down from the imperial and federal leaders to local grandees, and eventually to western settler communities, and to those within the borders of the empire who opposed its claims. Each
of the moments examined represented a contingent turning point in the American experience of the imperial crisis and Revolution, where the choices American politicians, generals and writers made shaped the outcomes in decisive ways. They were also moments when non-Americans made vital choices about how to interact with the colonists-turned-revolutionaries. The figures who take center stage in each of the following chapters are the political leaders of American society, the class of people who filled the offices of government, lent that government money, conducted public business and led their fellow countrymen to war. These were the subjects and citizens who held formal and informal power in the society of the colonies and the early republic, and their ideas, misconceptions and decisions about empire, and their place in it, played a vital role in the outcome of the Revolutionary period.

Chapters 1 and 2 explore the imperial crisis from the top down, as the American colonies’ elected leaders found themselves torn between their loyalty to the empire, and the growing sense that the empire was changing into a form they no longer recognized. Following the imperial crisis through the perspective of the Continental Congress, the chapter puts the focus of the crisis on Canada, and the Quebec Act, and shows how this change of view suggests at new ways to think about the political factions and imperial loyalties of the delegates in Congress. The chapter draws on the Journals of the Continental Congress and the Letters of Delegates to Congress to see the crisis through the delegates’ eyes, revealing their hopes for empire, and the policies they chose to pursue to maintain it in the midst of a crisis that threatened to tear the British Empire
Focusing on a faction of unionists, loyal to the British Empire, but willing to resist it with force if necessary, the chapter tells the story of American trying to reform the empire from within, and the contingent ways this movement failed, forcing a move towards independence as a desperate last resort.

Chapters 3 and 4 focus on the debates surrounding the ratification of the Constitution. After the panic and exigency of the imperial crisis, the debates of 1787 provided a unique, union-wide forum for the educated elite to engage in serious debate about the problems facing the government under the Articles of Confederation. Taking the view down to the provincial level, these two chapters move beyond the writings of a few key supporters of the Constitution, even beyond the closed proceedings of the Philadelphia Convention, by documenting the breadth of discussion and argument from politically engaged citizens across all of the states, as they engaged with the process of forming a new government. Their debates, across all of the states, are recorded in immense detail in the multi-volume *Documentary History of the Ratification of the Constitution*, a collection that has compiled written and printed material from across the

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34 Max Farrand’s *The Records of the Federal Convention of 1787* (New Haven, Yale University Press, 1911, 3 volumes), and its later *Supplement* (New Haven, Yale University Press, 1987), are the principle source of primary material on the discussions within the Philadelphia Convention. Moving beyond this inarguably important source and viewing the ratification debate across all of the states helps identify the variety of opinion, and some of the unique themes, that arose in certain states but not in others. Above all, it gives due significance to the opponents of the Constitution, and their important conceptions of republican empire.
Union that referred to the proposed new form of government: from private papers and newspaper columns to the proceedings of the state legislatures and state conventions.\textsuperscript{35}

Rereading the ratification debates through an imperial lens, these two chapters break down the overriding two issues that emerged amid the political debate of 1787 and 1788. In chapter 3, American leaders identified the very real threats facing the Confederation in military, economic and diplomatic terms, and called for a more efficacious government to address their concerns. In chapter 4, these calls for more power came up against the suspicions of power and other republican checks to a centralized imperial state, engrained deep into American political ideology. Yet the debate itself let Americans reframe key concepts and reach a synthesis, a melding of power and liberty, that let them transcend many of the challenges posed by republican ideas and create their empowered new form of government.

Finally, in chapters 5 and 6, the American Empire reached the ground, as it attempted to impose itself on the trans-Appalachian West. Drawing primarily on the writings of the American governor Arthur St. Clair and the military officers serving in the West, in the \textit{St. Clair Papers, Territorial Papers}, and the \textit{American State Papers for Indian Affairs}, this chapter shows the limits of empire in practice. Despite the unique form of imperial government ratified in 1788, the American empire was not yet secure until it had manifested itself across its entire claimed territory, and forged a viable revolutionary settlement. American empire struggled to impose its sovereignty because it struggled to come to terms with sovereign power in practical forms in the West. Notably,\textsuperscript{35}

\textsuperscript{35} Kaminski et al., (eds.), \textit{The Documentary History of the Ratification of the Constitution}, (herein after \textit{DHRC}).
the chapters emphasize the power and political initiative of the Native nations of the Ohio Valley. The leaders of the federal government struggled to accommodate the presence of a quasi-sovereign, even quasi-imperial power center within the imperial bounds of the United States. This reorientates our view of the early 1790’s to being a sharply contested battle between two variations on a theme of an “empire of liberty”. The chapters both explore some of the structural advantages the new federal empire had, that contributed to its eventual victory, while also suggesting at the contingencies of imperial power, by showing how close the United States came to losing.

While a close-run thing, American success in the West proved decisive in a broad historical context. The imposition of effective sovereignty within its borders, to the exclusion of its rivals, leveraged the United States’ final, full membership of the imperial world. Treaties with Britain and Spain confirmed the United States was an empire among empires, and gave the union the geopolitical breathing space to continue its republican experiment.36

After 1795, the shape of empire in the West was set. The United States failed in its second attempt to annex British North America, and inadvertently awoke the first stirrings of Canadian nationalism in the process.37 But the loyalty of its western settlers to the federal regime meant that it, in turn, ran little risk of losing territory, either to British invasion, or to the final resurgence of Indian nativist militarism under the


Shawnee brothers Tenskwatawa and Tecumseh. The final, great drama of historical contingency still awaited with the Louisiana Purchase in 1803. But after 1795, the United States was already well on its way to forming a formidable continental polity, whose expansion westward was likely, whatever the twists and turns of European power politics.

This imperial story begins in the British colonies of North America in the middle of the eighteenth century. For fifty years the colonies had grown in wealth and population, while slowly assimilating to the cultural norms of the British metropolis, along with many other provinces of the British Atlantic.\(^{38}\) The British shared with other European powers a sense of importance of overseas possessions, seeing them as giving economic benefits, greater resources, and strategic advantages over their rivals. But the metropolis remained limited in its practical ability to exploit or control the colonies, due to distance and focus on other domestic and international issues.\(^{39}\) While the British government at Westminster fought a string of wars with its European rivals, most notably France, the American colonies remained an afterthought. Conquests in North America and the Caribbean were traded back and forth in minor military campaigns and subsequent peace treaties, pawns in the greater game European statesmen played, trying to gain strategic advantages on their home continent.\(^{40}\)

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39 Pagden, *Lords of All The World*; Koebner, *Empire*; Greene, *Peripheries and Center*

While British leaders paid little attention to the colonies before the 1750’s, the growth of the colonial population had seen settlements creep outwards from the Atlantic seaboard. In particular, colonial settlement moved up the Hudson River in New York, along the river valleys of central Pennsylvania and Virginia, and westward from the southern colonies of North Carolina and Georgia. As American colonists continuously searched for cheap or free new lands to settle, some began to look across the Appalachian Mountains, to the fertile lands of the Ohio Valley. Colonial elites made plans for new interior settlements, and lobbied for Westminster’s support, and small groups of poor colonists moved out there independently, squatting on land in an attempt to gain a basic independence from agriculture. This land, however, lay within the French sphere of influence, of a vast inland empire that stretched between Quebec and New Orleans.

While few Frenchmen lived in North America compared to colonial Britons, French alliances with the Indians of Canada, the Great Lakes and the Mississippi valley made for a potent political rival to Britain. These first colonial American ventures into the trans-Appalachian West, never officially sanctioned by the British government, set in motion an escalating rivalry between French and British imperial projects. Events drew the two empires and the Native American nations of the trans-Appalachian West into a geopolitical crisis in the 1750’s, that coincided with the outbreak of another major European war. For the first time, North America became a real focus of European

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strategy, and British American colonists saw the first real chance of making their imperial dreams a reality.\textsuperscript{42}

\textsuperscript{42} Fred Anderson, \textit{The Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766} (New York, A.A. Knopf, 2000)
CHAPTER 1:

THE QUEBEC ACT AND THE IMPERIAL CRISIS

The British Empire won a decisive victory in the Seven Years War, and their American colonists shared in empire-wide celebrations at Britain’s rise to glory. The colonists had fought and sacrificed for the empire, and now they expected to reap the fruits of victory, in expanded commerce, and in expansive settlement in the newly-won trans-Appalachian West. Yet events after 1763 undermined these expectations. British reforms to the empire incited colonial ire and drove a wedge between the metropole and its American provinces. While subsequent history has immortalized the drama surrounding Boston as the epicenter of the imperial crisis, in 1774 and 1775 many Americans focused on another of the Intolerable Acts, the Quebec Act, as Britain’s most egregious mistake.

The vast majority of the colonial elite shared an ideal of how the empire should work. It functioned as a series of co-equal communities, united in voluntary association under a common head, to facilitate the expansion of population, commerce and wealth. While few Americans had worked through the details of how this should happen in political and institutional terms, most colonial leaders shared wholehearted agreement on the principles at stake. The 1774 Quebec Act struck directly at this ideal. The Act created a province run by a military-style governor, answering directly to Westminster.
And it extended the bounds of Quebec across the Great Lakes and into the Ohio Valley, voiding colonial land claims and denying the region to American settlement. Autocratic and constraining colonial expansion, Quebec presented the anathema to the British Empire that Americans thought they belonged to.

This represented a crucial moment in the development of the empire. Americans found themselves caught on the horns of a dilemma. The colonists shared as keen a commitment to the empire as metropolitan Britons, but now that empire appeared to be changing out of recognition. As active colonizers, building new provinces on the Atlantic periphery, empire defined their political and economic experiences. Despite their horror at the innovations of British governance in the 1770’s, most colonists held deep loyalties to Britain, and had no desire to leave its aegis. Facing this authoritarian new model of British rule, the colonial elite broke into several political camps, to debate the best approach to secure their version of the empire. Contrary to teleological narratives of the Revolution, that overlook loyalism and moderation as mere obstacles that the Patriots had to overcome on the path to independence, a close study of the records of this vital moment show that the largest faction of the colonial political elite were committed to union with Britain.

Holding the political initiative through 1774 and 1775, this group of unionists strove to use protest and resistance to try and leverage reform of the empire from within. This was a political debate, but it was one carried out through policy, as sub-groups of unionists, and the radical group of separatists, jostled with each other to hold the reins of decision-making in the Continental Congress as the imperial crisis intensified. At stake
was the answer to the question, would Americans benefit most from empire within or without the British system?

1.1: The Hollow Victory of Quebec

At the height of the Seven Years War, Britain had humbled its great rivals, France and Spain, carrying colony after colony by force of arms. Quebec, Havana, Manila, Senegambia, and a string of sugar-rich Caribbean islands had fallen to the British. The empire had won glorious victories that went down in British and colonial folklore: Clive at Plassey, Hawke at Quiberon Bay, and the “thin red line” at Minden. And for American colonists, none loomed as large as James Wolfe’s imperial martyrdom on the Plains of Abraham.43 In the Peace of Paris in 1763, Britain ejected France from the North American mainland, taking Canada for itself, and claiming control over the vast expanse of land west of the Appalachians. Combined with Spain’s cession of East and West Florida, the treaty resulted in Britain claiming domination over the entire eastern half of the continent. Even before the war, John Adams had enthused that if only Britain could “remove the turbulent Gallicks,” the colonies would flourish. He and Benjamin Franklin both predicted that “our People according to the exactest Computations, will in another

43 Anderson, Crucible of War, 297-386, Marshall, Making and Unmaking, 98-9; on American’s attention to Wolfe, see Jonathan Mayhew, Two discourses delivered October the 25th, 1759 being the day appointed by authority to be observed as a day of public thanksgiving for the success of His Majesty's arms, more particularly the reduction of Quebec, the capital of Canada, with an appendix containing a brief account of two former expeditions against that city and country, which proved unsuccessful. (London, A. Millar, 1760), 18, 27-9
Century, become more numerous than England itself”. Now the “turbulent Gallicks” were out the way, Britain could make good on this potential. As partners in Britain’s victory, American colonists shared in the celebrations, and the prospects of the grand continental empire that now lay before them.

Few felt this loyalty deeper than the imperial soldier George Washington. Standing for a portrait in 1772, he chose for the world to remember him as a colonel of the Virginia Regiment, wearing the bloodied sash handed him by the dying General Braddock in the first major battle of the war. Yet Washington was also one of the largest land speculators in the colonies, and wealthy elites like him prepared to make a fortune investing in the new lands opened up to their west. For common colonists too, the imperial conquests offered new vistas for personal gain, promising a new life on cheap land across the mountains. And standing back and surveying the this panorama, men of letters could wax eloquent how Britain and America together would become a “mighty empire… mighty cities rising on every hill, and by the side of every commodious port; mighty fleets alternately sailing out and returning, laden with the produce of this, and every other country under heaven; happy fields and villages… thro’ a vastly extended territory”.

Yet in the aftermath of victory, this imperial euphoria soured. As Britain’s leaders attempted to reform its empire, to rationalize governance and to cut the costs of

44 From John Adams to Nathan Webb, with Comments by the Writer Recorded in 1807, in Papers of John Adams, The Adams Papers, Massachusetts Historical Society, 1:4-7. On Franklin’s matching thoughts, see Observations Concerning the Increase of Mankind.

45 Anderson, Cayton, Dominion of War, 106, Slaughter, Whiskey Rebellion, 79-86

46 Mayhew, “Two Discourses”, 60-1
their overseas commitments, they set in motion events to destabilize the whole structure. British high-handed, parsimonious policies towards the Natives of the Ohio Valley sparked Pontiac’s rebellion.\textsuperscript{47} The potential costs of a drawn-out Indian war in turn forced the British ministry to draw the Proclamation Line, appeasing the Native nations of the West at the cost of alienating those colonists looking to make their fortune across the Appalachians. And to cover the costs of garrisoning this volatile, new, imperial West, the Grenville and Chatham ministries passed new duties on the colonies that incited the mass protests and non-importation agreements of the 1760’s.\textsuperscript{48}

Britain’s missteps fired up colonial anger and drew powerful ideological critiques about the nature of Parliamentary power in the empire, such as John Dickinson’s \textit{Letters from an American Farmer}. But American protests died down after 1770, and writers like Dickinson still pledged loyalty to the British Empire. The imperial crisis might have abated. Instead, from 1774 a new phase opened. Alongside the North ministry’s punitive response to rebellion in Boston, Parliament passed the Quebec Act. While on paper, the Act represented an innocuous reform of governance for Britain’s recently gained, Catholic-dominated province, the changes it made to the Canadian colony stoked fears at the heart of British American self-identity, and augured fundamental changes to the

\textsuperscript{47} Dowd, Gregory, \textit{War Under Heaven: Pontiac, the Indian Nations and the British Empire} (Baltimore, Johns Hopkins University Press, 2002) 70-75, Griffin, \textit{American Leviathan}, 25

functioning of the wider empire. The events at Boston became only one part of wider assault on the free and expansive nature of British imperialism.

The British North America (Quebec) Act of 1774 had been in development since Britain had conquered French Canada in 1760. It laid out the principal procedures of government for the northern province. Quebec would be administered by a British governor with broad powers, supported by a council, but no legislative assembly. The Act removed a religious test on office holders, guaranteed the practice of Catholicism within the province, and restored the Catholic Church that was the religion of the majority of inhabitants. To further gain the loyalty of the French-Canadian elites, French civil law was allowed for matters of private law, while imposing the English common law for public matters. Finally, the province’s territory was expanded to take over the huge stretch of territory north of the Ohio River, and east of the Mississippi. This move aimed to increase the efficiency of the fur trade, discourage British American settlers from moving east into Indian-controlled territory, and provide some modicum of civil jurisdiction for a vast and largely empty area, dotted with Native villages, British forts and francophone fur trade posts.49

The Act undermined the American idea of the British Empire in three major ways. Politically, it provided a template for autocratic imperial governance. In religion, it heralded the dangerous intrusion of Catholicism into the Protestant Atlantic community.

And it constrained imperial expansion, by precluding colonial settlement in the very trans-Appalachian regions that Britain had initially gone to war with France over.

At the core of the American vision of the empire’s political structure lay their understanding of themselves as agents of empire: hardy pioneers who had conquered the wilderness from barbarous native peoples and turned it into flourishing provinces imbued with British civilization. Minimizing the role of the British state in supporting their settlement, Americans argued they had no debt to the mother country, and so saw no reason why taking ship to another part of the empire meant that they had given up the much-vaunted “rights of Englishmen”, proudly claimed by their countrymen in the metropole, and guarded by common and natural law.50 As Congress began to formulate how to broach its grievances and demands to an imperial audience in 1774, New Yorker James Duane laid out the essence of these beliefs. These rights were “Priviledges which they never meant nor were supposed, nor could forfeit, by altering their local situation within the same Empire”. Central to them was the principle that “the Subject be bound by no Laws to which he does not assent by himself or his Representative; A privilege which forms the distinction between Freemen & Slaves for he that is bound to submit to

the arbitrary will of another.”\textsuperscript{51} With Britons exporting their jealously-held rights across the Atlantic, Duane portrayed the desirable imperial structure as one where “the Prerogatives of the Crown, the Interest of Great Britain and the Rights of the Colonies ought each to have their proper Influence”. Comparing the British empire with the union of the Dutch provinces, he rejected any one unit holding coercive authority, and posed “Common Interest” as “the only Cement of such States”\textsuperscript{52}.

This decentralized vision of empire was radical enough in of itself. No government in London would have given credence to such extravagant claims. For all the practical challenges of ruling distant provinces, metropolitan elites had no doubt that the colonies should obey central commands.\textsuperscript{53} Even Thomas Pownall, an imperial reformer, and a notable friend of the colonies during the imperial crisis, held to the basic principle of metropolitan sovereignty in a way that diverged from this American model.\textsuperscript{54} Yet its novel distribution of power was only the constitutional tip of an ideological iceberg. Like a row of dominoes, one aspect of Americans’ imperial vision impressed upon another, morphing many of the already-unstable aspects of British imperial identity into colonial-friendly form, and, under the guise of vocal imperial loyalty, presented a

\textsuperscript{51} James Duane’s Speech to the Committee on Rights, \textit{Letters of Delegates to Congress, 1774-1789} (hereafter \textit{LDC}), 1:53-4,

\textsuperscript{52} James Duane’s Propositions Before the Committee on Rights, \textit{LDC}, 1:38, 40

\textsuperscript{53} Greene, \textit{Peripheries and Center}, 18, 106-7; Marshall, \textit{Making and Unmaking}, 273-310

model of empire that diverged strongly from anything that British ministries could sanction.\textsuperscript{55}

Crucially, in this decentralized model, colonial elites came to deny Parliament’s ability to pass laws for them directly, promoting instead the colonial legislatures in which they had electoral representation. They brought to the fore the argument that the original colonial charters were granted by the king, not Parliament, and defended the assemblies’ vital power of deliberating laws that were sent before them from the mother country.\textsuperscript{56} In contrast to the representative bodies of the French and Spanish empires, British legislatures were more than just a rubber stamp for the will of central authority, so they bridled at imperious demands from the center that left “only the election between dictated submission and threatened punishment”.\textsuperscript{57} Yet they posited that Parliament had good reason to accept their broad autonomy. Presenting a rose-tinted view of eighteenth century British-colonial relations, Congress proclaimed to its fellow colonists that, when free to choose, the assemblies had gladly complied with British requisitions during the centuries’ previous wars, contributing vitally to the conquests of Nova Scotia, Louisbourg and Quebec. And even after the wars, they argued that they had generously

\textsuperscript{55} On the core aspects of British imperial ideology, and their instability, see Armitage, \textit{Ideological Origins}


Greene, \textit{Peripheries and Center}, 126-8; David C. Hendrickson, \textit{Peace Pact: The Lost World of the American Founding} (Lawrence, University of Kansas Press, 2003)

\textsuperscript{57} \textit{Journals of the Continental Congress, 1774-1789} (hereafter \textit{JCC}), 1:97-8; Samuel Ward’s Notes for a Speech in Congress, October 12 1774, \textit{LDC}, 1:185-6
accepted the unhappy innovation of a standing army in the colonies and passed the required funding for the British troops.  

Yet the underlying reason that the colonial legislatures could lay claim to this near-equal status to Britain’s Parliament, was, as Duane had argued, that a Briton did not forfeit their inherent rights by moving to another part of the empire. Congress made sure to hammer home the injustice of reducing Britons to legal and economic subservience in its pronouncements. Reflecting on the Stamp Act, Congressional leaders bemoaned how the enforcement powers of the act created a stark legal difference between American and British subjects, forcing Americans accused of smuggling to go before distant Courts of the Vice Admiralty, rather than being tried before a jury of their local peers. Drawing on a biblical allusion, they denied that Americans would willingly be “Hewers of Wood or Drawers of Water for any Ministry or Nation in the World”.

Readers would have recognized this reference to menial drudgery as the work of the unfree: be they slaves, indentured servants, or the oppressed subjects of other, despotic, non-British governments.

By agreeing to rule Quebec along the same lines the French had, the British government appeared to have discarded this decentralized form of empire, despite

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58 JCC, 1:93, 95, Gould, “Liberty and Modernity” 125; on the American contribution to the Seven Years war more generally, see Anderson, Crucible of War

59 JCC, 1:89, 91, Gould, Among the Powers 79-87

60 Tomlins, Christopher, Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865 (Cambridge, University of Cambridge Press, 2010), Mancke, ‘Languages of Liberty’
winning the Seven Years War.\textsuperscript{61} Instead, British North Americans saw the wartime
necessity of a military governorship transformed into an officially sanctioned government
with no legislative assembly. Rather than the exigent measure that it was, for the British
to buy Canadian acquiescence to their recent conquest, American colonists reeling from
the other Intolerable Acts interpreted the Quebec Act as Britain attempting exactly the
same “despotick Government” as their French rival.\textsuperscript{62}

One element that bound this empire of equals, in American minds, was a shared
commitment to Protestantism. This had long been a part of transatlantic British identity,
particularly focused on the events of Glorious Revolution at the end of the previous
century. Overlooking the significant divides and instabilities within the capacious
definition of ‘Protestantism’, Americans were keen to stress Britain’s role as a key
defender of Protestantism, “the defenders of true religion, and the asserters of the rights
of mankind”, and their shared struggles in the service of the cause.\textsuperscript{63} Yet this defense
could not remain passive. The previous century of wars had taught Americans that their
peaceful Protestant colonies could not live safe under the constant threat of Catholic
neighbors, “a Religion” Congress reminded British readers “fraught with sanguinary and

\textsuperscript{61} On the reforms toward a more top-down empire, see Marshall, \textit{Making and Unmaking}, 45-52. On the wider debate about a transition from an empire of liberty and commerce, to one of “grandeur”, see Greene, \textit{Evaluating Empire}, 84-97

\textsuperscript{62} JCC, 1:87-8, 99; on British intentions, see Sosin, \textit{Whitehall and the Wilderness}, Gustave

\textsuperscript{63} JCC, I, 100, on the centrality of the Glorious Revolution, and shared British struggles against
Catholicism, see Owen Stanwood, \textit{The Empire Reformed: English America in the Age of the Glorious
Revolution} (Philadelphia, University of Pennsylvania Press, 2011), 1-24; Brendan McConville, \textit{The King’s
Three Faces: The Rise and Fall of Royal America, 1688-1776} (Chapel Hill, University of North Carolina
Press, 2006), 1-14, 56-62, 103-4. For tensions within British Protestantism, see Armitage, \textit{Ideological
Origins}, 63-4, 98-9
impious tenets”, that “has deluged your Island in blood”.64 Defense really meant these neighbors’ conquest, and removal, and Britain betrayed this noble defense by allowing Catholicism back into the functioning of the province, by tolerating Catholic Church operations, and allowing French civil law in private matters. In his drafted address to the king, Patrick Henry insisted that America’s “blood & treasure” had been spent in the previous war under the belief that it was to “change a dangerous & hostile neighbour into a British Province & strengthen the Protestant interest & the cause of Liberty”.65 The Protestant cause, after all, was the cause of liberty.

Conveniently for the colonists, removing this Catholic threat to the north would also open up vast spaces for settlement in the west. Powerful interests across American society welcomed the opportunity to annex the lands of trans-Appalachia into their dominion: from elite speculators and political philosophers entranced by the possibilities of growth and wealth, down to poor colonists seeking plots of cheap land for economic independence.66 Yet the demands of post-war retrenchment forced Britain to enact reforms that challenged Americans’ presumed right to settle the West. Unwilling to pay the costs of colonial settlements backed by military garrisons, Britain hoped to run empire in the West on the cheap. Rather than incite another Pontiac-style rebellion, British ministers hoped for peace and trade with Natives of the Ohio Valley, by

64 JCC, 1:83, 88; JCC, 1, 34-5, Richard Henry Lee’s Draft Address to the King, LDC, 1:226

65 Patrick Henry’s Draft Address to the King, LDC, 1:224, on the threat of Catholicism, see JCC, 1:88, Stanwood, Empire Reformed

designating the West as Indian territory, while encouraging colonists to move to underpopulated Canada and the Floridas instead. Suddenly, colonists had to confront the possibility of losing the fruits of victory. When Britain imposed the 1763 Proclamation Line, stemming settlement at the ridge of the Appalachians, Samuel Ward of Rhode Island complained that “all the Advantages of the new Territory G. Britain confined to herself”.

With the passing of the Quebec Act, Parliament extended the borders of Canada beyond the truncated limits laid down by the Royal Proclamation. Britain appeared to prohibit free, Protestant settlement in the Ohio Valley and reserve the region for French Catholics of Canada, with their alien laws and suspect religion. Now the new province of Quebec included all the lands north of the Ohio River, in Richard Henry Lee’s words, “extended along the borders of the Colonies, as to comprehend the greater part of North America”. This was land that British Americans saw as theirs by right of colonial charters, by native treaties and finally by recent conquest of the French; and Congress denounced the transferral to Quebec as “in direct violation of his Majesty’s promise by his Royal Proclamation, under the faith of which many English subjects settled in that

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68 Samuel Ward’s Notes, Oct 12 1774, LDC, 1:187, Griffin, American Leviathan, 54-8, Egnal, Mighty Empire, 215

69 JCC, 1:87-8, 99, Calloway, Scratch of a Pen, 116, Sosin, Whitehall and the Wilderness, 241

70 Lee’s Draft Address to the King, LDC, 1, 226, see also Congress’ July 1775 Address to Great Britain, JCC, 2:164
Province.\textsuperscript{71} Now it was stained by the presence of Catholicism, French laws and “arbitrary Government… discouraging the settlement of British subjects in that wide extended country”.\textsuperscript{72} Nothing made clearer the new, despotic form of empire Britain seemed to be building than hemming in Protestant American expansion, to make way for a vast province of Catholics and Indians.

The centrality of the West shows through in Silas Deane’s response to the Quebec Act. Tellingly, a western problem needed a western solution. Aggressive settlement of the West would “most effectually defeat the design of the Quebec Bill”. But it would be more than that. To Deane, “Another tier…of Colonies settled back of us will be, an inexhaustible resource to Us, & render Us humanely speaking invincible though the united Powers of the whole World should attack Us”.\textsuperscript{73} Deane’s plan not only mapped out the circumvention of the Quebec Bill, but summed up the confidence most colonists held in their decentralized, settler model of empire. And if Britain diverted from that model, there would be consequences. A Congressional address in 1775 warned the mother-country that if Britons allowed themselves to rule the empire along the European, absolutist lines that the Quebec Act previewed, they would “lose the Spirit of Freedom, by which alone they are invincible”.\textsuperscript{74} After the stunning victories of the Seven Years War, the American colonies had no intention of letting that mantle of invincibility slip.


\textsuperscript{72} \textit{JCC}, 1:76

\textsuperscript{73} Silas Deane, \textit{Loose Thoughts on the Subject of Western Lands}, \textit{LDC}, 1:261

\textsuperscript{74} \textit{JCC}, 2:166
During the imperial crisis, Americans portrayed Quebec as a serious military threat. Rejecting accusations from British observers, and indeed the King himself, that Americans were “carrying on the War ‘for the purpose of establishing an independent Empire’”, members of the Continental Congress “disavow[ed] the intention”. Reminding their readers of the colonial militias’ defensive stance at Lexington and Concord, they then asked “Did we take possession, or did we form any plan for taking possession of Canada, before we knew that it was part of the ministerial system to pour the Canadians upon our frontiers?”

Based on the correspondence of delegates in the first half of 1775, Canada was, apparently, the center of British military schemes against the colonies. Multiple writers alleged that Guy Carleton was preparing to sweep down from Quebec with an army of Canadians and Indians, to terrorize the truculent Americans into submission. As a result, the delegates spent early 1775 keenly aware of any developments affecting upstate New York, including the capture of Ticonderoga, and the arrest of the New York loyalist and upstate landowner Philip Skeyne, at Philadelphia.

Yet the reality was quite different. With most of his troops sent to reinforce the British occupation of Boston, Carleton struggled to raise any serious forces in Canada in 1775, with the Anglo-Canadians largely opposed to his government, and French

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75 *JCC*, 4:141-2

Canadians and the native peoples of the region all hoping to remain neutral and avoid being drawn into armed conflict.\textsuperscript{77} With the overwhelming failure of their attempts to reactivate alliances with Native groups in the Great Lakes region, British resources in North America were spread too thin to do anything but try and hold a defensive position in Canada. Contrary to the Americans’ rhetoric, the first aggressive actions of the Northern theater were theirs, with Allen and Arnold’s capture of Ticonderoga in May of 1775, followed by Schuyler and Montgomery’s invasion of Quebec in the autumn.

Instead, the palpable fears colonists held over Canada inflated the military threat. These fears resulted from the deeper, existential challenge the reformed province of Quebec posed to their conception of the British Empire. In American eyes, the danger was clear, and empire-wide. Having staved off the expansion of liberty-loving Protestant settlers into trans-Appalachian West, Britain recreated a French Quebec with plenty of space for Catholic population expansion. With the reintroduction of French laws and the resurfacing of old, Catholic prejudices against the Protestant colonies, French Canadians would become willing tools, “fit instruments”, of the ministry, aided by the Indians of the Ohio region, who Americans had reason to believe were being stirred to action by the unscrupulous Superintendent of Indian Affairs, Guy Johnson.\textsuperscript{78} This alliance, of equally bloodthirsty Native savages and Catholic zealots, could then be deployed anywhere along

\textsuperscript{77} Robert S. Allen, \textit{His Majesty’s Indian Allies: British Indian Policy in the Defence of Canada 1774-1815}, (Toronto, Dundurn Press, 1993) 40-4; Canadian defenses were also hamstrung by the broader British push for economy in the empire: see Sosin, \textit{Whitehall and the Wilderness}, 4, 46, Griffin, \textit{American Leviathan} 73-4

the colonies’ borders, in collaboration with standing forces from Britain, to defeat any resistance to ministerial schemes. Colonists already saw one such scheme in full force, with Britain’s closure of the port of Boston and the revocation of the Massachusetts Bay Charter.\(^\text{79}\)

Colonial leaders didn’t just portray this as a threat to their own liberty. The fate of the entire empire was at stake, and they strove to convince their fellow subjects, British, Canadian and Irish, of this as much as their own constituents.\(^\text{80}\) Instead of liberty moving west with British settlement, congressional delegates portrayed instead tyranny moving east. They portrayed political slavery as a “baneful contagion” that “would spread over the whole empire”, and once one part of the empire fell to it, the powerful figures manipulating events would have more resources to wield against the remainder.\(^\text{81}\) The resources of prostrate Canada would bring the free colonies into line.\(^\text{82}\) Then the vast property and burgeoning wealth of the now-obeisant eastern colonies would flow into ministerial pockets.\(^\text{83}\) Finally, the great fear of the ‘Country’ opposition writers would come true, and the ministers of the ‘Court’ would “master the liberties of Great Britain”, finally breaking free from the control of Parliament, and the empire’s other representative

\(^{79}\) JCC, 1:85-7

\(^{80}\) JCC, 1:87-9, 112, JCC, 2: 68

\(^{81}\) JCC, 4:144

\(^{82}\) JCC, 1:32-5, 76, 87-8, 99

\(^{83}\) Lee’s Address to the People of Great Britain, October [11-18?], LDC, 1:178, Lee’s Address to the People of Great Britain, June 27th 1775, LDC, 1:551
Colonial leaders foresaw the vaunted constitutional legacies of the Civil War, Glorious Revolution, and generations of jurisprudence by Coke and his successors all undone, and Britain descending into the corruption and decline of all the despotic empires that had come before it. To stave off this threat, the colonists would carry out the first ever Congressionally-authorized invasion against their northern neighbor.

1.2: Saving the British Empire

Although the invasion of Canada came to represent the colonists’ most potent response to the ills afflicting the British Empire, it was not the first. Americans were, after all, devoted imperialists, taking pride in the Empire’s successes and growth, and in the wealth and prestige it brought to them as members of it. Franklin and Adams’ visions of the future assumed a long-lasting partnership between Britain and its colonies, until more Britons inhabited the western continent than the home islands. Despite the raising temperature of protest against the maladministration of the British ministries in the 1760’s, colonists initially sought peaceful reform of the empire.

John Dickinson’s *Letters of a Farmer in Pennsylvania*, published in response to the Townshend Acts through 1767 and 1768, embodied this approach. While the *Letters* predated the Quebec Act moment, the colonies’ success in reversing the Townshend Duties, to which Dickinson had written in protest, made them a powerful, recent model of valid

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achieving redress from within the empire. Dickinson’s *Letters* protested Parliament’s extension of taxes to the colonies for the purpose of raising a revenue, and called for firm colonial resistance to these efforts. Yet he did so within a broader imperial framework that readers on both sides of the Atlantic would have agreed upon: an empire where the British parliament was the supreme regulator, “unquestionably possessing[ing] a legal authority to regulate the trade of Great Britain, and all her colonies”; where colonial institutions were modelled as closely as possible to British constitution, commerce was shaped by the Navigation Acts, and all subjects celebrated their membership of an ‘empire of freedom’. 85 The *Letters* repeatedly stressed that the connection between Britain and America was a positive one, cautioning that anyone who imagined “these provinces as states distinct from the British Empire, has very slender notions of justice, or of their interests”. 86

Dickinson’s writing caught a particular moment of intellectual transition in the colonies. Battles over prerogative between center and periphery had marked constitutional relations within the empire since the previous century. The Caribbean islands continued in them through the imperial crisis, without embracing the Americans’ radical ideologies. 87 And initially, resisting the Stamp Act, Americans had protested the practical application of Parliamentary powers into their internal affairs, while

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acknowledging, as Dickinson did, the overarching superiority of the metropolitan legislature. This distinction between internal and external affairs, local issues and imperial concerns, remained central to the Letters. In terms of pure political science, the principles behind this model were shaky, but the conception represented a pragmatic middle ground struck by colonial protestors and British politicians to defuse the imperial crisis in the late 1760’s.88 Yet the ambiguities of the concept told, and colonial and metropolitan opinion parted over Britain’s principled stand behind the Declaration Act, versus Americans’ doctrine of local representation that promoted the colonial assemblies to equality with Parliament. Thus, across the 1760’s an important section of the American elite clarified the principles behind their version of the empire, and while they continued to profess their loyalty to Britain, they demanded that the empire function on their terms.89

The colonial protest movement had two objectives: redress of specific grievances, such as the closure of the Port of Boston and the ceding on western land to the jurisdiction of Quebec; and reform of the imperial structure as a whole, to bring the institutions of the empire in line with Americans’ ideology of it. In broad chronology, most of the colonial elite agreed with this strategy of reform-from-within in 1770, but very few believed in it by 1778. Over the course of the imperial crisis and the war, pursuing these objectives broke the American elite into several political camps, that fluctuated in size and influence. These factions undermine the political groupings that

88 Greene, Peripheries and Center, 105-6; Slaughter, Whiskey Rebellion, 17-23
89 Marshall, Making and Unmaking, 177-8, Yirush, Settlers, Liberty, 19,
historians usually use to describe the coming of the Revolution in the colonies. They emphasize instead the significance of colonial loyalty to the empire until very late in the crisis.

Given North American Britons, like all Britons in the Atlantic, shared a paradigmatic imperial worldview, shaped by their membership of the British Empire and reinforced by its many recent triumphs, no single group can be labelled ‘imperialists’ or identified as ‘anti-imperialists’. While colonists and metropolitans disagreed on the exact functioning of the empire, they all agreed on it in principle as the vehicle for their safety, wealth and prestige. As the imperial crisis rolled on unresolved after 1773, the conflicting views that emerged were that Americans best future lay within the British Empire, and that their best option lay in forming their own, independent empire. The key insight here is that up until early 1776, the majority of the American elite stood in the pro-British Empire, or ‘unionist’ camp. In contrast, only a vocal minority of colonial leaders advocated for a ‘separatist’ option, a new American empire, until the months preceding the Declaration of Independence. Recognizing this is important, as the unionists drove the political agenda right up until the winter of 1776, when contingent events wrenched leadership of the rebellion against the metropole out of their control.

90 Traditional renditions of the Revolution split Americans into the binary camps of radical and conservative, ‘Patriot’ and ‘Tory’, based on a combination of political philosophy, social position and economic interests. See Wood, *Radicalism of the American Revolution*, and Carl Becker, *The History of Political Parties in the Province of New York, 1760-1776*, (University of Wisconsin Press, 1909). More nuanced political readings reveal a ‘moderate’ middle ground, of men like Franklin and Dickinson whose loyalty to the empire eroded over the crisis. Yet in these narratives still, the ideological gulf between Britain and its colonies meant that the moderates, holding a vain rear-guard of imperial loyalty, inevitably joined with the pro-independence forces. For some examples see Adams, *First American Constitutions*, O’Shaughnessy, *Empire Divided*, and Hendrickson, *Pact*. Marc Egnal’s notable attempt to propose an alternate approach, mapping elites’ alignment during the crisis onto their long-term attitudes to imperial expansion, ultimately breaks down into the original binary: “non-expansionists” became Loyalists, “expansionists” became Patriots: Egnal, *A Mighty Empire*.
Within the unionist camp were three sub-groups. The smallest group consisted of the colonists who agreed with the British ministry’s reforms, who worked for the government in the colonies, or whose political or religious convictions led them to deny that the colonists had a right to rebel against their lawful government. Demographically, this was a circumscribed group, although it included many politically influential and economically successful residents in the colonies, such as Attorney-General of Massachusetts Jonathan Sewall, the great New York landholder James De Lancey, and Virginia lawyer and politician John Randolph. Some in this group had joined in the Stamp Act and Townshend protests to press for redress of colonial grievances, De Lancey in particular gaining popularity by his participation. Yet they never accepted anything past Dickinson’s prescriptions of 1768, that peaceful protest in the forms of petitions to the king and embargoes on trade with Britain would again force the metropole to meet the colonies’ grievances.\[^{91}\]

Crucially, none attended the Continental Congresses, and the escalating events after 1773 drove them to support the British administration, the royal governors, and ultimately the British attempt to retain control of the colonies after 1775.\[^{92}\]

The second group were those who supported or attended the actions of the Congress in its first assembly, and in the early days of its second. This faction, of ‘reform unionists’ included men like Joseph Galloway of Pennsylvania and the Reverend John Joachim Zubly of Georgia. They were willing to press for changes to how the British Empire functioned and agreed with their more bellicose fellow-colonists on the


\[^{92}\] Egnal, *Mighty Empire*, 272-97
need for unified colonial action to stand in solidarity with Boston. But they bridled away from pursuing their ends through violence. Zubly had used his sermons to interrogate the nature of representation during the Stamp Act crisis, while in 1774, Galloway notably proposed his own imperial Plan of Union, with an American legislature, subordinate to Parliament, but with a veto on the application of imperial laws in the colonies.\textsuperscript{93} The Pennsylvanian shared the concern of many of his colleagues that the empire could not be divided between those subjects with representation, and those without, “a distinction so odious between members of the same state”. In fact, Galloway went so far as to declare his wish to see “the right to participate in the supreme councils of the State extended, in some form, not only to America, but to all the British dominions”. Without it, the empire, “that profound and excellent fabric of civil polity will, ere long, crumble to pieces”.\textsuperscript{94}

Attending an extra-legal institution like Congress was a radical move in itself, and Galloway’s Plan of Union was a bold attempt to create a constitution for the empire. Far from a fringe, conservative proposal, it gained considerable support from unionist members of the First Continental Congress, and its close failure at a vote likely resulted from the surge of colonial defiance in the wake of the Suffolk Resolves weeks earlier.\textsuperscript{95} Yet members of this group hesitated to take resistance to Britain beyond the defense of

\textsuperscript{93} John Joachim Zubly, An Humble Enquiry Into the Nature of the Dependency of the American Colonies upon the Parliament of Great-Britain and the Right of Parliament to Lay Taxes on the said Colonies, (Charleston?, 1765); For the Galloway plan, see Joseph Galloway’s Proposed Resolution, September 28, 1774, \textit{LDC}, 1:117-8

\textsuperscript{94} \textit{JCC}, 1:47

Boston, and suspected that rival factions in Congress would escalate the crisis to press for independence. To them, this was madness. Galloway argued that the colonies, “so many inferior societies, disunited and unconnected in polity” could not survive independent. With no real bond among the colonies, they would be thrown into anarchy if they cut the common link with Britain. “Without some Supream Legislature, some common Arbiter,” John Adams recorded him warning “you are not…part of the State”. And Zubly lamented the hubris he saw in his colleagues, as they faced the prospect of raising arms against their own empire:

We are too haughty to look unto God & all our publick papers rather talk of presenting law to a Conquered people than defending ourselves under great disadvantages against one of the greatest forces of the universe.

Fearing where Congress’ resistance would take the colonies, and resenting that their advice went unheeded, this group of unionists had left Congress by the autumn of 1775, and most, including Galloway and Zubly, became loyalists.

Finally, the largest group of ‘resistance unionists’ included those colonial elites committed to strident resistance to Britain, in Boston, Canada and elsewhere, while still seeking imperial reconciliation. Membership of this faction included figures such as Dickinson, Duane, James Wilson, Robert Morris, John Jay and Edward Rutledge. They considered a range of strategies, from constitutional solutions such as Galloway’s, to military campaigns in open rebellion against the Crown. But however radical their

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96 JCC, 1:45-6, John Adams’ Notes of Debates, Sept 28 1774, LDC, 1:111

97 Adams’ Notes, Sept 28 1774, LDC, 1:110

98 John Zubly’s Diary, Oct 24 1775, LDC, 2:248

99 On Zubly’s alienation from Congress in particular, see Zubly’s Diary, Sept 16 1775, LDC, 2:21; Adams’ Notes, Oct 12 1775, LDC 2:168; Zubly’s Diary, Nov 3 1775, LDC 2:295
tactics, their overall strategy remained to force Britain to renounce its authoritarian turn and achieve a lasting settlement between motherland and colonies.\textsuperscript{100} Many held to the belief, evidenced in Dickinson’s \textit{Letters}, that British misrule stemmed from the actions of few, rogue ministers. But once the king, of “the illustrious house of Brunswick”, and the broader British political nation were aroused to the situation, amends would be made.\textsuperscript{101} The resistance unionists struck a finely balanced rhetorical pose as the crisis deepened: desiring reconciliation, but projecting confidence that the colonists could resist anything the British threw at them. “…tho’ We desire Reconciliation” claimed John Jay, “[we] are well prepared for contrary Measures.”\textsuperscript{102} Duane began the imperial crisis insisting that “A firm Union between the Parent State and her Colonies ought to be the great object of this Congress”, but by 1775 believed that the instrument for this was “Two large armies…sufficient to overawe the Ministerial troops and confine them to the port they may under cover of the fleet be able to secure”\textsuperscript{103} And the colonies’ main financier, Morris, lamented that despite bottling up the British at Boston and invading Canada “I am unhappy to tell You that as yet nothing is done towards peace & reconciliation but on the contrary every thing breaths Warr and Bloodshed”.\textsuperscript{104}

\textsuperscript{100} Unionists Duane, Jay and Rutledge supported the Galloway plan, whereas Wilson opposed it; see Galloway’s Proposed Resolution, \textit{LDC}, 1:112-7 and Hendrickson, \textit{Peace Pact}, 83-4


\textsuperscript{102} John Jay to James Jay, Jan 4 1776, \textit{LDC}, 3:29

\textsuperscript{103} Duane’s Propositions Before the Committee on Rights, \textit{LDC}, 1:38, Duane’s Notes, May [23-25?] 1775, \textit{LDC}, 1:394

\textsuperscript{104} Robert Morris to Unknown, 9 Dec 1775, \textit{LDC}, 2:470
In contrast to the broad range of unionist voices in Congress, only a minority saw separation from Britain as a viable option in early 1775. Yet these included many of the men who would go on to lead the war effort, and the politics of the future United States. John and Samuel Adams of Massachusetts led a New England party whose staunch opposition to Britain naturally arose from their states’ place at the forefront of the brewing conflict. They found allies in the radical politics of the Virginia gentry, including Richard Henry Lee, Francis Lee, Thomas Jefferson, and the firebrand Patrick Henry. Reconciliation was a much greater leap of imagination for this group, suspicious of the repeated transgressions of successive British ministries, and once shots were fired at Concord, Lexington and Bunker Hill they began shedding their ideological and emotional ties with Britain. As early as the summer of 1775, Adams privately vented the frustrations of the separatists at the ongoing hesitance and equivocation of the unionists.

The separatists’ own views hardened over the crisis, and even members of this group felt the disappointment of hopes of reconciliation, and frustrations at the intransigence of their metropolitan cousins. In autumn of 1775, Sam Adams conceded with regret that insular British subjects were “generally unprincipled and fitted for the Yoke of arbitrary Power”, while upon reading the king’s incendiary response to the Olive Branch petition, the formerly unionist Samuel Chase of Maryland declared “I want

105 Egnal, *Mighty Empire*, 150, 215

nothing more but am ready to declare Ourselves independent”. Yet they always returned to the belief that the colonies had the strength to stand alone, if required. “‘Gods help them who help themselves’”, John Adams declared, “and it has ever appeared to me since this unhappy Dispute began, that We had no Friend upon Earth to depend on but the Resources of our own Country… furnished [with] a vast abundance of materials for Commerce.” And Richard Henry Lee wrote to a British correspondent that while “America may not at first be in the condition to meet the force of G. Britain,” the colonies were “as Hercules was once in his Cradle”, soon to rise above the old imperial center in strength.108

Although Adams and his allies might chafe at the pace of events, the fact was that they were not in control of Congress in 1775. The unionists held the greater numbers in the assembly. Unionist leaders believed that the people in the central and southern colonies did not support such a radical break with the mother country. While the separatists and the resistance unionists combined in October 1774 to outmanoeuvre the reform unionists, backing the Suffolk Resolves, and blocking adoption of the Galloway Plan by a single vote, the two unionist factions stood together to decide the wording of the Petition to the King. They rejected drafts by separatists Patrick Henry and Richard Henry Lee, particularly the incendiary language of the latter, and instead adopted Dickinson’s version, stressing colonial loyalty to the monarch.109


108 John Adams to James Warren, Oct 7 1775, LDC, 2:137; for Lee, LDC, 2:405

109 Galloway’s Proposed Resolution, LDC, 1:112-116; on the 1774 Petition, JCC, 1:116
In 1775, the resistance unionists continued with a three-pronged strategy: maintaining military and rhetorical strength against Britain, renouncing separatism as a viable policy, and keeping open avenues for reconciliation via new constitutional arrangements for the empire.\textsuperscript{110} While Franklin and Silas Deane’s drafts of confederal government systems for the colonies in July and November 1775 often appear as precursors to the Articles of Confederation, notably, both men presented their plans as models of colonial union within the British empire, along the lines of Franklin’s previous Albany Plan.\textsuperscript{111} And Thomas Lynch, despite a bullish attitude towards the war, wished in November 1775 that “Britain would adopt the measure – of calling a Convention of delegates, from the Assemblies of each Colony – by act of parliament”.\textsuperscript{112} While the separatists opposed what they saw as irresolution and equivocation, they realized all too well that their entire rebellion hinged on unity and a sense of consensus from Congress. They needed to induce obedience from the states, the only bodies with the institutional authority to extract from the population the money and soldiers needed to fight the war. If they fell into factional squabbling, their legitimacy in the eyes of the states and of average colonists would evaporate.\textsuperscript{113} And division would leave them militarily

\textsuperscript{110} Robert Morris: “It is but doing bare Justice to assert that nobody wish for Independence on Great Britain; the People all call out for reconciliation on Constitutional Terms”, \textit{LDC}, 2:470; Dickinson: “dissent from and utterly reject any propositions, should such be made, that may cause or lead to a Separation from our Mother Country” \textit{LDC}, 2:320; Thomas Lynch: “You wonder, with many others, that an Army so superior as ours, have not recovered Boston – and demolished the little Army of Rebels therein”, \textit{LDC} 2:362


\textsuperscript{112} Thomas Lynch to Ralph Izard, Nov 19, 1775, \textit{LDC}, 2:364

\textsuperscript{113} On the emphasis on consensus in Congress, see Adams, \textit{First American Constitutions}, 42, Hendrickson, \textit{Peace Pact}, 108; on the perceived support for independence at the beginning of 1776, see Lord Drummond’s Minutes, Jan 5th 1776, in \textit{LDC}, 3:32-3
vulnerable to Britain, or even rival European powers. As Franklin reiterated a year later in the Pennsylvania state house, “we must, indeed, all hang together, or most assuredly we shall all hang separately”.\textsuperscript{114}

1.3: A Congress Divided

The Quebec Act forced American colonist to confront the divergence between the Anglo-American empire of their ideals, and the reality of the Atlantic-wide British Empire. Their diverse responses created an intra-colonial debate that shaped the American protest movement in 1774 and 1775. While perturbed by the corruption of empire embodied in the Quebec Act, the unionist faction saw the British Empire as still salvageable, if their grievances were met, and sought to actively press for redress within imperial structures. When Britain remained intransigent, the smaller reform faction within the unionists grouping stepped back from the protest movement in fear of war and division that would follow, while the larger resistance faction embraced war within the empire as a means to achieve reconciliation. The separatists, primed for conflict once American blood was shed at Lexington and Concord, followed in their wake, hoping war would present the spur to push the colonies out of the irredeemable British empire.

The relations between the factions presented a certain irony. While the two unionist factions agreed over their reconciliatory ends, their disagreement over the means of protest and resistance broke them apart for good. In contrast, resistance unionists and

\textsuperscript{114} Jared Sparks, \textit{The Life of Benjamin Franklin: Containing the Autobiography, with Notes and a Continuation}. (Boston, Whittemore, Niles and Hall, 1856), 408; Hendrickson, \textit{Peace Pact}, 107-11
separatists disagreed on the ends of the resistance movement, seeing fundamentally
different futures for an American empire inside or out of the British Empire. But they
cooperated with much greater effect through 1775, sharing the burdens of war and hopes
for the success of the invasion of Canada. The tensions between these two ends could not
be suppressed forever, and the politics of the invasion and its dramatic failure brought
this colonial debate, on the all-important question of empire, to a head in 1776.
CHAPTER 2:

IMPERIAL UNIONISM AND THE INVASION OF CANADA

Unionism dominated the political debate in the colonies through 1774 and 1775. In 1774, Joseph Galloway’s Plan of Union came within a vote of being adopted by the Congress, and in 1775, the more bellicose unionist faction, centered around the delegates of the Lower South and Middle Colonies, led Congress to carry out their strategy of redress and reconciliation through strength. The unionists remain convinced that they could reform the British Empire along the lines of their idealized Anglo-American imperium, and despite changing tactics, strove to keep the empire united.

The eighteen-month period between the calling of the First Continental Congress and the final defeat of the Canadian invasion in spring 1776 saw the practical political debate play out between the three major factions: reform unionists, resistance unionists, and separatists. While initially united in 1774, the outbreak of military conflict in 1775 discredited the unionists’ initial, pacific strategies and exacerbated the differences between the three groups. Debating each other through policy, the three factions attempted various, sometimes-overlapping strategies of protest against Britain. Positioned between the pacific protest of the reform unionists, and the dangerous independency promised by the separatist program, the resistance unionists were in the vital position to control the debate, and shape Congressional policy. At stake was
ensuring the end point of their resistance was the reform of the Atlantic connection. Or else the separatists might press the colonies into severing the tie, to instead forge a new American Empire.

The debate between these two end points came to a head with the invasion of Canada in the autumn of 1775. The invasion replayed the great military exploits of Anglo-American forces in the Seven Years War, uniting colonists in this blow against the despotic new regime to the North. But more importantly, it also represented a logical but extreme form of the resistance unionists’ strategy of resistance-for-redress. For these unionists, a successful invasion offered to provide a position of strength, from which they could negotiate with the British ministry to return to the free, expansive empire of 1763.

At the same time as the invasion, a serious peace offer developed between members of this faction and the British representative, Lord Drummond, that could have laid the foundation for an imperial compromise. In very material and visceral form, the dispatch of an army to wrest control of Montreal and Quebec from British authorities embodied the unionist argument that the colonists could remake the British Empire in their own image.

The defeat of the invasion decisively altered the course of the American resistance movement. Americans of all political stripes began to realize that a long, expensive civil war beckoned. And for the unionists in particular, the defeat derailed their strategy of reconciliation within the empire. The Drummond peace mission collapsed. Exposed, in rebellion against the armies and navies of the British metropolis, despondent Americans confronted the fact that they needed allies from outside the empire to survive. Thus, they
embraced the separatist faction, who proposed independence as the one desperate contingency that could win them this support.

Yet even in seeking to separate from their motherland, Americans demonstrated their unswerving commitment to empire. When all hopes of reforming the British system from within had failed, most colonial leaders chose to join the movement for independence. Unionists and separatists alike shared such a dedication to the British form of empire they had celebrated after the Seven Years War, that they were willing to break from the Empire, and even ally with its old enemies, just to get their chance to build anew their idealized vision of this free, expansive domain.

2.1: The Resistance Unionist Strategy, 1774-1775

Americans in 1774 and 1775 saw an empire-wide turn to authoritarian government that would invade their rights, and the rights of their fellow subjects. Americans weren’t alone in seeing these patterns. Edmund Burke warned against ministerial conspiracy in *Thoughts on the Cause of the Present Discontents*, while Irish Whigs connected the political schemes of George Townshend in Ireland with the proposed reforms to the American colonies and the commotion over the disputed Middlesex election that inspired Burke’s polemic. The stakes couldn’t be higher.


Christopher Gadsden warned that Britain’s European rivals were watching with enthusiasm, hoping British tyranny would undermine the freedom that made the Empire strong, and snuff out the example of colonial liberty that caused so much unrest in their own colonies. Loyal members of the empire, the unionists confronted this empire-wide threat with an imperial-scale solution. But they were handicapped from the first by the colonies’ relative lack of wealth, and the seeming radical nature of their constitutional ideas.

Striving, as they had during the Stamp Act crisis and the Townshend protests, to force Parliament “to restore us to the state we were in at the conclusion of the last war”, the colonists turned to the power of their commercial leverage, once more enacting a self-imposed embargo on all trade with the recipients of their primary goods in the empire, Britain, Ireland and the West Indies. Moving beyond the colonies, they reached out to their allies in Britain itself, presenting their struggle as merely “the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British Empire”, while laying out the ministerial conspiracy they saw unfolding before them and begging the British political nation to intervene. Primarily they sought the assistance of the British opposition, of Rockinghamite Whigs like Burke, who believed the empire should remain commercial and non-interventionist towards the colonies. In this vein, Benjamin

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119 *JCC*, 1:82-90
Franklin lamented to MP David Hartley that his hopes for the empire “should be destroyed by the mangling hands of a few blundering ministers”. But they also reached out to colleagues and correspondents in the wider social elite, as Richard Henry Lee asserted to historian Catherine Macaulay that “a good Christian properly attached to [their] native Country…must be pleased to hear that North America is not fallen”\textsuperscript{120}

American addresses across the Atlantic targeted Ireland too. Their 1774 memorials spoke to the people of Great Britain and Ireland, while in 1775 they took to directly addressing to the Irish, in the midst of the non-importation program. Ireland would seem like fertile ground for collaboration with the colonists. In 1765, Henry Flood explicitly compared the tribulations of Ireland and the colonies during the Stamp Act crisis, while the Irish Whigs had become more radicalized as they witnessed the same grasping tendrils of power, creeping out of Westminster into the British Atlantic, as their American counterparts. Even late in 1775, Edward Rutledge could enthuse that Irish support for the colonies was so strong, British military recruiters dare not enter certain towns of the kingdom.\textsuperscript{121}

But the colonists found little help in the metropole. The most committed supporter of reconciliation, Burke, argued to his fellow Britons on pragmatic grounds, not to go “into the distinctions of rights, nor [attempt] to mark their boundaries”. Such “metaphysical distinctions” were less important than maintaining harmony in the

\textsuperscript{120} Benjamin Franklin to David Hartley[?], 3 October 1775, \textit{LDC}, 2:103; Richard Henry Lee to Catherine Macaulay, 29 Nov 1775, \textit{LDC}, 2:404, Greene, \textit{Evaluating Empire}, 100

empire. Yet his emphasis on expediency underlined the difficulty of a British politicians arguing in the colonists’ favor on principle. Even Chatham and Rockingham had supported the Declaratory Act, while differing with the North ministry on how to exercise imperial power. The Stamp Act was not a controversial act to most British leaders. And broader British political culture, elite and popular, rallied around a British ministry pursuing British interests against the seemingly refractory, ungrateful Americans. After all, rebellion left the empire weak and divided in the face of French or Spanish revanchism.

Dickinson complained of how British MP’s would pass laws for the colonies they would never think of passing on their own constituents, and suspected that half of them had barely paid enough attention to appreciate what was in the Townshend bills. And Americans repeated similar disappointments and frustrations as the king rejected their petitions and calls for reconciliation out of hand, labelling them rebels and preparing to reduce them to submission. Even the Parliamentary opposition, the best, if flawed, voice that Americans had in Westminster, were unable to affect the situation. Their resistance to the ministry’s innovations in government scored a number of major

122 Speech on American Taxation, in Burke, Select Works, 1:215
124 Eliga Gould The Persistence of Empire: British Political Culture in the Age of the American Revolution (Chapel Hill, University of North Carolina Press, 2000), 109, 146-7
125 Dickinson, Letters, 7:39-40
126 Virginia Delegate to Unknown, September[?] 1775, LDC, 2:87, Samuel Adams to James Bowdoin, Nov 16 1775, LDC, 2:352; Thomas Jefferson to John Randolph, Nov 29 1775, LDC, 2:403; Robert Morris to Unknown, 9 Dec 1775, LDC, 2:470
polemical hits, notably on the Massachusetts Bay and Quebec Acts. But the government’s basic philosophy, that the expanded empire needed new forms of government, and that rebellion against parliamentary authority needed to be checked, held insuperable majorities in 1774 and 1775 and would continue to do so through the American crisis.\textsuperscript{127}

In Ireland too, Americans attempts to find allies were hamstrung from the first. Americans recognized, even promoted, that their non-importation agreement would hit the Irish hard, and in their 1775 Address to the People of Ireland, they effectively apologized for the embargo, professing it was only with “utmost reluctance we could prevail upon ourselves, to cease our commercial connexion with your island”. Congress hurriedly pointed out, “we were not ignorant that the labour and manufactures of Ireland…served only to give luxury to those who neither toil not spin”. The embargo would only work if they withdrew their production and consumption from the entire imperial system.\textsuperscript{128} And there were deeper reasons that kept the two Patriot movements apart. Through both the Stamp Act, and in Dickinson’s own writing on the Townshend Acts, Americans dismissed the Irish as already worse off than the colonies: as a conquered country, its wealth leached away for the benefit of the same corrupt ministers who were now turning their attention across the Atlantic.\textsuperscript{129} And within Ireland itself, the shared concerns over British reform only excited a minority of vocal patriots. Irish

\textsuperscript{127} Lawson, \textit{Parliament and the Atlantic Empire}, 73, 83


\textsuperscript{129} \textit{Letters}, 10:60, Morley, \textit{Irish Opinion}, 53-4
politicians opposed British centralization projects, and the broader subordination of their supposedly-equal kingdom in the empire. But the Protestant Ascendancy was too dependent on British support to truly revolt, caught in the inherent contradiction of calling for liberty, while denying it to the majority of Catholics in the country. And ultimately, the Irish shared the same outlook as most metropolitans in the empire, seeing American events as secondary to domestic politics.\textsuperscript{130}

Wider unity with Britain’s other Atlantic colonies also proved elusive. In 1774 and 1775 the Americans appealed for cooperation between all twenty-six of Britain’s North American and Caribbean colonies. All of the major colonies had agents in the capital, working to advocate for their interests. Some were colonials residing in London, such as Franklin, acting for Pennsylvania, Georgia, New Jersey, and Massachusetts. Others were British figures known as friends of the colonies, such as Burke, representing New York. Most importantly, the West Indian lobby represented a network of wealthy merchants and absentee planters, resident in England near the networks of power.\textsuperscript{131} Mainland agents like Franklin had worked with British and Caribbean agents to convince the Rockingham administration to repeal the Stamp Act in autumn 1765. Consequently, one of the first observations Dickinson made in his writing against the Townshend Acts, was his concern that the colonies had not “ordered our agents” to raise their grievances with the king’s ministers. “Thus we should have borne our testimony against it; and


might therefore reasonably expect that, on a like occasion, we might receive the same assistance from the other colonies.”

Bound together in the web of colonial trade, with Caribbean islands in particular reliant on American foodstuffs, many Congressional delegates commented on the “the Wretchedness into which we are likely to plunge the West Indies” through non-exportation. Even Galloway described the islands to be “[as] natural appendages of North America as the Isle of Man and the Orkneys” were of Great Britain. What other choice would the West Indies have then, but to cooperate in relieving the Americans political burdens, and so avoiding supply problems of their own? To a limited extent, events hinted that the Americans had a point. In the shadow of the American embargo, the West India lobby did press for imperial reconciliation in the halls of power. And the most vulnerable of the British islands, Bermuda in the Atlantic, applied for and got a specific Congressional exemption from the embargo in 1775, after showing their commitment to the cause by seizing the gunpowder on the island and forwarding it to the Americans.

Little, isolated Bermuda was hardly Jamaica or Barbados though. Significantly, the Caribbean islands proper did not line up besides the mainland protests. As with Ireland, many Americans appreciated that their tactic of cutting off supplies to the islands

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132 Letters, 1, 7, Greene, ‘Liberty and Slavery: The Transfer of British Liberty to the West Indies, 1627-1865’, in Greene, Exclusionary Empire, O’Shaughnessy, Empire Divided, 88-9, 93-6

133 Johnson Jr. to Purviance Jr, 13 June 1775, LDC, 1:483, Galloway quoted in O’Shaughnessy, Empire Divided, xi

134 Thomas Jefferson to St. George Tucker, June 10 1775, LDC, 1:475; JCC, 2:174, JCC, 3:362, O’Shaughnessy, Empire Divided, 137, 143-4
was not the best way to win their good graces. But again, as with Ireland, there were deeper tensions too. The West India lobby was much more powerful than the Americans ever achieved, because in the starkest terms the Caribbean islands provided much greater wealth to the empire. This economic disparity hinted at the cultural differences separating the two sets of colonies. While most Americans settled and lived in the colonies, any planter who had a modicum of success spent as much time in Britain as possible, spending their wealth in the metropolitan center. Intercolonial understandings, or perhaps misunderstandings, centered around caricatures: of the wealthy, libertine Caribbean planter, versus the self-made man, or the modest farmer - the popular self-portrayals chosen by middle-state inhabitants like Franklin and Dickinson.

These cultural differences in turn pointed at a divergence in politics. While the West India lobby played a vital part alongside other imperial merchants pushing to repeal the Stamp Act, popular opposition in the islands never reached the level it did on the mainland, except possibly in Jamaica. Several islands sent representations to London contrasting their loyalty, and effective implementation of the Act, with the American colonies’ opposition. Barbados edited out the damning adjective ‘rebellious’ only in the final draft. At the heart of the matter was that despite the West Indies assemblies’ battles against the prerogative of the center, they never went beyond specific political


136 Drake, Nation’s Nature, 132

137 Greene, ‘Liberty and Slavery’ in Greene, Exclusionary Empire, 67; for the two sides of the debate over the extent of the Caribbean’s involvement in Stamp Act protests, see Jack P. Greene, Negotiated Authorities: Essays in Colonial, Political and Constitutional History (Charlottesville, University of Virginia Press, 1994) and O’Shaughnessy, Empire Divided
debates with British governors and imperial agents to question the extent of Parliamentary sovereignty. In contrast, even a unionist member of Congress like Galloway could put forward an extensive plan for a new structure of imperial governance, defining and moderating Parliament’s power over the colonies. It was perhaps no surprise then, that despite their hopes of cooperation, Congress never offered the Caribbean anything more concrete than good wishes and defensive explanations for the embargo. Significantly, no Caribbean island was ever offered a place in Congress.\textsuperscript{138}

The result of this lack of cooperation, of divergent interests and priorities within the empire, showed up in the failure of America’s agents in Westminster. The few fitful mentions to the agents in Congress’ records attest to the ease with which British politicians could ignore the colonists, compared to the more influential West Indies interests.\textsuperscript{139} The mainland colonies’ lack of economic leverage, and the tensions between the two regions, showed through as Parliament easily side-lined the only brief attempt by the two sets of colonial merchant lobbies to work together during 1775. The two groups immediately parted ways after their effective silencing.\textsuperscript{140}

The failure of diplomatic and commercial approaches to seeking redress, and the outbreak of violence in New England, forced Congress to consider more radical measures. As reform unionists like Galloway drew back from events, the Second Continental Congress turned to a ‘continental’ strategy agreeable to both resistance

\textsuperscript{138} JCC, 5:206, O’Shaughnessy, \textit{Empire Divided}, 130-1


\textsuperscript{140} O’Shaughnessy, \textit{Empire Divided}, 140-1
unionists and separatists. Their new, bolder approach was visible in both Franklin’s late-1775 draft plan of confederation, and the actual, final version of the John Adams-penned Model Treaty in July 1776. Conceding that neither metropole nor Caribbean colonies would heed their complaints voluntarily, Congress instead claimed moral leadership of the British Empire for themselves, and projected breath-taking claims to inherit Britain’s non-rebellious colonial possessions. In the final year before independence, Franklin proposed a confederal imperial system centered on the Thirteen Colonies but willing to integrate Quebec, the Iroquois Confederacy, and even beyond the continent welcome in Ireland or the Caribbean colonies. By the time of independence, in the middle of a war and desperate for foreign aid, Adams moderated down Franklin’s imperial claims. Yet they still encapsulated all the continental colonies, including Canada, Nova Scotia and the two Floridas, as well as the economically dependent islands of Bermuda and Newfoundland.

A sign of their commitment to the idealized empire, the continental strategy showed that Americans were willing to try and pull the whole imperial system out from under the metropole and recreate it on their own terms. But the end goal of the plan differed for the two cooperating factions. Separatists wanted to build a new and virtuous republican empire unblemished by the corruption they had seen set in at the center. But the unionists saw their empire-building project as leverage. If they could effectively

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141 Drake, *Nation’s Nature*, see in particular 166-8


unite the continent, or beyond, behind the American resistance movement, Britain would be forced to come to terms with Congress to heal the schism in the empire. Tactical disagreements aside, the Adams and Franklin claims inevitably fell short in reality. Ireland and the Caribbean islands were already detached from the American project of resistance. And while Congressional leaders did treat the Iroquois and other Indian powers with a great deal of respect in the early period of the imperial crisis, to secure their western borders through treaties of peace and friendship, neutrality not cooperation was the Iroquois’s objective.  

Dickinson summed up most of Congress’ attitude to their neighboring territories when he portrayed the Floridas as “conquered colonies”, and Nova Scotia as merely “British garrisons… for these do not deserve the name of colonies.” John Adams briefly proposed an expedition to Nova Scotia in response to an appeal from the residents of Passamaquoddy, yet Congress’ only action was to send a letter urging the inhabitants of the colony to take matters into their own hands, and to represent the colony as part of Congress in official messages and minutes. The Floridas received similarly short shrift, receiving a single letter from Congress in 1774, which the royal governors


145 Dickinson, *Letters*, 8:47

146 John Adams’ Proposals for an Expedition to Nova Scotia, Nov 2-10[?] 1775, *LDC*, 2:286-7; *JCC*, 1, 103. For the paper claim that Nova Scotia was part of Congress’ effective jurisdiction, see Samuel Ward’s List of Measures Adopted by Congress, July [31?] 1775, *LDC*, 1, 687, and *JCC*, 4, 137
Until Spain entered the war, and launched a campaign to retake them, the only other evidence that Americans were aware of the two, sparsely-populated colonies on their southern flank was the Georgia assembly’s early-1778 proposal that the two Floridas could enter the new union as states. The proposal was rejected by Congress and forgotten.

Congress’ budding imperialists lacked the opportunity to pay any more attention to the outlying colonies, because they had enough to struggle over closer to home. While American leaders made professions of colonial union, congressional unity, and the union’s imperviousness to outside attack, they did so to cover the very real fault lines that ran through the politics of opposition to Britain. Setting aside the procedural questions of whether a confederation of colonies should maintain a one colony-one vote rule, or work out some sort of proportional system based on number of individuals, Congress was divided by geographical region and political alignment. John Adams summed up both dynamics in a fit of pique with a fellow congressman, bewailing that he was “plagued with the opposition of our own Colony to the most necessary Measures”, due to being “yoked eternally, with People who either have no opinions, or opposite Opinions”. And

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148 This little-known proposal by the Georgia assembly is mentioned briefly in DHRC, 3:208 and documented in DHRC, 1:126

149 Some examples of professions of colonial unity are Letters, 12:80, John Adams’ Diary, Aug 29 – Sept 5, LDC, 1:8, Robert Morris to Unknown, 9 Dec 1775, LDC, 2:470

150 For an early debate on this, see Samuel Ward to Henry Ward, 31 Dec 1775, LDC, 2:539
beyond New England it was worse, having “all the Monarchical Superstitions and the Aristocratical Domination, of Nine other Colonies to contend with”.\(^\text{151}\)

As already discussed, the American protest movement flowed into several distinct factions, who could cooperate and oppose one another at different times in the crisis. These groupings, based on political philosophy and protest tactics, in large parts reflected the geographical divides between delegates. New England and Virginia stuck together from the early days of the crisis, facilitated by the close cooperation of the Adamses and the Lees, and eventually became the prime movers for independence, while the Middle Colonies of New York, New Jersey and Dickinson’s Pennsylvania, along with many Lower South delegates, held out hope of reconciliation with Britain for longer. Even in the opening weeks of 1776, Lord Thomas Drummond, bearing a peace plan to the colonies, reported animosity towards the militancy of the New England delegates from their colleagues. Their committed separatism meant that their fellow delegates kept them in the dark over the Drummond mission, with unionist Joseph Hewes of North Carolina suggesting that the plan had yet to reach the ears of “the wise men of the East”\(^\text{152}\).

The one element of the continental strategy that united unionists and separatists, northerners and southerners, was a strike against Quebec. Neither as unpopulated nor peripheral as Nova Scotia or the Floridas, Canada was too big to ignore. Yet is was also too far away to naturally adhere to the American rebellion, the way Georgia had, joining the Second Congress in 1775 after its absence in 1774. Congress’ opening address to the

\(^{151}\) John Adams to Joseph Hawley, Nov 25, 1775, *LDC*, 2:386

inhabitants of Canada in the autumn of 1774 reminded them that they had been “conquered into liberty” in 1760, and Richard Lee enthused in February 1775 that Canada would soon join Georgia in sending delegates to the next Congress. But an objective observer, more familiar with the state of the northern province, would have been sceptical. The raw demographics of Quebec made it a very different place than the Thirteen Colonies, with Protestant Anglo-Americans clustered in the towns, primarily acting as merchants, while the countryside was dominated by the landholdings of Catholic, French-Canadian seigneurs, with their francophone tenants kept in near-serfdom. Politically, this divide was entrenched by Catholic elites’ support for Britain, after its passing of the Quebec Act, and Anglo-Americans’ opposition to the Act, stemming from their fears of ‘popery’, and an awareness that removing toleration for Catholicism would open the way for their own dominance as an exclusive, Protestant, landowning and governing elite, along the lines of Ireland.

As a result, Canada did not participate in the committees of correspondence that heralded the beginning of a continental opposition movement. And the American colonists were slow to reach out themselves. While Congress published their Address to the Inhabitants of Quebec in the autumn of 1774, they only sent their first letter north in February 1775. When Congress’ first agent, John Brown, arrived in the province later

153 Congress Address, see JCC, 1, 111-2; for Lee, see Richard Henry Lee to Arthur Lee, February 24th 1775, LDC, 1:314

that spring, he met an ambiguous reception. No French Canadians would meet with him. The Anglo-American residents who did pledged that they would not aid the British in any actions against the colonies. But they also deferred on joining the non-importation movement. The geographical and economic realities of Quebec were that it relied on oceanic commerce to survive, particularly to support the fur trade, of which Montreal was the central entrepôt. Even Canadians opposed to the British imposition of Catholicism on the province feared any seditious actions that might result in them losing their mercantile privileges of trading in fur with Britain.\(^{155}\) American interactions with the native powers of the region seemed more positive, as Iroquois and Canadian Indians had all apparently pledged their neutrality. James Wilson reported his own efforts as an Indian commissioner to encourage neutrality among the major groups in the Ohio region.\(^{156}\) But only a minority of delegates took comfort, or held much confidence, in this seeming neutral buffer of Canadians and Natives between them and General Carleton in Quebec.\(^{157}\)

As the new American assembly began to unofficially adopt the title ‘Continental’, the vast stretch of that continent to the north, still ruled by a royal governor, seemed an ever-more troubling anomaly.\(^{158}\) The powerful ideological challenge that Quebec posed to the idealized form of the British Empire; the crucial strategic importance of the


\(^{156}\) James Wilson to John Montgomery, 16th July 1775, 1:628-9


\(^{158}\) Drake, *Nation’s Nature*, 167-8
Hudson-Champlain corridor to military control in the colonies; and the practical fact that Quebec was one of the few places American armed forces could reach in 1775; all combined to place Canada squarely in the crosshairs of the American elite.\textsuperscript{159} Quebec was a crack in the armor of the Continental alliance, and a despotic government on a continent rebelling for liberty. And it was perhaps the final piece of leverage that could give them a position of real strength, in an imperial debate that was spinning out of their control.

The only recorded Congressional opposition to American intervention in Canada had come the previous autumn, in 1774, when John Jay raised some unsettling questions about the colonies’ opposition to the Quebec Act. Did the reestablishment of Catholicism in 1774 go so far beyond Britain’s initial 1763 agreement to allow the Catholic faith? Did Americans have a right to protest the Act, if it met the consent of the majority of inhabitants of the province? And most damning of all, “Will it not be said that we go beyond our sphere – and while we contend for an exclusive internal legislature intermeddle with the police of other governmths?”\textsuperscript{160} Congress paid little heed to Jay’s principled concerns. By the summer of 1775, with news coming in of the bloodshed at Bunker Hill, the crisis of the empire had reached its apex, and colonial leaders needed to act. On the 27\textsuperscript{th} June, Congress authorized General Philip Schuyler of New York to:

Examine into the State of the Posts at Ticonderoga & Crown Point, and of the Troops Station’d there… to Enquire into the Disposition of the Canadians and Indians… to Take or destroy all Vessells, Boats or Floating Batteries prepar’d by


\textsuperscript{160} Duane’s Notes of Debates, \textit{LDC}, 1:198
Governor Carleton on or near the Waters of the Lakes, and to Take possession of St Johns & Montreal if practicable, & not Disagreeable to the Canadians.\textsuperscript{161}

The invasion had begun.

2.2: The Invasion of Canada

The invasion was followed closely by the colonies’ political leadership. For just over five months, the correspondence of Congressional delegates was filled with references to the Quebec campaign, and the exploits of what came to be called the Northern Army. After slowly massing the American forces at the north end of Lake Champlain, Schuyler drove off some Indian allies of the British in a brief skirmish near the fort of St Johns (Fort St. Jean) on September 4\textsuperscript{th}.\textsuperscript{162} Once news of this minor victory filtered in over the next two weeks, delegates’ expectations took an upward swing: their letters overlooking entirely Schuyler’s own withdrawal from the campaign due to ill health, leaving his subordinate Richard Montgomery in command.\textsuperscript{163} John Adams prioritized the news from Canada before any military or political affairs coming out from Boston or London. And delegates from New Hampshire, Rhode Island and New York

\textsuperscript{161} As repeated close-to-verbatim, in John Hancock to George Washington, June 28, 1775, \textit{LDC}, 1:554-5. The original Congressional resolutions are found in \textit{JCC} 2:109-10.


shared rumors of major Canadian support for the invasion, suggesting a short campaign ahead.\textsuperscript{164}

On October 16\textsuperscript{th}, Congress received something like a reality check, as John Hancock was forced to write the New York Provincial Convention, warning them that the Northern Army was running low on ammunition, and required supplies urgently.\textsuperscript{165} Confidence mingled with apprehension, and throughout the rest of the autumn and early winter, elder statesmen breathlessly confided to correspondents their impatience to hear more from the north. Samuel Adams fretted that events were at a “critical situation”, and anxiously professed “All depends upon the military Virtue of Schuyler and Arnold”.\textsuperscript{166}

The tension was punctured by a burst of news, all of it good. Fort Chambly fell on October 20\textsuperscript{th}.\textsuperscript{167} St John’s followed on November 3\textsuperscript{rd}.\textsuperscript{168} Then, on November 13\textsuperscript{th}, the greatest prize so far: Carleton’s army had fled, and Montreal was captured without a shot being fired.\textsuperscript{169} From the first news of Montreal arriving, on November 27\textsuperscript{th}, into the

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\textsuperscript{165} John Hancock to New York Provincial Convention, Oct 16 1775, \textit{LDC}, 2:192


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middle of December, American expectations soared at the prospect of a swift and complete victory.\textsuperscript{170} Their elation was increased by the tales of Benedict Arnold’s heroic overland expedition through the forests and rivers of Maine to bypass the Montreal route and come at Quebec City directly. Politicians-turned-armchair generals asserted that the pincers of Montgomery and Arnold’s armies were about to close and destroy Carleton’s force before it reached the safety of Quebec.\textsuperscript{171} Montgomery was feted as a hero, “essentially instrumental in preserving” America’s liberties. And Samuel Ward went so far as to compare Arnold’s trek through the wilderness to the legendary logistical achievements of Alexander the Great and Xenophon’s Ten Thousand.\textsuperscript{172} Although Carleton made it safely behind the walls of Quebec’s Upper Town, Americans settled into late December and early January confident that Montgomery and Arnold could either reduce the city by siege, or take it by storm.\textsuperscript{173}

Then on January 14\textsuperscript{th}, the news arrived like a thunderclap. Montgomery was dead, Arnold wounded. Launching a surprise attack against the city, into a snowstorm on New Year’s Eve, the hero-general had died in the first moments of the fighting, and his


\textsuperscript{173} Joseph Hewes to Robert Smith, Jan [8?] 1776, \textit{LDC}, 3:58, Richard Smith’s Diary, 8 Jan 1776, \textit{LDC}, 3:60
bold stroke to take Britain’s last foothold in Canada had collapsed in disorder.⁷⁷⁴

American leaders were so worried about the defeat’s effect on civilian morale that they rejected a motion for a month of mourning for Montgomery. The delegates of Congress poured out a vast stream of regrets, and promises of more troops to reinforce the Northern Army and complete Montgomery’s unfinished work in the spring.⁷⁷⁵ Yet for all the comfort they tried to give their readers, the moment had passed. The weakened American forces surrounding Quebec could barely maintain a siege, and they were swiftly driven from the province by British reinforcements in May and June of 1776.⁷⁷⁶

The 1775 invasion of Canada is a little-remembered event in what became the Revolutionary War, usually portrayed as a minor what-might-have-been in the broader drive to independence. But in fact it is a crucially understudied part of the revolutionary process itself. The Northern Army’s ill-fated expedition to the gates of Quebec brought together three overlapping strategies of the unionists and separatists in Congress. All sides could agree on the strategic need to take control of the vital riverine gateway of the St Lawrence, through which British military forces to access the American interior. And the colonists shared a desire to overthrow the centralized, autocratic model of governance established by the Quebec Act and welcome the Canadians into imperial liberty. For the unionists, the conquest of Quebec would give them control of the entire British half of the North American continent, the Ministry’s tiny footholds in Florida and Nova Scotia

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aside. This control would, they believed, leave the British at such strategic disadvantage as to make them think twice about attempting to regain control of the colonies by conquest. A united, defensible North America would give them a strong enough negotiating position with Britain to demand a quick return to peace within the empire, and the abandonment of Britain’s dangerous and despotic reforms. Edward Rutledge summed up the hopes of the unionists, “that America will be saved in Canada”.177

From a purely military perspective, Quebec posed a threat to the colonies’ long, exposed northern and western frontiers.178 Congress’ concern focused in particular on the long stretch of rivers and lakes that ran from New York City, up the Hudson River, with short portages across to Lake Champlain, then following the Richelieu River to the St Lawrence, and from there to the ocean. Since the seventeenth century, this river network between Montreal and New York had been vitally important to European settlers in America. It allowed the colonies of New France, New Netherland, and belatedly New York to engage in the lucrative fur trade with the Iroquois of the interior.179 In doing this, it brought the Europeans into competition with each other, primarily in the eighty-year rivalry between the northern British colonies and French Quebec. In the late seventeenth century, the raids that marked this rivalry were most significant for the political and cultural fears they instilled in English settlers.180

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177 Rutledge to Bee, Nov 25 1775, LDC, 2:390

178 Smith, Canada and the Revolution, Nelson, Guy Carleton, Meinig, Atlantic America, p.508

179 Landsman, Crossroads of Empire, 1-7, 76-110

180 Stanwood, Empire Reformed, 143-176; also see Mary Beth Norton’s claim that warfare with the French and Indians of Canada played a major role in the cultural implosion at Salem, Mary Beth Norton, In the Devil’s Snare: The Salem Witchcraft Crisis of 1692 (New York, Vintage Books, 2003)
In the eighteenth, the region became the focus of major military campaigns between the two colonial powers, as the British suffered disastrous defeats at Fort William Henry and Ticonderoga during their attempts to conquer Canada.\textsuperscript{181} When the imperial crisis intensified, Americans were not quick to forget how deep into supposedly-British territory the French had managed to strike, and from the moment the Quebec Act passed they remained vigilant to the threat posed by enemy forces, now the British themselves, stationed in Canada.\textsuperscript{182} Notably, Americans correctly pre-empted Britain’s strategy of the early war: securing the Hudson corridor to cut off New England, identified as the seat of the rebellion, from the other, more tractable colonies. Samuel Adams and Ethan Allen were just two of the more vocal proponents of the idea that the successful invasion of Canada would weaken Gage’s army at Boston and relieve the western threat to New England.\textsuperscript{183}

The connections the river network provided to the Iroquois and other native groups exacerbated both this threat, and the resulting need to close off a hostile presence at Montreal. The many fears Americans voiced about “Indians bribed to ravage the frontiers of the Eastern Colonies” attested to an inherent belief that the British had better diplomatic relationships with the Indians: particularly as mediated through the two Johnsons, William and Guy, who acted consecutively as the Superintendent for Indian

\textsuperscript{181} Anderson, \textit{Crucible of War}, 108-23, 185-201, 240-249, 340-3; also see Simms, \textit{Three Victories and a Defeat}

\textsuperscript{182} Smith, \textit{Canada and the Revolution}, 1-12

affairs in upstate New York.\textsuperscript{184} American diplomats worked hard trying to make up this gap, and assure peace with the Iroquois and their neighbors. Agents in upstate New York wrote to Congress hopeful of the prospects of Indian neutrality and Congressional delegates shared positive rumors that various groups had rejected summons to war sent around by the British.\textsuperscript{185} As a result, Congress decided to delay James’ Wilson’s proposed expedition against Fort Detroit, worried that it might break the fragile peace. Why take the risk, they asked, when the invasion of Quebec had already begun? “Should Genl. Schuyler Succeed… Detroit would fall of Course”, John Hancock assured a correspondent, and once Canada was theirs all connection between the British and the Natives would be cut.\textsuperscript{186}

Beyond this focus on the river network, Americans recognized that capturing Quebec, the main fortified port of Canada, would make the colonies much easier to defend against a British counterattack, as the British would have nowhere to safely land their troops.\textsuperscript{187} And the Canadian population itself, freed from British rule, could contribute to the war effort. The Congressional committee tasked with overseeing the


invasion encouraged Schuyler and Montgomery to raise a Canadian regiment from the early days of the invasion, and this was achieved under the guidance of a former New Yorker, then resident in Quebec, James Livingston.\textsuperscript{188} Ironically, James’ distant cousin Robert Livingston, one of the commissioners sent by Congress to follow the invasion and help build connections in liberated Canada, dismissed the Canadians, saying “the first ill success will convert them into enemies”. Instead, Robert insisted Congress needed to commit their own resources to prepare for the British return in the spring, and suggested that the Continental Army’s most experienced commander, Charles Lee, should come and take the command from Montgomery.\textsuperscript{189}

But American concerns about Canada, and their plans for the province, embraced more than just a military operation. Canada had long been the center of French despotic government and popery on the North American continent. Despite Americans’ high hopes after its conquest in 1760, Britain had seemingly endorsed and entrenched the same malign forms of government and religion in Quebec in 1774. Now was the colonists’ chance to remove this ideological threat once and for all. Demonstrating the heights of their Anglo-Protestant arrogance, Congress’ correspondence with Canada reframed the Canadians as political novices, being led astray by their rulers, but innocent enough to be redeemed. Dickinson, the primary author of the 1774 “Address to the Inhabitants of the Province of Quebec”, condescended to the inhabitants of the northern province that they had been “conquered into liberty” in the previous war, and proceeded to explain the many


benefits of Anglo-American law and constitutionalism. In practical terms, the United
Colonies now needed to remove the Canadians’ autocratic British governors and continue
this education in free government directly.190

Central to this ambition of exporting liberty, was recreating the conditions of the
thirteen rebelling colonies that had made their resistance against Britain so effective and
popular. “We advise and exhort you” Congress wrote at the beginning of 1776 “to
establish associations in your different parishes of the same nature with those, which have
proved so salutary to the United Colonies; to elect deputies to form a provincial
Assembly, and that said assembly be instructed to appoint delegates to represent them in
this Congress”191 The same basic instructions had been repeated since 1774 by
Dickinson, Hancock, John Adams, Robert Livingston and Robert Treat Paine, reflecting
the only plan of action Congress could conceive of as working.192 Committees of
correspondence had let patriotic Americans connect with one another, reassuring them of
support in their protests, and letting them coordinate their actions against the government.
Then provincial gatherings, some based on the colonial assemblies, some popularly
constituted conventions, had formed to establish representative government of the
province committed to the rebellion. Finally, these assemblies had chosen delegates to sit
in the Continental Congress, which, Richard Lee assured, “will then complete the union

190 JCC, 1, 105-113, Anderson, Battle for the Fourteenth Colony, 1, 13, 15, 93
191 JCC, 4, 86
192 John Adams to James Warren, Oct 8, 1775, LDC, 2:143; John Hancock to Philip Schuyler, Oct
11 1775, LDC, 2:161; Committee of the Northward to Richard Montgomery, 30 Nov 1775, LDC 2:412;
JCC, 1, 112, JCC, 3, 340
of 14 provinces”. Of course, the Canadians, unschooled in the ways of representative government, would need help. But Jefferson assured a correspondent that the committee sent north would “improve circumstances so as to bring the Canadians into our Union”.194

If they were going to win this ideological war in the North, Americans needed to mobilize the Canadian population in their support. As a result, they strove to avoid discomforting the inhabitants, to portray the invasion as in the Canadians’ interests, and to encourage as many residents of the province as possible to join them. Before any troops began to move, the “proper Agents and Memorials” Congress sent to Canada in advance had “explained to the inhabitants… and to the Indians, the views and the objects of the United Colonies”, while Schuyler delayed an initial move towards St John’s while he sent out feelers for the sentiment of the people whose country he was about to invade.195 And Franklin thanked his French correspondent Charles Dumas for forwarding a number of political texts in French, which would be used to educate the newly liberated Quebecois.196

The army entered a politically divided region. Anglo-Canadians, angered by the Quebec Act, had already begun agitating against Carleton’s government, spreading either political information or indoctrination, depending on the commentator’s sympathies, to try and incite town-dwellers and rural peasantry alike against the landlords, the clergy

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193 Lee to Macaulay, 29 Nov 1775, LDC, 2:405; Gordon Wood, The Creation of the American Republic, 1776-1787 (Chapel Hill, University of North Carolina, new ed. 1998); Adams, First American Constitutions

194 Thomas Jefferson to Francis Eppes, Nov 21 1775, LDC, 2:366-7

195 Lee to Macaulay, 29 Nov 1775, LDC, 2:404-5; Samuel Chase to Philip Schuyler, August 10 1775, LDC, 1:700; Richard Smith’s Diary, Sept 18, 1775, LDC, 2:29

196 Franklin to Dumas, 9 Dec 1775, LDC, 2:465
and the British administration. This sort of political engagement represented a first in the colony, especially among the literate sections of society who could read the flourishing newspaper debates. The effects of the anti-Quebec Act campaign are hard to quantify. But the string of assurances sent to Philadelphia that the army had received a warm welcome from the inhabitants of the province suggest that it had an impact. However, the imminent presence of the Northern Army, with its mission of liberation, and the glaring weakness of Carleton’s command were of much greater significance. In a political war, neutralism was and is much harder for those caught in the way of the fighting, and the act of choosing sides represents a much faster, and harsher, political education than any newspaper debate. With the American army moving from victory to victory, it was unsurprising that many Canadians chose to throw their lot in with the regime that seemed about to establish political and military control over their homeland, and to sign on to its political ideals.

Whether driven by political principles or force majeure, Canadians’ active participation was much needed by the Colonies if Quebec was going to remain secure from the British in the long term. In the early days of October, John Adams and the delegates of Rhode Island both shared news of Canadians voluntarily joining the invasion forces, and on the 11th of the month, Hancock wrote to Schuyler, stressing that should he

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197 For two sides of the debate over popular opposition to the Quebec Act/support for the Americans, see Lanctot, *Canada and the American Revolution*, 13-4, 24-5, 32-5, 39, Smith, *Battle for the Fourteenth Colony*, 68-9, 92-3


199 Shy, ‘The Military Conflict Considered as a Revolutionary War’, in *A People Armed*
“observe in the Canadians an Inclination to take up Arms, you may immediately, at the Expence of the Continent, raise a Regiment”.200 James Livingston duly formed his regiment, and the following month, the same Rhode Island delegates were keen to stress that the report from the fall of Fort Chambly “does not do justice to Majr. Livingston and 300 Canadians who… assisted in taking the Fort”201

The challenges of an ideological war were prominent too. The committee sent north worried that James Livingston would have trouble raising his regiment to its full strength of 1,000, as too many of the province’s farmers refused to sign up for a long war. Montgomery recognized that as far as possible, most Canadians would avoid committing to the American cause until their victory was clear. This led Robert Livingston to lament to John Jay that the Canadian recruits were unreliable, likely to desert at the first sign of trouble, and that the province as a whole was not yet politically active enough to consider adopting it into Congress.202 And one motivating factor behind Montgomery’s final, rash assault on Quebec City was his realisation that unrest was growing among the local populace. As the Northern Army had to live off the land and its inhabitants to maintain a campaign at the onset of winter, Canadians became alienated from their supposed liberators.203 Of course, these were all late developments, born of the challenges and frustrations faced by the army as it faced the practical realities of a high-principled

200 Hancock to Schuyler, Oct 11 1775, LDC, 2:162. Also see John Adams to James Warren, Oct 8, 1775, LDC, 2:143; Rhode Island Delegates to Nicholas Cooke, 9 Oct 1775, LDC, 2:150

201 Rhode Island Delegates to Nicholas Cooke, Nov 4 1775, LDC, 2:301, JCC, 3:448


203 Idem
ideological war. On the eve of launching the campaign earlier in the summer, Congress could still anticipate the prospect of Quebec “uniting with us in the defense of our common liberty” against the “licentious Ministry”.204

Congress’ factions in 1775 held a broad consensus on the first two aims of the invasion of Canada. In the face of a military threat from Britain, securing the colonies’ overland strategic weak spot made self-evident sense. And if ensuring that security through a united continent meant overthrowing the British administration in Quebec and liberating the Canadians from the ancien regime, most Americans could look past their historic animosity towards the Quebecois, and welcome a mixed delegation of French and English Canadians into Congress. But the third objective was the sole preserve of the unionists. By conquering Canada, expelling the British from mainland North America, and raising the cost of any potential reconquest, they held out hope that the Colonies could force Britain to negotiate. They could avert a wider war and leverage the redress of their grievances over the unsettling new direction that the recent ministries had taken the empire.205 In part, this was driven by a deep fear amongst Americans that a wider war could destroy both sides. While a key characteristic of many of the separatists and resistance unionists was their belief that they could defeat Britain, if called to the task, they worried that Britain’s failed attempt to enforce the “abusive system pressed by the administration for the ruin of America… must end in the destruction of a great Empire”. American resources would be stretched thin, while a bankrupted Britain would decline as

204 JCC, 2:70

205 Ellison, ‘Montgomery’s Misfortune’, 593, 598, Anderson, Battle for the Fourteenth Colony, 12, Smith, Canada and the Revolution, 1-12
a great power. Instead of its former, benevolent mother country, the American colonies would come under the influence of the empire’s rivals, doomed either to be dominated by one, or partitioned between many.\footnote{JCC, 3, 391, Hendrickson, Peace Pact, 110-1}

The two vocal proponents of this strategy were both South Carolinians, Thomas Lynch and Edward Rutledge. In the early weeks of Schuyler’s invasion, Lynch’s correspondence with the general suggested that it was more than just one military campaign among several: instead “Congress are awake at last & feel the importance of your Expedition, that every thing depends on its Success”. Writing to Montgomery two months later, he elaborated that “the total reduction of Canada this Winter must certainly produce Peace in the Spring”.\footnote{Thomas Lynch to Philip Schuyler, Sept 20, 1775, LDC, 2:35, Thomas Lynch to Richard Montgomery, Nov 14 1775, LDC, 2:346} Lynch was far from the caricature of a grovelling loyalist. Observing the military situation across the colonies in a letter five days after he wrote to Montgomery, Lynch wondered why the Continental Army had “not recovered Boston… demolished the little Army…therein”. He marvelled at the Colonies’ martial strength, their heroic defense at Bunker Hill and successful assault into Quebec, “carrying War into every place where an enemy can be found”. Yet while he observed that it was hard to credit “that America still languishes for reconciliation”, he did ultimately want reconciliation, but with America negotiating from a position of strength: “…impregnable…she rises not a single jot in her terms of accommodation… Peace and
reconciliation, upon one condition, we have ever asked it, viz.: Restitution of Rights”.

His colleague, Rutledge laid out his hopes for the Canada expedition in similar detail:

I have that Expedition much at heart I must confess, for I really think & have thought for a long time, that America will be saved in Canada. It may put Reconciliation at a greater distance, ’tis true, as his majesty will find just difficulty to persuade himself to part with arbitrary power tho’ it were established but in an acre of ground; however it will make the cure radical whenever it is effected.

Realising that the military struggle itself might exacerbate the situation in the short term, Rutledge echoed Lynch’s confidence that the loss of Canada would bring the ministry, and the king himself, to their senses.

While the successful invasion might give the colonists leverage, they also needed to have a channel of communication open with officials in Britain to negotiate a settlement. This came in December 1775 when Lord Thomas Drummond arrived in Philadelphia bearing an unofficial deal from Lord North. Meeting with North and the Earl of Dartmouth, Drummond had argued that he understood American situation better than the royal governors, loyalists and military officers who were feeding the ministry information from the ground. Their reports bred overconfidence in official circles that the colonists were deeply divided, and unlikely to put up serious resistance. Instead, Drummond countered, the British military threat would unite them all the more. Only a fundamental rethinking of the constitutional relationship between center and peripheries would solve the crisis.

208 Thomas Lynch to Ralph Izard, Nov 19, 1775, LDC, 2:362-3
209 Rutledge to Bee, Nov 25 1775, LDC, 2:390
210 Klein, “Failure of a Mission”, 353
The brief Drummond received from North represented a much more generous offer than the one the Howe brothers offered months later in 1776, so whether it truly had the full support of the British ministry remains in question. But Drummond made a perfect ambassador: a landholder in New Jersey already interwoven into the social fabric of the Middle Colonies, he could assure the unionist elite of Britain’s good intentions and desire to extricate themselves from the imperial crisis, while sharing in his hosts’ suspicions of the New England separatists. William Smith of New York acted as the main proponent of the Drummond’s mission, and made it public among the unionist leaders. Smith got warm responses from General Schuyler and Robert Livingston from New York and Canada, and from Robert Morris, Andrew Allen, James Duane, William Livingston and Joseph Hewes in Philadelphia. Lynch and John Jay, both highly influential in Congress at the end of 1775, also gave their support, while Dickinson and James Wilson appear to have been in the loop as they struggled to balance resistance and reconciliation in their speeches and motions of January.

The offer Drummond pitched relinquished future Parliamentary taxation and granted colonial customs duties to the respective assemblies, in return for each colony agreeing to a single, regular, monetary contribution to the empire, based on its individual ability to pay. Drummond skirted the underlying problem of Parliamentary sovereignty,

211 Klein, “Failure of a Mission”, 350-2, 358
212 For Drummond’s notes on his American contacts, see Lord Drummond’s Notes, Jan [3-9?] 1776, LDC, 3:21-4, including Note 1. For Drummond’s minutes of the negotiations, see Lord Drummond’s Minutes, Jan 5th 1776, LDC, 3:32-3; Drummond’s Minutes, Jan 6 1776, LDC, 3:39-40; Drummond’s Minutes, Jan 10 1776, LDC, 3:74-5. For unionist thoughts on the negotiations, see John Jay to James Jay, Jan 4 1776, LDC 3:29; James Duane to Robert Livingston, 5 Jan 1776, LDC, 3:34; Joseph Hewes to Samuel Johnston, Jan 6 1776, LDC, 3:43; Dickinson’s Three Proposals, LDC, 3:63-4. Also see Klein, “Failure of a Mission”, 344, 357
to give the negotiations time to develop and give the unionists hope of a breakthrough.\footnote{Klein, 353-4}

With Lynch as the lead negotiator, the unionists agreed to a permanent grant for imperial defense, and the inviolability of the Navigation Acts. In return, they outlined the beginnings of an imperial constitution. Britain would relinquish all right to tax the colonies or to interfere in their internal governments, allow American domestic manufactures to be sold overseas, station no troops in the colonies or Canada without consent, and accept colonial judges’ appointments on good behavior, not at the Crown’s pleasure. After further discussion, Lynch dropped the ban on troops, and both sides agreed to continue Drummond’s ambiguous approach to Parliamentary right. All could agree that in practice the revocation of the Massachusetts Bay Charter was a mistake, but Drummond pointed out that Britain still needed to mediate in intercolonial disputes.\footnote{Klein, 359-60}

While the conversations in Philadelphia revolved on goodwill between the two sides, and a pragmatic approach to renegotiating the imperial relationship, the peace mission had two weaknesses: whether Americans could trust in the North ministry, and whether the American political community would endorse a deal after the violence of the previous year. As a result, the unionists knew that they needed to hold a position of strength in the imperial debate, both to insure themselves against the British reneging on the deal, and to avoid the appearance of backing down in the eyes of their domestic audience. But if they had that leverage, if the colonists could stand confident through a united continent and victorious American armies, the unionists believed that Britain
would have to honor the deal, and the New Englanders would finally have to renounce their separatism. If the Adamses and their allies remained intractable, the dealmakers would bring the Drummond offer to the general population of their Middle and Southern states, and let public pressure for peace overwhelm the New Englanders.215 This view of the peace deal relied on strategically avoiding the issues Drummond had left ambiguous from the start, and both sides needed to interpret the concessions in the best possible light for their own domestic audiences.

Whether North, Dartmouth, Parliament, the Congressional separatists or the wider American public would have accepted the deal remains unknowable. But the whole undertaking collapsed on its own on January 14th, when news from Quebec arrived, and the unionists buried the peace offer.216 Lynch shared his regrets that Drummond’s plan had not gone forward, but accepted “It must wait a little; we cool & Set ourselves on a Footing in Canada.”217 This sudden withdrawal from what appeared a promising line of negotiation only underlines the importance of Quebec for the unionist strategy of reconciliation. As Thomas Lynch had stated, America should negotiate from a position that was “impregnable”. Only by having chips to bargain with did the leaders of Congress think they could leverage a viable imperial deal that could command legitimacy in the eyes of British politicians and colonial elites. And over the course of 1775, they had seen those chips slip away one by one, till only Quebec was left. Without victory,

215 Klein, 361

216 Lord Drummond’s Notes, Jan [3-9?] 1776, LDC, 3:26, Lord Drummond’s Minutes, Jan 14 1776, LDC, 3:91-3; Klein, “Failure of a Mission”, 362

217 Thomas Lynch to Philip Schuyler, Jan 20 1776, LDC, 3:125-6
Americans knew there would be no offer coming out of Westminster that they could trust. And negotiations with the enemy would look to Americans like a betrayal of Montgomery and of the entire resistance movement. This final, major setback was reflected in the Congressional debates of late January 1776. Dickinson, once the spokesperson for the colonies, and long a crucial figure in Congress, was side-lined in debates, his speeches analysing the relationship between Britain and the colonies criticized as overly legalistic, at a moment when passions were running high. Instead, the separatist wing of Congress took charge of events, and began the march towards independence, just over five months later.

2.3: The Winter of Discontent

On January 10th, 1776, as Dickinson and James Wilson tried to put Congress on record as against independence, and as news of Montgomery’s death rushed south to Congress, a pamphlet appeared on the streets of Philadelphia. The author’s views diverged sharply from the Congressional unionists. “...in endeavouring to describe, what we call, the ripeness or fitness of the Continent for Independence”, the author quickly surmised, “we need not go far, the inquiry ceases at once, for the time hath found

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218 John Dickinson’s Notes for a Speech in Congress, LDC, 3:138, Draft Address to the Inhabitants of America, Jan 24[?] 1776, LDC, 3:145

219 On Dickinson and Wilson in Congress, Dickinson’s Three Proposals, 9 Jan 1776, LDC, 3:63-4; on Common Sense’s early circulation, John Hancock to Thomas Cushing, Jan 17 1776, LDC, 3:105-6. The Letters of Delegates incorrectly identifies Common Sense as being published on January 8th.
us… It is not in numbers but in unity, that our great strength lies; yet our present numbers are sufficient to repel the force of all the world”.

Thomas Paine’s views that the colonies could, and moreover should stand alone, were radical, but not new. John Adams dismissed Paine’s arguments as idiosyncratic, and the larger principles well-worn by the separatists in Congress already. Delegates including Franklin, Silas Deane and Thomas Lynch had all gestured to the strength of the united continent in their correspondence. But released just days before word broke in Philadelphia that Congress’ grand gamble on Canada had failed, the pamphlet had an electrifying effect. In January, American leaders were demoralized, too afraid even to countenance public displays of mourning for Montgomery. The king had rejected the Olive Branch Petition, their armies had failed to conquer Canada, and as a result, the unionists’ negotiations with Drummond had broken down. Congress, and the wider population were forced to face up to the reality of a long and costly war against Britain. Yet in February, the tide began to turn, and turn towards independence. Separatist delegates protested Congress’ funeral oration for Montgomery and the fallen soldiers of Quebec, claiming it appropriated the general’s image to push for reconciliation with Britain. They managed to block the oration’s publication. Instead, the separatists took Montgomery for themselves. A second work by Paine “Dialogue

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221 Ellison, ‘Montgomery’s Misfortune’, 607
between the Ghost of General Montgomery Just Arrived from the Elysian Fields; and an American Delegate, in a Wood Near Philadelphia”, repeated many of Common Sense’s themes through Montgomery himself, presenting the general as a martyr for the continent’s independence.224

Common Sense came at a vital time, amidst American defeat and disillusionment. It gave Americans a confident narrative of independence and a new American empire, after two years of growing isolation and vulnerability within the empire. The resistance unionists had pursued a complex, radical strategy of reform-from-within, building on a wider American surge of confidence at their ability to resist British tyranny. Yet that strategy had failed, and the colonies lay open for invasion. Bereft of imperial allies, cast as rebels to be subdued, the Americans only hope was to gain support from outside the empire.225 Why else turn to the very despotic regimes of France and Spain that they had been so afraid of Britain becoming? Yet as Paine made clear “It is unreasonable to suppose, that France or Spain will give us any assistance, if we mean only to… [strengthen] the connection between Britain and America”. Congress’ leaders knew that changing the colonies’ relationship with Britain meant changing their relationship with the rest of the world; but to change their relationship with the rest of the world also

224 An oration in memory of General Montgomery; and of the officers and soldiers who fell with him, December 31, 1775, before Quebec; drawn up (and delivered February 19th, 1776) at the desire of the Honorable Continental Congress by William Smith (Philadelphia, 1776); Thomas Paine, A dialogue between the ghost of General Montgomery and an American delegate in a wood near Philadelphia (Philadelphia, 1776); Drake, Nation’s Nature 189; Ellison, ‘Montgomery’s Misfortune’, 594, 610, 612-4

225 Sadosky, Revolutionary Negotiations, 88, Ellison, ‘Montgomery’s Misfortune’, 609
necessitated a changed relationship with Britain.\textsuperscript{226} Thus, the United Colonies were driven to the final, desperate act of the imperial crisis: independence.\textsuperscript{227}

In the end, the resistance-unionist and separatist factions of Congress stood united around their shared commitment to the British Empire they had lost: so committed, that they refused to accept defeat in the dark days of 1776. Instead, in desperation, they turned to their former enemies. Although it meant sundering the empire, they fought for a chance to translate the ideal of the old British polity to a new American context. They began this work of construction in July, publishing the Declaration of Independence as a statement of independent empire, the very thing they had rejected in February.\textsuperscript{228} They followed the Declaration with the first draft of the Articles of Confederation, a formula for how thirteen republics could cooperate as a confederated empire. Finally, Congress approved the Model Treaty in September, officially laying claim to the full extent of Britain’s North American domain, and to the United States’ right to equality in the imperial Atlantic.

The fragile, half-unintended project of independent America created that summer clung to life through 1776 and 1777. Eventually, as Paine had implied, and leaders like Franklin had worked for, the French and other European powers rescued them, and the colonists won breathing space for their continental confederacy.\textsuperscript{229} Yet the British

\textsuperscript{226} Paine, \textit{Common Sense}, 111; Sadosky, \textit{Revolutionary Negotiations}, 62, Gould, \textit{Among the Powers}, 2-3, 113

\textsuperscript{227} Ellison, ‘Montgomery’s Misfortune’, p.596

\textsuperscript{228} On the February statement, see To the Inhabitants of the Colonies, Tuesday, Feb 13, 1776, in \textit{JCC}, 4:141

\textsuperscript{229} The American alliance with France did not preclude their fear of another European power entrenching itself on a continent Americans saw as reserved for themselves. Adams’ Model Treaty claimed all of the British dominions in America for the United States, and in the negotiations at Paris, Adams and
Empire they envisioned was gone: their attempts to reform it from within had failed.

Now they were left with the herculean task of building their own empire anew.

his fellow commissioners strove in particular to avoid Quebec reverting to France. Drake, *Nation’s Nature*, 179-80, Gould, *Among the Powers*, 4
1776 represented a crucial transition in the life of American empire. Conceding that their attempts to reform the British Empire from within had failed, colonial leaders made the momentous decision to strike out alone and build their own polity anew. They laid out their imperial goals in the midst of the war, embodied in three founding documents. The Declaration of Independence renounced their imperial membership of the British system. The Articles of Confederation structured their new imperial union of equal republican parts. And the Model Treaty laid out the United States’ full and expansive place in the imperial Atlantic world.

While American leaders presented these coherent claims to their imperialness from the birth of the United States, they remained far from manifest for years afterwards. The United States was deep in a secessionist war with Britain, and in 1776 the war went badly against the United States. In the spring, the remnants of the Northern Army retreated from Canada, then in the summer, General Howe defeated Washington and the Continental Army, and captured New York. Although in the following year, Americans could rejoice at their victory over Burgoyne’s army in upstate New York, the Congressional delegates were not able to celebrate from Philadelphia. Howe’s capture of
the rebel capital the same autumn forced them into an itinerant existence between the towns of Lancaster and York, Pennsylvania, through to the summer of 1778.

The records of the Continental Congress in the war years reflect this. Fighting a war that they often appeared near to losing, the delegates deliberations centered around supplying the armies, dealing with politics between leading generals, and managing American relationships with their new European allies.\textsuperscript{230} Above all, Congress remained the forum for thirteen states to cooperate in raising the taxes and manpower required to stave off the British efforts at reconquest. Even in the midst of war, this cooperation came grudgingly from individual states jealous of their resources.\textsuperscript{231} In a desperate situation, focused on the rigors of war, the years between 1776 and 1783 saw American leaders continue to pursue their three, original imperial goals. They worked to smooth over tensions between the colonies over land claims in the trans-Appalachian West, staved off belated British attempts to seek reconciliation, and contested French and Spanish claims to large swathes of the continent that the Americans believed were theirs by right. But they had little time for deep political reflection, and few opportunities to engage in a more telling imperial critique, until the war was finally won.

When it came, the 1783 Peace of Paris recognized two out of the United States’ three imperial goals. The expansive confederation of thirteen states remained intact, and had its sovereign independence recognized by the leading powers of Europe. However, the reality of power politics at the end of the Revolutionary War undermined the

\textsuperscript{230} JCC, volumes 4-23, cover the years 1776 to 1782.

sweeping American claims of the Model Treaty. To drive a wedge in the Franco-American alliance, Britain’s Shelburne ministry decided to cede the trans-Appalachian West to the young republic, bringing a vast, contested region into the legal borders of the United States. But after the failed invasion of Quebec, Canada remained part of the British Empire, the eleventh Article of Confederation never to take effect. And Spain’s participation in the war for independence returned the two Floridas to the control of the Bourbon power. Instead of a sole, continental empire standing strong and independent from the old European order, North America had been dispassionately partitioned between the new empire and the two old ones.  

Since before the Revolution, the American elite had shared a desire for territorial and commercial expansion across the continent. Broad agreement on these imperial ends did not change because they declared independence from Britain. But the partition of the continent brought home to American leaders that they had not and could not escape European power politics. The United States faced the geopolitical reality of imperial rivals Britain and Spain perched on its northern and southern flanks. If the United States wanted to achieve imperial objectives, American statesmen began to ask whether the union had the appropriate imperial means at its disposal. They were confronted the structural problems of the decentralized, imperial confederation they had created in the heat of the war. The Confederation functioned based on voluntary cooperation between the states, and voluntary grants of funds and soldiers from the states to Congress. It had worked with variable success during the war years, only because Americans knew they

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needed to cooperate or face British reprisals. Once the emergency demands of the war ended, the Confederation Congress faced the prospect of governing its new empire without the ability to raise money, or to field an army or a navy. When the war had just shown that a British army could march south upon the Confederation from Quebec, this made the Articles of Confederation a liability.

The debates over ratifying the Constitution in 1787 and 1788 represented more than a referendum on the new governing document created in Philadelphia. They allowed the American elite, across the thirteen states, to participate in a conversation about the state of the confederacy and argue for the way forward. The ratification debates had two crucial elements. One was a union-wide agreement on the desire for, need for, and commitment to an American empire, forged on a different basis to the British Empire that had come before. The second was a deep disagreement of the best means to achieve this empire. American elites found they differed sharply from one another about the appropriate balance of power and liberty in a republican empire, and asked serious questions about whether the newly-created union had the resources to manifest effective empire. The heightened, contested tone that defined the ratification debates arose from trying to understand republican empire in a culture with widely varying conceptions of sovereignty, rights, federal relationships, representation and corruption.

Both elements of the ratification debate proved vital to the creation of the federal regime after 1788, and require closer analysis in their own right. While a near-universal agreement on empire might have made thin ground for impassioned debate, in fact this agreement was utilized by the Constitution’s proponents to leverage support for the
controversial new governing document. Under the Confederation, they argued, the imperial goal of international sovereignty had been compromised by the Confederation’s weaknesses. And the still-outstanding goal of continental expansion appeared a fantasy, as American settlement of the West stalled, and Britain and Spain pushed their own diplomatic influence into a region Americans claimed within their own borders. Only a more efficacious government could reverse these problems. Furthermore, the Constitution’s supporters argued that the unique construction of the federal government meant that it could achieve these imperial ends within the constraints of American resources, geography and political culture.

3.1: Restoring Imperial Sovereignty

While some of the Revolution’s ardent idealists may have hoped their struggle for independence would encourage a more peaceful world of international cooperation, the cold realities of power politics made themselves clear from the moment the ink dried on the Treaty of Paris.233 The Americans quickly disbanded an army that they could not pay to maintain, and had no navy. Settlers in the West remained locked in conflict with the native powers of the region, who refused to abide by Britain’s cession of their lands to the United States. America’s own allies from the war, France and the Netherlands, demanded repayment of the loans they had granted them. And Spain and Britain both

hovered on the northern and southern edges of the young polity, seeking to draw peripheral regions such as Tennessee and Vermont back into their respective imperial orbits. If the United States could have any claim to imperial sovereignty, the basic right to self-determination within the geopolitical world order, it needed a government that could give it strength in its relations with foreign powers.  

In the most basic sense, the United States needed a government that had the power to defend it from external enemies. Thomas McKean of Pennsylvania was just one leading politician who worried that without change, the United States would “stand defenseless amidst conflicting nations”. “Wars are inevitable” McKean admitted, typifying the realist vision of the world shared by all those committed to reforming the government. For a republic, without a standing army, to wage war required a more efficacious, centralized system of government, because “war cannot be declared without the consent of the immediate Representatives of the people; there must also originate the law which appropriates the money for the support of the army”. 

This was not just a general principle, but a specific analysis of the geopolitical situation in the Atlantic world of the 1780’s. American writers placed their polity within a system of competing empires, with a particular eye to the dangers of their own North American continent, but with a clear awareness of how events in their own backyard remained influenced by the power politics of Europe. In 1787, as the debate over the Constitution raged, France, Britain and Prussia came close to war over political turmoil in

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234 Gould, *Among the Powers of the Earth*, 119-126

the Netherlands. McKean’s fellow proponent of the Constitution in Pennsylvania, James Wilson, noted that “The accounts we receive by every vessel from Europe mention that the highest exertions are making in the ports and arsenals of the greatest maritime powers”.236 The opponents of the new government were just as aware of the developments abroad, but tried to argue that Europe’s troubles would be America’s good fortune, that conflict between the great powers would by America a period of peace. Patrick Henry identified “France, England and Spain” as the “nations there which can trouble us”. But referencing news from Thomas Jefferson, then ambassador to France, Henry stated “at present we know for a certainty, that those nations are engaged in very different pursuits from American conquests… Give me leave then to say, that dangers from beyond the Atlantic are imaginary”.237

Yet the reformers recognized that in the event of a war, the entangled nature of the international system meant it would be hard to stay truly uninvolved. At sea, a neutral power that lacked sufficient strength of its own could see its merchant marine seized and confiscated by the predatory belligerents (a lesson that the United States would learn to its cost in the decades to come).238 And on the continent, Alexander Hamilton showed how the United States was effectively surrounded by hostile powers

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236 Tuesday, 11 December 1787, Pennsylvania Convention Debates, in DHRC, 2:581

237 The Virginia Convention, Tuesday, 24 June 1788, Debates, in DHRC, 10:1480. See also Samuel Bryant of Pennsylvania, “The present distracted state of Europe secures us from injury on that quarter” DHRC, 2:166

238 Wilson, “until a stroke be made on our commerce”, Tuesday, 11 December 1787, Pennsylvania Convention Debates, in DHRC, 2:582, on Jeffersonian foreign policy with Britain over naval issues, see Cogliano, Emperor of Liberty, Robert W. Tucker, David C. Hendrickson, Empire of Liberty: The Statecraft of Thomas Jefferson (New York, Oxford University Press, 1990), 204-230; Lang, Foreign Policy and the Early Republic, 146-8
allied against it, faced on the one side with “growing settlements subject to the dominion of Britain”, while “On the other side and extending to meet the British settlements are colonies and establishments subject to the dominion of Spain”: the two sharing “a common interest”, and joined by “The savage tribes on our Western frontier…their natural allies.”

War with the European empires could spark further Indian conflict, or conflict with the native powers could drag Britain or Spain in, to assist against American expansion into regions they still projected as their own. Oliver Ellsworth of Connecticut summed up the confederation’s apparent weaknesses on the continent most vividly, warning “Half a dozen regiments from Canada or New Spain might lay whole provinces under contribution, while we were disputing who has power to pay and raise an army”.

The solution was to pre-empt any threat. “The best way to avoid danger, is to be in a capacity to withstand it”, James Madison argued to his Virginia peers: urging them to accept the modest peacetime establishment proposed under the Constitution government, rather than be dragged into conflicts that would necessitate much greater military commitments in the long term.

Without the overarching unity of a more integrated imperial model, George Washington suggested that the states’ varied interests could lead them into alliances with different European powers, bringing the European system of balance of power and


240 A Landholder V, 3 December, in DHRC, 3:482

241 The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1206; writing to the same group of Virginians, Tench Coxe of Pennsylvania suggested the British and Spanish colonies were no match for a united American polity, concluding “Were we united by the federal government, there would be no enemy at hand to disturb our perfect tranquility”: An American, Pennsylvania Gazette, 28 May, in DHRC, 9:891-2

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military competition into the midst of the supposedly united states.\textsuperscript{242} Even if they avoided direct involvement, reformers were keen to stress that divided, a series of smaller confederacies could not invoke the same depth of resources as a single unified empire, and would be easy prey for their foreign rivals. Numerous writers made the same argument as Ellsworth, as he observed that “divided, we are weak. It is easy for hostile nations to sweep off a number of separate states one after another”.\textsuperscript{243} The republic needed both unity and strength to ensure it could remain peacefully out of Europe’s wars, by maintaining the ability to deter European intervention in North America. “I do not mean, that, with an efficient government, we should mix with the commotions of Europe” insisted Wilson. “No, sir, we are happily removed from them and are not obliged to throw ourselves into the scale with any. This system will not hurry us into war; it is calculated to guard against it.”\textsuperscript{244}

Beyond the raw calculations of military strength, the United States’ security depended on its diplomatic position: its ability to make treaties and meet the resulting obligations. Well-kept treaties would bring the friendship of other powers, and improve commercial access for American ships; while an inability to keep treaties would leave the United States outside of serious consideration in European diplomacy, with rival empires

\textsuperscript{242} George Washington to Thomas Jefferson, Mount Vernon, 1 January 1788, in \textit{DHRC}, 8:282; see also Oliver Ellsworth’s similar arguments in The Connecticut Convention, Friday, 4 January 1788, Convention Debates, in \textit{DHRC}, 3:545: the pervasive fear of balance of power diplomacy coming to the North American continent will be dealt with in more detail below, also see Hendrickson, \textit{Peace Pact}


\textsuperscript{244} Tuesday, 11 December 1787, Pennsylvania Convention Debates, in \textit{DHRC}, 2:583
left all-but free to meddle in American affairs. While the Articles of Confederation had reserved sole, imperial power of treaty-making to Congress, its inability to enforce any of its decisions on the states made the power moot. Treaty stipulations entered into in good faith by Congress and its ambassadors, such as those at the Treaty of Paris, could be undermined by an individual state’s refusal to abide by them out of local self-interest: “an exception”, Madison complained “under which treaties might be substantially frustrated by regulations of the States”. If the United States’ government could not see treaties enforced within its own territory, its practical claims to sovereignty were undermined, and Europeans had no reason to interact with the impotent Congress.

Throughout the ratification debates, writer after writer raised the issue that the United States needed a government that could implement its diplomatic agreements, to make the young country treaty-worthy in the eyes of their neighbors and rivals. To avoid seeing “our government embroiled abroad”, Pelatiah Webster of Pennsylvania argued it “necessary to institute some federal authority, sufficient to punish any individual or State, who shall violate our treaties with foreign nations”. Only then could the United States hope to cultivate foreign powers friendship, gain diplomatic weight in foreign councils,

245 During the Pennsylvania state convention, a dinnertime toast that included “The powers of Europe in alliance with the United States” suggests at the latent importance of foreign relations: see Thursday, December 13, 1787, Newspaper Reporting on Proceedings, in DHRC, 2:607

246 Publius: The Federalist 42, New York Packet, 22 January in DHRC, 14:427; on the Confederation’s failing to meet treaty obligations bringing disrespect and even danger to the United States, also see The Pennsylvania Assembly, Friday, 28 September 1787, in DHRC, 2:77, 87, and Coxe writing to the Virginia Assembly in An American, Pennsylvania Gazette, 21 May, in DHRC, 9:836

247 On the US being a treaty-worthy nation, see Gould, Powers of the Earth, 11

and have a chance of gaining, in Ellsworth’s words, “all the advantages of a sovereign empire”.

The importance of strong diplomacy and well-enforced agreements was most keenly felt by American leaders in the realm of commerce and debt repayment. While perhaps not as attention-grabbing as fears of invasion, these issues showed how the United States were bound into the competitive, often-dangerous wider Atlantic world, and how difficult it was for a weak new polity to force its way into an international system of other empires on terms of any sort of parity. Furthermore, early diplomatic failure in these areas revealed loose threads that had the potential to unravel the Union’s tentative geopolitical security.

Commerce was rarely far from a political writer’s pen. Americans were a deeply commercial people, long enmeshed in an Atlantic world full of moving commodities. Britain’s commercial restrictions on what and where Americans could trade had roused resentments in the pre-Revolutionary years, and Americans had looked forward to independence as a chance to embrace free and open commerce with the wider world. Yet upon gaining independence, Britain closed its West Indian ports to American ships, while the former mother-country’s highly productive domestic industries pumped out commodities that far outstripped anything the United States could match, allowing

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250 Gould, Among the Powers, 119-126

Britain to flood the American market with cheap goods.\textsuperscript{252} All the while, American merchants found themselves discriminated against in other foreign ports they sailed to, “utterly excluded or loaded with duties and customs sufficient to absorb the whole”.\textsuperscript{253} As Adam Smith predicted at the beginning of the imperial crisis, British leaders in the initial years after American independence found that they could keep the former colonies in economic dependence while saving the costs of maintaining political control.\textsuperscript{254}

Worse for American merchants, independence meant the withdrawal of British naval protection, with no American fleet to replace it. This left ships on Mediterranean voyages vulnerable to attack by the piratical regimes of Northwest Africa, who seized American goods and carried the crews into slavery.\textsuperscript{255} Connecting this military impotency to their exclusion from foreign ports, some Americans saw a British hand in the designs of the Barbary corsairs.\textsuperscript{256} Powerless, Congress conceded in 1786 to pay tribute to the rulers of Algiers, Tunis and Tripolitania.

\textsuperscript{252} A Farmer: To the Farmers of Connecticut, New Haven Gazette, 18 October, in \textit{DHRC}, 3:393; One of the People, Pennsylvania Gazette, 17 October, in \textit{DHRC}, 2:187-8; Martin Oster to le Maréchal de Castries, Norfolk, 19 October, in \textit{DHRC}, 8:84

\textsuperscript{253} Social Compact, New Haven Gazette, 4 October, in \textit{DHRC}, 3:356


\textsuperscript{256} Nathaniel Peaslee Sargeant to Joseph Badger, 1788, in \textit{DHRC}, 5:565
These “embarrassments under which Commerce labours” brought home the fact that American sovereignty was not yet truly established. Still held in economic dependency to the British empire they had supposedly seceded from, with their commerce discriminated against in foreign ports, and their very citizens and property carried off by pirates, American claims to an independent empire seemed far-removed from reality. Yet American leaders were not ignorant to the nature of the problem, or a potential solution. Commercial regulations could level the playing field, such as import duties that would protect American industry from cheaper European competition, and so incentivize reciprocal trade treaties with foreign powers. Americans had seen the power of exclusive commercial regulation before the Revolution, when their trade, while limited, had been protected under the British Navigation Acts. Import duties could also help fund a navy, to protect the United States from maritime foreign intrusions without presenting the same threat of domestic oppression as a standing army.

However, under the Confederation, commercial regulation remained reserved to the individual states. With thirteen separate economic interests, there was no hope of gaining any leverage abroad, for if one state or several raised duties to protect against Europeans, a neighboring state merely had to lower theirs, encouraging foreign trade to their ports instead, benefitting at the cost of their nominal countrymen. This became apparent soon after the Revolution, and Congress attempted to pass amendments to the Articles to give the Confederation some regulatory power. A 1784 proposal admitted that

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257 President John Sullivan, Thanksgiving Proclamation, Durham, N.H., 24 October 1787, in DHRC, 28:22

258 Cathy D. Matson and Peter S. Onuf, A Union of Interests: Political and Economic Thought in Revolutionary America (Lawrence, University of Kansas Press, 1990), 67-8, 70-76, 78
“Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade”.259 Yet the Articles’ need for unanimity meant a single state could derail amendments, as happened repeatedly during the 1780’s. Seeing how the decentralized nature of the union undermined its intended imperial unity, Ellsworth lamented,

“When we call ourselves an independent nation, it is false: we are neither a nation, nor are we independent. Like thirteen contentious neighbors, we devour and take every advantage of each other, and are without that system of policy which gives safety and strength, and constitutes a national structure. Once we were dependent only on Great Britain; now we are dependent on every petty state in the world and on every customhouse officer of foreign ports”.

“Your only remedy” he argued, “is such a national government as will make the country respectable, such a supreme government as can boldly meet the supremacy of proud and self-interested nations”.260 Hamilton explained how in the eleventh Federalist.

“By prohibitory regulations, extending at the same time throughout the States, we may oblige foreign countries to bid against each other, for the privileges of our markets”.

Holding the keys to access all of the United States’ fast-growing domestic market gave Congress the trump card it needed to leverage foreign access in return. The lucrative British Caribbean that American merchants had previously grown rich supplying, could now, Hamilton posed, be held economic hostage to an Anglo-American treaty, so that

259 Grant of Temporary Power to Regulate Commerce, 30 April 1784, in DHRC, 1:154; also see New Jersey Representation to Congress, 15–16 June 1778, in DHRC, 1:114

260 A Landholder II, 12 November, in DHRC, 3:401

261 A Landholder I, 5 November in DHRC, 3:399; see also Lambert Cadwalader to George Mitchell, New York, 8 October, in DHRC, 3:138
“the importunities of the West-India islands… would let us into the enjoyment of
privileges in the markets of those islands and elsewhere.”

Americans recognised that their commercial strength lay in unity, as a
Connecticut pamphleteer, calling for a lay aside local rivalries to better face off “against
the encroachments of foreigners”, expressed themselves “desirous that all the people of
the United States may be connected with us for the establishment of the American
empire”.

And directly neighboring Connecticut, even the perennial holdout state Rhode Island faced the realisation that it couldn’t negotiate any serious commercial
access to foreign ports without joining the union, or “bend the knee” and accept the
suzerainty of “haughty Britain”.

While New England, with its shipping interests, spoke the loudest on this issue, and had the most to gain from protecting homegrown trade, Southern reformers could point out that in the face of piracy threats, their own
interests were served in “the growth of a Navy… for the security of that wealth which is
to be derived from their agriculture.”

Again and again, the terms unity, reputation, and respect appeared beside calls for revived commerce and credit, as writers and petitioners

262 Publius: The Federalist 11, New York Independent Journal, 24 November, DHRC, 14:210, 211; see also Massachusetts Centinel, 29 September, in DHRC, 4:24


265 Edward Carrington to Thomas Jefferson, New York, 23 October, in DHRC, 8:94-5
across the union shared in the belief that the fate of the empire depended on the United States retaking control of their commercial fate.266

Whereas a failure to regulate their own commerce made the Confederation appear to foreign powers as too contemptible to grace with a treaty of trade, its failures to meet its treaty obligations over debts raised a direct security threat. In Paris, Congress had agreed with Britain to pay reparations for Loyalists’ losses of property during the war. And to win that war, the Americans had solicited large loans from their French and Dutch allies, that now needed repaying. Yet Congress’ inability to enforce tax collection from the thirteen states left these obligations unmet. “The Treaty of Peace with Great Britain was a very favorable one for us”, argued Ellsworth, “But it did not happen perfectly to please some of the states, and they would not comply with it”. Indeed, non-compliance went beyond ignoring Congress, as Wilson expanded, “in order to prevent the payment of British debts, and from other causes, our treaties have been violated… by the express laws of several states in the Union”.267 Refusing to tax their own citizens to repay foreigners, individual states passed legislation unilaterally cancelling the debts.

The states’ actions had an important implication. As Wilson reported,

“when the minister of the United States [John Adams] made a demand of Lord Carmarthen, of a surrender of the western posts, he told the minister, with truth and justice, ‘The treaty, under which you claim those possessions, has not been

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266 Cumberland County Petition to the Pennsylvania Convention, 28 November, in DHRC, 2:299; A Jerseyman: To the Citizens of New Jersey, Trenton Mercury, 6 November, in DHRC, 3:147; Hambden, Maryland Journal, 14 March 1788, in DHRC, 11:387; Albany Gazette, 1 November 1787, in DHRC, 19:151

267 The Connecticut Convention, Friday, 4 January 1788, Convention Debates, in DHRC, 3:544; Friday, December 1787, Pennsylvania Convention Debates, in DHRC, 2:517
performed on your part. Until that is done, those possessions will not be delivered.”

The Western forts were, as of the Treaty of Paris, US possessions on sovereign US territory. Britain’s ongoing and unchallenged occupation of them undermined that claim to sovereignty. Worse, in practical terms, they were key strategic assets, controlling important riverine and lake trade routes through the Northwest, and gave the British vital bases of operation to supply the Native powers of the Great Lakes region. Providing both commodities that kept Native American groups within the British political and economic orbit, and the modern weapons that helped them effectively protect their autonomy from American attempts to settle the region, British possession of the forts had the potential to pry the Ohio and Illinois regions back out of the territory of the United States. With one eye on the empire’s territorial integrity, and the other on the importance of the Northwest for northern citizens to move out and settle, writers from New England to Pennsylvania called for a government that could meet the conditions of the peace treaties and make Britain do the same.

While failure to repay war debts to Britain created a broad risk to the coherence of the young American empire, failure to repay debts to their allies raised the potential for a more focused, but still striking erosion of American territorial sovereignty. Within the eighteenth-century law of nations, a power was justified in punitive action to extract its

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268 DHRC, 2:517-8

269 Hatter, Citizens of Convenience, 44-6 Gould, Amongst the Powers, 121-2, 136-7

270 The Connecticut Convention, Friday, 4 January 1788, Convention Debates, in DHRC, 3:544; An Association of Christian Ministers, A Concert for Prayer, October 1787, in DHRC, 18:32; the same text for the return of the western forts appeared in Massachusetts Centinel, 1 December, in DHRC, 4:346, and Albany Gazette, 1 November 1787, in DHRC, 19:151

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due from another state that reneged on financial obligations to them. Thus, a New Jersey pamphleteer warned that France and the Netherlands, the major naval powers that “have lent Congress money during the late war…” would not “only laugh at our folly. They will in a short time do something more disagreeable to us. They will do justice to themselves by seizing our merchants’ ships and making reprisals on our property”. With no navy to defend them, the United States may have found its shipping and even its port cities raided and looted by forces of the very countries that had formerly aided their independence.

Reformers were acutely aware, therefore, that a central power was needed to ensure that the United States met its foreign obligations, “a federal power that shall be sufficient to oblige a delinquent state to comply with the requisition. Such power must exist somewhere, or the debts of the United States can never be paid”. The institutional form they proposed this took was a federal court system that could process interstate and international claims. Reacting to the opposition’s protests that this court system was far too powerful, undermining the jurisdictions of local courts answering to local laws and customs, some reformers referenced American relations with foreign powers:

“A Supreme Court is appointed for the general Confederacy, who is to have original jurisdiction only in causes affecting ambassadors, or public ministers, and where a state shall be a party. Is it not absolutely necessary that there should be one court for these general purposes of government, and if so, can the original jurisdiction be more limited? Would it be prudent to make it necessary that the

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271 A Jerseyman: To the Citizens of New Jersey, Trenton Mercury, 6 November, in DHRC, 3:150; on the law of nations and military reprisals for unpaid debts, see Hendrickson, Peace Pact, 173, Lang, Foreign Policy in the Early Republic

272 A Citizen of America: An Examination Into the Leading Principles of America, October 17, 1787, in Ford, Pamphlets
representative of the allies of our nation, who appear in the place of their sovereign, should be attending courts in distant states, and exposed to local customs and laws of which they cannot be supposed to have any knowledge, while their presence is necessarily required at the seat of the general government?\textsuperscript{273}

Only courts of imperial scope could enforce the obligations that the United States owed to its fellow empires, and so ensure its safety within the diplomatic system.

3.2: Building Empire in the West

Once the United States had secured recognition of its existence, its sovereignty and its commercial credit, it could begin the most important part of its imperial project. It could finally begin to assert control over the peripheries of its political domain. The Treaty of Paris had made the trans-Appalachian West a legal part of the United States’ territory, and yet the realities on the ground in the 1780’s suggested quite the opposite. The geographic wall of the Appalachians separated the American East and West, with only two major land routes crossing the mountain chain. Land transport was slow and expensive, and so the physical distance was magnified by logistics and costs. The land around the Great Lakes remained in the orbit of Britain, through its control of the Northwest forts. And the territory of the Ohio Valley was part of a riverine network covering everything from the Illinois country to Tennessee, tied together at the strategic hub of New Orleans.\textsuperscript{274} The city was controlled after 1763 by Spain, and if empires were

\textsuperscript{273} Reply to George Mason’s Objections to the Constitution, New Jersey Journal, 19, 26 December, in \textit{DHRC}, 3:157

\textsuperscript{274} Furstenberg, F., ‘Significance of the Trans-Appalachian Frontier’, 660-2
shaped solely by geography, much of the trans-Appalachian West would have become part of the Spanish empire instead of the American.

This geography of empire showed how the partition of the continent in 1783 had rendered the United States more vulnerable. While James Wilson still enthused about “the extent of the country, so intersected and almost surrounded with navigable rivers, so separated and detached from the rest of the world”, the fact remained that any river that ran west of the Appalachians reached the Caribbean or the Great Lakes, in territory controlled or contested by Spain and Britain. More apt than Wilson’s optimism then, was Hamilton’s portrayal of an alliance between the two European empires and the Native powers than inhabited the vast majority of the Western lands. The United States faced a serious challenge overcoming the strength of the Indian nations, both on account of indigenous military power, and the Confederation’s own inability to raise a large army to garrison the West. As settlers pushed further into Kentucky, the Forks of the Ohio region, and north of the Ohio itself, they came into constant, low-level conflict with Shawnee, Delaware and Miami groups, while Cherokee and Creek confederacies clashed with settlers moving further south. Bereft of funds, Congress could only station a paltry, few-hundred soldiers along the Ohio, unable to impose the government’s will or restrain the violence, while the Native powers continued to be supplied by British and Spanish forces from their bases in the region. Notably, despite disagreeing over the maintenance of a peacetime standing army, supporters and opponents of the Constitution conceded the

necessity of these few troops on the borders, justified by the “inhuman” nature and “indiscriminating cruelties” of their enemies.²⁷⁶ And in Georgia, little opposition to the Constitution arose at all, because all parties foresaw a stronger government would help them on their long-running border wars against the Creek.²⁷⁷

Yet even the loyalty of these white, Euro-American settlers in the west could not be taken for granted. While economic independence and self-sufficiency were important drivers in their quest for land, few passed up the possibility of growing crops for profit. As such, settlers needed access to regional and even global markets; access that they could only achieve via river transport.²⁷⁸ With Spain controlling the mouth of the Mississippi, “the only outlet to this Western World”, and holding the power to heavily tax, or even close the river to American traffic, there were clear commercial incentives for settlers in the West to embrace the rival empire.²⁷⁹ Indeed, notable figures in the West, such as James Wilkinson and Andrew Jackson, did make connections with Spanish administrators in the 1780’s in order to protect their economic interests.²⁸⁰ This

²⁷⁶ A Democratic Federalist, Pennsylvania Herald, 17 October, in DHRC, 2:197; Virginia Independent Chronicle, 28 November, in DHRC, 8:150; Griffin, American Leviathan 184-8. The Native view of this conflict along the Ohio is covered in Chapter 6.

²⁷⁷ DHRC, 3:205-6, 209, 211

²⁷⁸ Matson and Onuf, Union of Interests, 67-81, Cogliano, Emperor of Liberty, 88-93

²⁷⁹ Harry Innes to John Brown, Danville, Ky., 7 December, in DHRC, 8:221-2; the threat from Spain closing the Mississippi appeared in the Federalist papers, in Publius: The Federalist 11, New York Independent Journal, 24 November, in DHRC, 14:212-3, and Publius: The Federalist 15, New York Independent Journal, 1 December, in DHRC, 14:326; the Spanish were themselves aware of how important river access was to the Americans, as evidenced by their Minister to the US: see Don Diego de Gardoqui to Conde de Floridablanca, New York, 6 December, in DHRC, 8:205

²⁸⁰ On western figures’ relationships with Spain, a good recent study is David E. Narrett, ‘Geopolitics and Intrigue: James Wilkinson, the Spanish Borderlands, and Mexican Independence’, in William And Mary Quarterly, 2012, Jan, Vol.69(1), 101-146
geopolitical awareness filtered down beneath the military and political elite, as a meeting of Pittsburgh residents connected the key points, of how America weakness allowed European intervention, which stifled American trade and enabled Indian military action against white settlements:

“our prosperity depends on our speedy adoption of some mode of government more efficient than that which we now possess; that of all people it becomes us of the western country more especially to desire an object of this kind; as from the weakness of Congress to take proper measures with the courts of Spain and Britain, we are on the one hand deprived of the advantages of the Mississippi trade, which is our natural right, and on the other, are liable to the incursions of the savages, the posts on the lakes not being yet delivered up according to treaty.”

Consolidating control of this unstable, contested region provided a crucial proof-of-being for an American empire. While other, new forms of government may have made the original thirteen states work together more effectively, only by embracing a Constitution that allowed for projecting power outwards, to bring the trans-Appalachian West under effective political control, could the United States develop from a coastal confederation to a legitimate, imperial state. That is not to say that American settlers could not or did not pursue expansion and land-grabbing on their own, best evidenced by Governor George Matthews of Georgia promising that “an expedition be carried into the Creek Nation”, so that “we shall soon be able to crush the power of that insidious people and restore peace and harmony to our frontiers”. But the failings of Georgia’s state-

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281 Pittsburgh Meeting, 9 November, in DHRC, 1:286

282 Governor George Mathews to Governor John Sevier, Augusta, 10 October, in DHRC, 3:222; see also DHRC, 3:211
level expansion and the tenuous situation of the settlers along the Ohio, showed the limits of settler expansionism when not backed with imperial power.\footnote{On Georgia’s reverses against the Creek, see Joseph Clay to John Pierce, Savannah, 17 October, in \textit{DHRC}, 3:232; John Jay to Thomas Jefferson, New York, 3 November, in \textit{DHRC}, 3:261; Nicholas Gilman to President John Sullivan, New York, 7 November, in \textit{DHRC}, 3:261-2; concerning settlers along the Ohio, see Louis Guillaume Otto to Comte de Montmorin, New York, 23 October, in \textit{DHRC}, 1:352-3, and as above, A Democratic Federalist, Pennsylvania Herald, 17 October, in \textit{DHRC}, 2:197}

The crucial institutional elements of American imperial expansion in the West were the 1785 Land Ordinance and the 1787 Northwest Ordinance. While passed under the Confederation Congress, both Ordinances’ approaches to the trans-Appalachian West required strong central government, only guaranteed with the adoption of the Constitution over the following year.\footnote{Reginald Horsman, “The Northwest Ordinance and the Shaping of an Expanding Republic”, \textit{Wisconsin Magazine of History}, (1989): 21-32; Peter S. Onuf, \textit{Statehood and Union: A History of the Northwest Ordinance} (Bloomington, University of Indiana Press, 1987), 44-66; the first federal Congress re-passed the Northwest Ordinance, in slightly modified form, in 1789.} Without it, surveying, sales and new settlement would have all stalled before the realities of frontier violence and lawlessness.\footnote{For an example of how wild speculation led to uncontrolled white settlement in contested regions, sparking further conflict with Native American neighbors, see \textit{DHRC}, 3:51} The combination of the two Ordinances with the federal power to put them into action defined the form that American empire would take. The Land Survey arose from the government’s need to map the resources contained in the newly-acquired western regions, and more importantly to attempt a systematic record of the land available for settlement. This major mapping operation resulted in the transaction of the land being sold to American citizens in return for funds that helped to clear Congress’ debts.\footnote{Ordinance for the Sale of Western Lands, 20 May 1785, in \textit{DHRC}, 1:157-162; Lambert Cadwalader to George Mitchell, New York, 8 October, in \textit{DHRC}, 3:137-8; Agrippa IV, Massachusetts Gazette, 4 December, in \textit{DHRC}, 4:381, Agrippa XII, Massachusetts Gazette, 15 January, in \textit{DHRC}, 5:721; Onuf, \textit{Statehood and Union}, 21-43;}

Major axes of
American empire came together here: secure control of the West allowed for confidence in land sales, which allowed the US to meet its obligations to foreign powers, without resorting to unpopular taxation, that may have created particular divides along sectional lines.

The Northwest Ordinance defined a novel new way of managing colonial spaces like the West. While imposing a strong, often military, form of rule through an early territorial period, the Ordinance prescribed that western regions would advance to full statehood and equal membership in the Union with the original states.\(^{287}\) This transition was vital, as Hamilton observed that the West of the 1780’s had become “an ample theatre for hostile pretensions, without any umpire or common judge to interpose between the contending parties”. Extrapolating the violence that had broken out in the Wyoming Valley across the Appalachians, both Hamilton and Wilson worried that “discordant and undecided claims between several” of the states might break up the Union through war between them. Only if “the general government [was] the great arbiter in contentions between them”, could the West become a resource, not a weakness to the empire.\(^{288}\)

In the following years this process reduced the problems of ruling the white settlers of the distant regions to a temporary challenge, with local resistance mitigated by the promise of shared power within the empire in the near future. It turned a potentially volatile colonial dynamic, similar to that which had undermined British rule in the West,

\(^{287}\) Ordinance for the Government of the Territory of the United States Northwest of the River Ohio, 13 July 1787, in *DHRC*, 1:170-174; Onuf, *Statehood and Union*, 60-64

into a semi-autonomous, low-maintenance form of self-rule by the new territories. And it formalized the institutional path to continental expansion. Since the imperial crisis, Americans’ understanding of how their polity would expand had been through absorption of other British colonies, such as Nova Scotia, Quebec, and the Floridas. The West had been an ambiguity, with the colonies, and then independent states, claiming pieces of the region for themselves. The Ordinance set in stone a long-gestated policy of forming entirely new states in the territory: a policy which could be, and indeed was, applied in any areas that subsequently fell under United States’ control.²⁸⁹

The picture that political writers painted of this new, imperial realm in the West was one of vast, empty tracts of land, that were nevertheless peopling rapidly. A traveller back from the West epitomised this, reporting to South Carolina readers “The situation and soil of those territories, in general, are extremely flattering, but the immense population that has already taken place in these parts has really astonished me.”²⁹⁰ Yet, in Virginia, Madison voiced the caveat to this rosy picture, stressing that only “If we afford protection to the Western country, we will see it rapidly peopled”.²⁹¹

²⁸⁹ See Ordinance for the Government of Western Territory, 23 April 1784 in DHRC, 1:151-2, for a precursor to the Northwest Ordinance; on creating new states in the West, see Publius: The Federalist 43, New York Independent Journal, 23 January, in DHRC, 15:441 and “M”, New Hampshire Spy, 20 November 1787, in DHRC, 28:52

²⁹⁰ Charleston City Gazette, 11 February 1788, in DHRC, 27:225 ; On available lands, also see Version of Wilson’s Speech by Thomas Lloyd, in DHRC, 2:352, Massachusetts Centinel, 29 September, in DHRC, 4:25, and The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1189; on rapid population growth, see Agrippa IV, Massachusetts Gazette, 4 December, in DHRC, 4:381, Agrippa IX, Massachusetts Gazette, 28 December in DHRC, 9:541, and The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1208

²⁹¹ DHRC, 10:1208 [italics provided]
For despite all the optimism that a West open for settlement provided to observers back East, and the innovation in governance eventually presented to Westerners by the Northwest Ordinance, sectional fears remained real in the later years of the 1780’s. The original states remained the dominant partners in the Union in population and economic interests, and many living west of the Appalachians feared that their own interests “and the interests of the Eastern states are so diametrically opposite to each other that there cannot be a ray of hope left to the Western Country to suppose that when once that interest clashes we shall have justice done us”.292 The fate of the Mississippi river was the main issue upon these fears seemed to come true. Since the end of the war, Spain had closed the river to American traffic, and long-running negotiations by the diplomatically weak Congress had failed to achieve anything. Aware of the commercial-strategic implications of their control, Spain rebuffed American requests, and pushed for the weak republic to relinquish all navigation rights. Eventually, in return for other, much needed commercial concessions, US diplomats agreed to concede American rights to the Mississippi for twenty-five years, in the Jay-Gardoqui Treaty of 1786, only to have the treaty rejected by the Confederation Congress.293

Control of the Mississippi was therefore a live political issue during the Ratification debates, and Western fears and resentments over the Gardoqui treaty took full voice. The traveller writing to South Carolina readers assured his audience that westerners “cannot hear, with patience, of the Spaniards claiming or demanding an

292 Harry Innes to John Brown, Danville, Ky., 20 February, in DHRC, 8:386
293 On Spanish-American diplomacy over the Mississippi, see DHRC, 10:1179-83, Bemis, Pinckney’s Treaty; and on the wider significance of river access, Gould, Powers of the Earth, 122-4, Cogliano, Emperor of Liberty, 88-93, 188-196
exclusive right to the navigation of the Mississippi—and any man that should attempt to recommend a cession of that nature upon any consideration whatever, would... be made to repent dearly for his temerity”. 294 Indeed, this led to some wondering whether the region would be better separate from the United States, depending on “her local Situation & internal resources”. 295 For reasons of their own, discussed below, Southerners opposed the Jay-Gardoqui treaty, supported opening the Mississippi, and made common cause with Westerners: particularly in Virginia, as the leading political force in the South and still in possession of the Kentucky region. Virginians spoke on behalf of the Kentuckians as a way to attack the proposed Constitution, warning that they would have little leverage to stop the Eastern states yielding the river, with no future recourse to return it. 296 Yet it was also Virginian James Madison who made some of the few major arguments to convince Westerners of the values of unity, stating “I think the inhabitants of that country, as well as of every other part of the Union, will be better protected by an efficient firm Government, than by the present feeble one”. In his writing he further argued that only the increased diplomatic weight of a new Constitutional government would give Westerners any hope of an open river, while security in the West would encourage Eastern investment and population movement that would bind their economic interests together. 297

294 Charleston City Gazette, 11 February 1788, in DHRC, 27:225
295 John Brown to Archibald Stuart, New York, 16 December, in DHRC, 8:243
296 The Virginia Convention, Friday, 13 June 1788, Debates, in DHRC, 10:1243-4
297 Quote from The Virginia Convention, Thursday, 12 June 1788, Debates in DHRC, 10:1200; see also James Madison to George Nicholas, Orange, 8 April, in DHRC, 9:707, and James Madison to George Nicholas, Orange, 17 May, in DHRC, 9:805-6; ironically, the same Kentuckian who suggested separation if the Constitution was ratified later came to believe that East and West’s interests were becoming
Southern support for the West arose through certain underlying assumptions about
the region’s future, arising in part through the general lack of population records
available at the time. Viewing the entire West through the lens of the growing
settlements in Virginian Kentucky, as well as perhaps Georgia’s vast claims in the
Southwest, Southerners believed that the West would be populated overwhelmingly by
their own people, bringing with them shared social and economic interests in agrarian
slavery. Without the data of a Union-wide census, but confident in the region’s fertile
land, they also assumed that the South and Southwest were growing faster than the North,
and therefore would ultimately hold the balance of electoral power in the Union. The
fate of the Mississippi therefore became a matter of long-term Southern interest.

Virginian politicians and writers identified the West, and specifically the
Mississippi issue, as deciding the shape the young American empire would take. William
Grayson, an opponent of the Constitution, laid it out in stark terms:

“I look upon this as a contest for empire.—Our country is equally affected with
Kentucky.—The Southern States are deeply interested in this subject. If the
Mississippi be shut up, emigrations will be stopped entirely. There will be no new
States formed on the Western Waters… This contest of the Mississippi involves
this great national contest—that is, whether one part of the Continent shall
govern the other. The Northern States have the majority, and will endeavor to

intertwined, removing the need for disunity: see John Brown to James Breckinridge, New York, 28
January, in DHRC, 8:330

Southerners were not alone in seeing the colonisation of the trans-Appalachian West as a
predominantly Southern affair. The Spanish ambassador recognized the Southern interest in his
correspondence with Madrid: Don Diego de Gardoqui to Conde de Floridablanca, New York, 6 December,
in DHRC, 8:205. In contrast, however, French observers noted it was Northerners flocking to “the banks of
the Ohio”, Louis Guillaume Otto to Comte de Montmorin, New York, 23 October, in DHRC, 1:352-3; at
least some Northerners thought the West would prove “a damage to us, rather than an advantage” as it
would “draw off our most valuable and enterprising young men & will impede the population of our old
states & prevent the establishment of manufactures”: Paine Wingate to Samuel Lane, New York, 2 June,
1788, in DHRC, 28:318

DHRC, 1:298
retain it. This is therefore a contest for dominion—for empire. I apprehend that God and nature have intended, from the extent of territory and fertility of soil, that the weight of population should be on this side of the Continent.”

He was not alone in this contentious reading of the politics of the West, and fellow opponents of the Constitution lined up to vent their fears that the new government would allow a two-thirds majority opposed to Southern interests to cede the Mississippi to Spain, to hinder the South’s inevitable rise to dominance within the Union. And at least one Virginia periodical complained of New Englanders denying Virginians control of ‘their’ rightful lands north of Ohio, and fretted at the same prospects amplified on a national scale under the Constitution. Grayson grappled with a similar theme, dismissing immediate arguments for of an American navy, arguments implicitly posed as favoring New England interests, as chimerical. Instead, he implied at a political economy catering to Southern, agrarian interests, avoiding manufacturing to focus on filling up the Western lands.

In face of this, Madison again made the case for unity and shared objectives. To his Virginia peers, he tried to allay suspicion that the North would cede the Mississippi, arguing that both sections would benefit from settlement, and gain interlocking interests.

300 The Virginia Convention, Saturday, 14 June 1788, Debates, in DHRC, 10:1259

301 On Henry, see The Virginia Convention, Thursday, 12 June 1788, Debates, DHRC, 10:1220, and 13 June, Debates, DHRC 10:1245; on Monroe, The Virginia Convention, Friday, 13 June 1788, Debates, in DHRC, 10:1235; for other statements by Grayson, see William Grayson to William Short, New York, 10 November, in DHRC, 8:151, and The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1192; an outside perspective on the serious divides of political economy between East and South can be found in French diplomatic correspondence, Antoine de la Forest to Comte de Montmorin, New York, 15 December, in DHRC, 8:239-40

302 Virginia Independent Chronicle, 14 November, in DHRC, 8:158

303 The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1188-9
And implicitly, this was also an argument to the North, that the West was not just a source of benefit for the South, as by his reckoning all parts of the union would see economic reward from it. Yet, whichever direction they faced, Madison formed his arguments around a shared commitment, as strong as his opponents’, that the US needed to keep the Mississippi open to develop its nascent empire. Reformist leaders like Madison needed to convince all sides that a more efficacious government could achieve mutually beneficial ends to smooth over notable, sectional fears. They succeeded because the size and scope of the western empire allowed the various parties to project their hopes onto a still barely-mapped canvas.

Indeed, once American elites got past immediate sectional concerns, they tended to share broad and ebullient ideas about their young republic’s future, both on the North American continent, and then in its place in the wider world. While the French diplomat Otto rebuked the proponents of the Constitution “for the impatience of anticipating their future grandeur”, noting that “the united States held the place among nations which their youth and means assigned them; they are neither rich enough, populated enough, nor well established enough to appear with more luster”, his realism was out of step with the American political culture around him. American writers still argued for imperial expansion, north against Canada, south to take in the Floridas, or West, to reach across

304 The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1208; The Virginia Convention, Friday, 13 June 1788, Debates, in DHRC, 10:1239-40; Pennsylvanian Tench Coxe made a rare foray as a Northerner writing directly to the Virginian Assembly to argue that unity was in their economic interests. Tellingly, he talked about their trade with the Ohio valley, and how dependent they were on union to use the riverine connections that flowed through Pennsylvania: An American, Pennsylvania Gazette, 28 May, DHRC, 9:890

305 Louis Guillaume Otto to Comte de Montmorin, New York, 26 November, in DHRC, 14:230
the Appalachians to fill the Ohio Valley with a flood of immigrants from Europe. All reformers made this vision conditional on accepting the Constitution, as instrumental to “building up a great and boundless empire”.

Their imperial visions extended beyond their own continent. Confident in their long maritime tradition, New Englanders could wax poetic about their commerce reaching the furthest corners of the earth, only to appreciate that in the competitive international system, they would require military force “to vindicate the rights of America—in all quarters of the globe”. American leaders North and South agreed with this sentiment, whether a short or long term goal, and believed that the United States, via its navy, could eventually match the rival maritime powers of the Atlantic, and ultimately decide the balance of power in Europe.

Idealists anticipated “American principles” resounding in European political culture, and at their most grandiose, some writers hoped to see “our Union States giving laws like Rome, to all the world besides”.

On the practicability of an empire of British scope, see Tench Coxe’s writing in An American, Pennsylvania Gazette, 28 May in DHRC, 9:891; Georgia had proposed a similar process to statehood for the Floridas as codified for Canada in the Articles of Confederation, see DHRC, 3:208; on conquering the Floridas, see, Marcus, New Jersey Journal, 14 November, in DHRC, 3:152. On the West and immigration, see Massachusetts Gazete, 30 October in DHRC, 4:172; Boston Gazette, 12 November, in DHRC, 4:221; Madison’s thoughts in The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1206; An Observer, Lansingburgh Northern Centinel, 22 October 1787, in DHRC, 19:124

Hampshire Gazette, in DHRC, 4:176

Quote from Truth, Massachusetts Centinel, 24 November, in DHRC, 4:235; on commerce: “Our trade and our commerce shall reach far and wide/And riches and honour flow in with each tide/Kamschatka and China with wonder shall stare/That the Federal Stripes should wave gracefully there.” – The Grand Constitution, Massachusetts Centinel, 6 October, in DHRC, 4:57

Federalists were decidedly in favor of a fleet: Publius: The Federalist 11, New York Independent Journal, 24 November, in DHRC, 14:211; Civis, Maryland Journal, 1 February 1788, in DHRC, 11:278; yet even an opponent of the Constitution like William Grayson foresaw a future American fleet that would equal any other powers’: The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1189

On American principles, see Thursday, December 13, 1787, Newspaper Reporting on Proceedings, in DHRC, 2:607; on Rome, see John Preston to John Brown, Smithfield, Montgomery
Facing a dangerous world, the proponents of the Constitution made necessity a watchword of their calls for regime change, such as the Maryland newspaper that argued for the “necessity of the immediate establishment of competent and efficient powers in the supreme head of the United States”\(^{311}\). Yet while this faction argued for the self-evident need for the new government, they and all American elites recognized that they needed to shape government around the limited means at their disposal. A dispersed population, a lack of money in circulation, and a political culture opposed to over-powerful government constrained what the United States could hope to extract from its citizens.

The American population remained overwhelmingly rural, spread out on farms across the country’s expansive land area. Agrarian families were relatively self-sufficient, lacking in easily taxable disposable income, and too diffuse for a central government to easily control or coerce. And while ocean transport between ports made for rapid coastal movement and communication, piercing further inland was much more costly and time-consuming. The political economist Tench Coxe could enthuse about inland canals connecting East and West, but such infrastructure was a distant pipedream.

\(^{311}\) Baltimore Maryland Gazette, 16 November 1787, in DHRC, 10:57; also see A True Friend, Richmond, 6 December, in DHRC, 8:218, “necessity…for a federal constitution”; Cotton Tufts to Abigail Adams, Weymouth, 18 December, in DHRC, 5:478; “I… have wished for an Government adequate to our Necessities”; Curtius III, New York Daily Advertiser, 3 November 1787, in DHRC, 19:178: “a union dictated by necessity and safety”
in the 1780’s. Furthermore, they set out on this state-building venture with many figures aware of the absence of national spirit or national sentiment to inherently pull the inhabitants of the thirteen states together. After the grand, rhetorical gestures at projecting American power worldwide, the republic’s writers and thinkers had to delve into the more mundane details of constructing an empire on the cheap.

This work of construction took place on top of a political culture that stressed voluntarism over direct assertions of power. Americans inherited English traditions of local government stretching back to the sixteenth and seventeenth centuries, where the central state co-opted local elites, rather than following European continental ideals of absolute royal rule. When central government and local leaders worked in tandem, the English state functioned effectively, but the wheels of administration ground to a halt if elites opposed new demands such as taxes or military levies. In the American context, the broader distribution of property among the population opened this ground-level influence on the practical application of policy to local communities as a whole, and this

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in turn influenced and was expanded by the injection of republican ideals of political consent during the imperial crisis and the Revolution. And the lesser resources available to the United States’ governing institutions underlined even further the need for leaders to shape their desired policies into forms that the wider political community could accept.315

American leaders universally acknowledged commerce’s role as a vital adhesive for the variety of communities throughout the Union, regardless of their political affiliations. However, encouraging and benefitting from that commerce was difficult in an economic environment with a relatively small amount of hard currency in circulation.316 A crucial critique of the reformers was that in a state of war, there was no way to predict how much money a government would need, and so the ability to raise funds had to be limitless in principle. This lay behind the taxation clauses in the proposed Constitution.317 Yet actually extracting those taxes would be practically difficult, and politically unpopular, both in top-level politics, as well as, more importantly, on a local and even individual scale. American leaders were fully aware from their own fight against Britain of how stridently Americans could rally against taxes they thought were unfair, and how attempts at collection through civil authorities would

315 Edling, Revolution in Favor of Government, 9-10, 57-8

316 For a epitomal statement on the role of commerce, see Agrippa I, Massachusetts Gazette, 23 November, in DHRC, 4:305; on lack of hard currency among farmers, see Connecticutensis: To the People of Connecticut, American Mercury, 31 December, in DHRC, 3:513; for a commentator lamenting the profusion of paper money instead of hard currency, The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1190; Joyce Appleby, Capitalism and a New Social Order: The Republican Vision of the 1790’s (New York, New York University Press, 1984) 25-50

be nullified by collective opposition within local communities. This raised the spectre of having to deploy soldiers to assure collection, the very essence of the sort of despotic regime Americans had fought against in their war for independence. French diplomat Otto observed that without the external threat Britain had provided, any attempt to extract money would be an Achilles’ heel of government in this tax-adverse society.

Reformers’ answered this money problem through the impost. The Constitution government could use its new regulatory powers to remove the direct tax burden from the population, and place an ‘invisible’ cost on imported goods via the indirect taxation of excise duties. A Connecticut pamphleteer observed that “We have strained the point of dry taxation to its highest pitch”, and detailed “…an easier way…to raise such sums of money as are necessary for public use; indirect taxation, duties laid upon those foreign articles which are imported and sold among us. Such duties are paid, in the first place, by the merchant; by the man that is buying, and selling, and getting gain, and has the money to pay”. This solution turned one of the young country’s potential weaknesses, its high level of imports from abroad, into a financial strength. But it also minimized the logistical burden on its government agents, by concentrating their work at the empire’s ports, removing the need for them to range widely across the republic’s broad continental

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318 John De Witt IV, American Herald, 19 November, in DHRC, 4:268; Publius: The Federalist 12, New York Packet, 27 November, in DHRC, 14:237; on American resistance to taxes in Revolutionary and early republic political culture, see Slaughter, Whiskey Rebellion, particularly 17-27

319 Centinel I, Independent Gazetteer, 5 October, in DHRC, 2:162; Dissent of the Minority of the Convention, in DHRC, 2:637

320 Louis Guillaume Otto to Comte de Montmorin, New York, 26 November, in DHRC, 14:231

321 Connecticutensis: To the People of Connecticut, American Mercury, 31 December, in DHRC, 3:513; see also Lambert Cadwalader to George Mitchell, New York, 8 October, in DHRC, 3:137-8; The Connecticut Convention, Monday, 7 January 1788, Convention Debates, in DHRC, 3:549-50
territory. It meant far fewer Americans would experience the unwanted demands of a tax collector at their door.\textsuperscript{322} And it allowed political leaders in the North in particular to claim a community of interest between agrarian, mercantile and manufacturing interests in their states, as Ellsworth in particular argued that farmers’ “property and riches depend on a ready demand and generous price for the produce” that only arose when “trade flourishes and when the merchant can freely export the produce of the country to such parts of the world as will bring the richest return”.\textsuperscript{323}

The United States’ limited resources were also visible in terms of its military. While there was a powerful ideological opposition to standing armies as tools of oppression, as important was the fact that the American government in the 1780’s had no ability to maintain one.\textsuperscript{324} The Confederation maintained only its tiny army of 750 soldiers after the Peace of Paris, and without enforcement powers, as Hamilton observed, Congress’ power to raise soldiers was another quota system that the states could easily ignore.\textsuperscript{325} Similarly, John Dickinson’s aspirations for developed military infrastructure, of “civil and military stations, conveniently planted throughout the empire, with lively and regular communications” inferred the very lack of such resources in his present.\textsuperscript{326} Inherently connected to this, of course, was the intertwined inability for Congress to raise

\textsuperscript{322} A Farmer: To the Farmers of Connecticut, New Haven Gazette, 18 October, in \textit{DHRC}, 3:393

\textsuperscript{321} A Landholder I, 5 November, in \textit{DHRC}, 3:399; also see A Jerseyman: To the Citizens of New Jersey, Trenton Mercury, 6 November, in \textit{DHRC}, 3:147-8; Marcus, New Jersey Journal, 14 November, in \textit{DHRC}, 3:152; Philanthrop: To the People, American Mercury, 19 November, in \textit{DHRC}, 3:469

\textsuperscript{324} For a classic republican statement against standing armies, see Centinel I, Independent Gazetteer, 5 October, in \textit{DHRC}, 2:162

\textsuperscript{325} Publius: The Federalist 22, New York Packet, 14 December, in \textit{DHRC}, 14:438

\textsuperscript{326} Fabius VIII, Pennsylvania Mercury, 29 April, in \textit{DHRC}, 17:249
money, and pay to raise troops and build roads and forts directly. Writers recognized that the United States needed soldiers to guard its long borders and extensive territory in response to potentially hostile neighbors, and despite the extra demands, reformers were quick to point out that it would be much less of a burden for all of the states to contribute to protecting the periphery of the Union, while removing the need to guard each of their own borders with the other states.\footnote{327} And in the face of criticism that the states lacked the dense population, and thus manufacturing potential, to build a fleet, Hamilton countered that the pooling of resources would lessen the individual costs, while the very diversity of economic resources across the states facilitated an empire-wide naval project.\footnote{328}

The existing answer Americans had for the need for an army, but the lack of central funds or authority to raise one, was to delegate responsibility of defense of the empire to the state militias. Americans had inherited long-running European ideas about the positive relationship between a republic and a citizen militia.\footnote{329} But they had also had direct experience of it during the war against Britain, and numerous writers and speakers lauded the institution of state militias as the epitome of how the United States could defend itself, and maintain its freedom.\footnote{330} The militia embodied an important aspect of

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\footnote{327} Monday, 10 December 1787, Pennsylvania Convention Debates, in \textit{DHRC}, 2:538-9; Virginia Independent Chronicle, 28 November, in \textit{DHRC}, 8:180; Publius: The Federalist 14, New York Packet, 30 November, in \textit{DHRC}, 14:316; for the opposite side of the same argument, that divisions would impoverish all the separate political units in raising their own military forces, see The Publication of Edmund Randolph’s Reasons for Not Signing the Constitution, Richmond, 27 December, in \textit{DHRC}, 8:264, 268-9


\footnote{330} A Democratic Federalist, Pennsylvania Herald, 17 October, in \textit{DHRC}, 2:197; Caroliniensis, Charleston City Gazette, 3 January 1788, in \textit{DHRC}, 27:63
voluntaristic, republican government, in that by substituting for a professional standing army with a local volunteer force, it meant agents of the government needed to be supported “in the execution of the laws… by the people turning out to aid the magistrate upon his command, in case of resistance”. Consequently, a central government constantly needed to maintain the people’s trust. On top of this ideologically-driven approval, was the fact that the militia was cost-free. To its closest adherents, the militia gave the United States organic, republican military power without placing a strain on the government’s coffers.

Yet to the reformers, the militia system had inescapable flaws. While many genuflected at its role in Americans struggle for independence, supporters of the Constitution had to lay out the deficiencies of relying on locally raised, unpaid, irregularly trained soldiers. Hamilton referred back to the war to point out the tendency of the militia to wilt before disciplined regulars, while James Wilson warned that “men without an uniformity of arms, accoutrements, and discipline are no more than a mob in a camp”. This did not mean the abolition of the militia system, as it provided a low-cost reservoir of military manpower, but both men countered with the need for central control, for, in Hamilton’s words a “uniformity in the organization and discipline of the militia would be attended with the most beneficial effects”. The key change the Constitution

331 The Virginia Convention, Saturday, 14 June 1788, Debates, in DHRC, 10:1269; Brutus I, New York Journal, 18 October 1787, in DHRC, 19:112

332 Wilson’s quote from Tuesday, 11 December 1787, Pennsylvania Convention Debates, in DHRC, 2:577-8; Hamilton’s from Publius: The Federalist 25, New York Packet, 21 December, in DHRC, 15:62; even an opponent of the Constitution like George Mason conceded the inadequacy in the militia: The Virginia Convention, Saturday, 14 June 1788, Debates, in DHRC, 10:1271
made was to make Congress responsible for calling out, organizing and arming the militia, while leaving the training and the appointment of officers to the states.\textsuperscript{333}

But reformers argued that the United States needed to go beyond reforming the militia and embrace a more significant standing army, Wilson observing that he did “not know a nation in the world, which has not found it necessary and useful to maintain the appearance of strength in a season of the most profound tranquillity”.\textsuperscript{334} Building on his comments on fiscal powers, Hamilton argued that the potential to raise an army needed to be limitless, otherwise an enemy could measure exactly how large its own army needed to be to overcome American forces.\textsuperscript{335} Yet reformers still needed to heed the ideological priorities of their fellow countrymen, and dispel fears about the potential for an army to oppress its own citizens. Numerous writers repeated the view that an army that depended on appropriations every two years, from the people’s representatives in Congress, could barely be called a standing army, and would never have time to destroy civil liberties.\textsuperscript{336} This was strengthened by the uniquely American observation of a pamphleteer in New Jersey, that a standing army would struggle to oppress a population in which every

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\textsuperscript{334} James Wilson’s Speech in the State House Yard, Philadelphia, 6 October, in \textit{DHRC}, 2:169

\textsuperscript{335} Publius: The Federalist 23, New York Packet, 18 December, in \textit{DHRC}, 15:4; Edling, \textit{Revolution In Favor of Government}, 92-3

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citizen owned a firearm.\textsuperscript{337} Even in this, proponents of the Constitution revealed practical constraints on any American standing army, that both salved their opponents fears, and revealed legitimate limitations to projecting military power across North America.

Combining the challenges of a dispersed population, and a need for local acquiescence to government actions, the pluralism of communities contained within thirteen supposedly-united states provided American leaders’ most daunting obstacle. If any expansive union could function in North America, it needed to reconcile the diverse interests of the thirteen states; in “so extensive a territory as that of the United States, including such a variety of climates, productions, interests; and so great difference of manners, habits, and customs”.\textsuperscript{338} A single, unified government would alienate the people furthest from it, and sunder the union. Yet conceding to that diversity entirely led to the situation that writers observed in the 1780’s, of states’ interests and citizens clashing with one another, of “internal discord” and “reciprocal encroachments upon each other property”, and encroaching on the powers of the federal government.\textsuperscript{339} Both outcomes boded poorly for the United States’ attempts to control the West. Either

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\item \textsuperscript{337} Plain Truth: Reply to An Officer of the Late Continental Army, Independent Gazetteer, 10 November, in \textit{DHRC}, 2:220
\item \textsuperscript{339} A Citizen of America: An Examination Into the Leading Principles of America, October 17, 1787, in Paul L. Ford, \textit{Pamphlets on the Constitution of the United States Published During its Discussion by the People, 1787-1788} (New York, B. Franklin, 1971), 45; Publius: The Federalist 17, New York Independent Journal, 5 December, in \textit{DHRC}, 14:353
\end{itemize}
westerners would bridle at assertions of central authority and rebel, or their separate interests would lead to them striking out alone, perhaps under the protection of one of the US’ imperial rivals.\textsuperscript{340}

States also appeared to be working against each other’s interests on the issue of slavery. The issue played a relatively small role in the provincial debates. When it did arise, Northerners criticized the morality of the international slave trade, but also focused on how it would give the South extra power in Congress.\textsuperscript{341} Virginia also raised moral issues about the international trade, but combined these with slaveholders’ complaints that the Georgians’ and South Carolinians’ mass importations undercut the value of their own slave property, and the value of the internal slave trade.\textsuperscript{342} Faced with opposition across sections, South Carolina and Georgia got the constitutional guarantee that Congress could not ban the international slave trade for twenty years. Despite the strong feeling against it, imperial unity demanded that Congress reconcile itself to the Lower South’s economic demands.\textsuperscript{343}

\textsuperscript{340} Slaughter, \textit{Whiskey Rebellion}, 48-60, Gould, \textit{Dividing the Spoils}


\textsuperscript{342} The Society of Western Gentlemen Revise the Constitution, Virginia Independent Chronicle, 30 April, 7 May, in \textit{DHRC}; The Virginia Convention, Tuesday, 17 June 1788, Debates, \textit{DHRC}, 10:1338

\textsuperscript{343} Idem, 1338-9; for the only direct mention of the Lower South’s need for slavery, see Lachlan McIntosh to John Wereat, 17 December, in \textit{DHRC}, 3:260
3.4: Republican Power and Imperial Liberty

Although the United States’ leaders approached the task of building a new empire with unpromising building materials, they had the advantage of a political culture that shared a belief in the same imperial outcomes, of American sovereignty, expansion and wealth. While the proponents of the Constitution, known since as the Federalists, advocated for the new government’s ability to deploy power to achieve these outcomes, their opponents did not automatically reject empire. Quite the opposite, in fact. “The perfection of government depends”, James Winthrop of Massachusetts argued, “on the equality of its operation, as far as human affairs will admit, upon all parts of the empire”.  

Rejecting the Constitution, and instead making specific amendments to the Confederation, would ensure this continued and “the whole empire would be capable of expanding, and receiving additions without altering its former constitution”. The diverse coalition of American elites lumped together as the Antifederalists embraced American empire with equal fervor, and desired the same expansive ends as the Constitution’s defenders. They merely disagreed that the proposed document’s form of an empowered, consolidated republic was the right way to go about it. To the Constitution’s opponents, the Federalists’ lax and reckless re-discovery of governmental power threatened to corrupt their free empire, and ultimately break it apart.

Thus, the second element of the ratification debates revolved around the great tension at the heart of early modern political science, the balance between power and

344 Agrippa VII, Massachusetts Gazette, 18 December, DHRC 5:484
345 Agrippa IX, Massachusetts Gazette, 28 December, DHRC, 5:541
liberty. While not anywhere near as united as the term ‘Antifederalist’ may suggest, the Constitution’s opponents waged a contentious rhetorical war through 1787 and 1788 to ensure American empire under the federal government would continue to embody the unique imperial liberty they had gone to war with Britain for in 1775.
CHAPTER 4:
DEBATING THE MEANS OF REPUBLICAN EMPIRE

In 1787, a great many of the American political elite feared that the weaknesses of the republican empire they had formed in 1776 had brought it to the brink of collapse. But when the faction of politicians who attended the Philadelphia Convention emerged to present the new Constitution to the public, others raised the cry that fundamental changes to the confederal nature of the union would engender the very collapse the Philadelphia attendees claimed to fear. Maintaining the Confederation government, argued the Boston Gazette, would “expose the Union to a dissolution, or what is worse, anarchy and confusion”. Samuel Bryant in Pennsylvania countered that by adopting it, “the nature of the government is changed, and an aristocracy, monarchy, or despotism will rise on its ruin”. Both sides foresaw strife, military rule, and even civil war. Both the Constitution’s critics and defenders believed that the United States might soon lie disunited. In light of this, forging an agreement on a new form of political structure was no mean feat, a fact Washington reflected on in the aftermath of ratification:

In our endeavors to establish a new general government, the contest, nationally considered, seems not to have been so much for glory, as existence. It was for a long time doubtful whether we were to survive as an independent Republic, or

346 Boston Gazette, 12 November, DHRC, 4:222; Centinel I, Independent Gazetteer, 5 October DHRC, 2:161
decline from our federal dignity into insignificant & wretched fragments of Empire.\textsuperscript{347}

The vast majority of America’s political elite agreed on the need for an empire: sovereign within the Atlantic world, coordinating the separate states, and facilitating demographic and commercial expansion into the trans-Appalachian West. But the ratification debates demonstrated that they lacked agreement on a host of ideas and concepts central to the science of politics. A contested and unstable language, made up of terms like empire, liberty, republic, nation, consolidation and confederation, made it hard for Americans to agree on common ground, or find shared understandings of how republican empire worked. They struggled to reconcile the idealized, decentralized empire of liberty that Americans had fought the Revolution to defend, with the empowered, centralized federal structure that the Constitution embodied.

The Articles of Confederation government sought to reconcile the Revolution’s powerful calls for liberty, representation and political consent with the necessities of governing an expansive, imperial domain effectively.\textsuperscript{348} Montesquieu, the most frequently quoted writer on the science of politics by Americans in the 1780’s, laid out the oft-repeated maxim that republics needed to be small in size to ensure the inhabitants shared the same language, customs and economic interests, while allowing the people

\textsuperscript{347} Washington to Lee, 22 September 1788, \textit{Papers of George Washington}, 6:529

within the republic to be effectively represented within its legislature. In a larger territory, “the common good is sacrificed to a thousand considerations; it is subordinated to exceptions”. Indeed, to Montesquieu, “a large empire presupposes a despotic authority”, ruled by fear.

The Articles had attempted to forge an empire out of separate, sovereign states, which allowed the various regions to maintain diversity of laws, customs and economic interests. But as the 1780’s unfolded, and the flaws of the Articles government became unavoidable. This led the Philadelphia faction to put forward the Constitution, specifically suited to marshalling American power within the union’s limited resources. But many Americans saw it as a betrayal of Montesquieu’s wisdom, and the principles of the Revolution. The instability of their political language made it easier to misunderstand one another, heightening the temperature of the ratification debates and leading to the fears of commentators on both sides of the Constitutional issue that their opponents showed bad faith, corruption or even a desire for anarchy or despotism.

The opponents of the Constitution clung to their republican principles of close representation and consent of the governed. This limited how effectively they could present any real solutions to the challenges the Confederation faced, and often reduced them to merely naysaying the creative federal structure presented to the public in 1787. In rhetorical terms, the Antifederalists came off second best in the ratification debates.

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350 Montesquieu, Spirit of the Laws, 124, 126
But despite this, they came close to blocking the adoption of the Constitution. Their ideal of a free and equal empire survived the wartime tribulations and created a powerful, ideological opposition to the novel forms of power the Federalists put forward.

The Constitution’s opponents could have derailed ratification in 1787 and 1788. Had they done so, the future of American empire could have taken a very different course. Instead, the Antifederalists ended up as the godfathers of one of the most powerful empires in history. Having fought the Federalists to a near-standstill in several key states, they played a key role in forging the compromise of 1788, ratifying the Constitution in return for adding the Bill of Rights. This outcome was not a happy one for either side. Proponents of ratification, from Ellsworth in Connecticut to Edmund Pendleton in Virginia argued that by enumerating citizens rights, they were in fact circumscribing them. And plenty of the new government’s opponents still voiced their fear of an overconcentration of power in the new federal structure. But the fusion of federal power and imperial liberty that resulted from the compromise solved the great dilemma of the 1780’s. Through extended political debate, Americans found the barely-agreeable means to achieve their shared imperial ends.

Furthermore, the very process of debating the possibilities of republican empire, while partisan and vitriolic at its worst moments, put the new form of empire to the test in the public sphere. A wide swathe of the American elite ended up with some political and


352 A Landholder VI, Connecticut Courant, 10 December, DHRC, 3:489; The Virginia Convention, Thursday, 12 June 1788, Debates, DHRC, 10:1196
intellectual investment in their new regime. Out of the chaos of the 1780’s, and the fears of disunion, anarchy or despotism, emerged a hybrid form of republican empire. In a great historical irony, this new entity, born of inflexible ideals and material weakness, ended up being stronger than the conventional, monarchical empires that had come before it.

4.1: Political Consent and State-building

Even as the debate over the Constitution split American elites, all sides could reference back to the Revolution’s embodiment of the principle of popular sovereignty. This was most evident in the debate in Pennsylvania. Samuel Bryant, writing as ‘Centinel’, was one of the leading opponents of the Constitution, in the state and beyond. He argued that the Revolution had created a “republican, or free government”, and so long as people were virtuous and property “pretty equally divided”, “the people are the sovereign and their sense or opinion is the criterion of every public measure”.353 And the ‘Old Whig’, another critic of the Constitution, focused on the impending ratification choice, posing “that no man, reasoning upon revolution principles, can possibly controvert” that “The people have an undoubted right to judge of every part of the government which is offered to them”.354 Even James Wilson, one of the state’s staunchest proponents of the new government, shared this language. Wilson was even more explicit, directly quoting the Declaration of Independence, that “governments are

353 Centinel I, Independent Gazetteer, 5 October, in DHRC, 2:161
instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the RIGHT of the People, to alter or to abolish it, and institute new governments”.355

The Revolution made consent, and popular sovereignty, central to the American political experience. One delegate to the Virginia ratifying convention saw it in the simplest terms: “there were two opinions in the world—the one that mankind were capable of governing themselves, the other, that it required actual force to govern them”.356 There was no question to American leaders which side they were on. Even previous governments with elements of political consent fell short in this revolutionary new frame of analysis. Both supporters and opponents of the Constitution wielded historical examples, from Switzerland, Venice, the Netherlands, and of course Britain, to show how the United States’ form of political consent was fundamentally different from anything before it; just coincidentally proving their own prescriptions for the correct form of government along the way.357

Opponents of the new government focused on this issue of close, responsive representation as part of their critique against the Constitution. Bryant, writing as ‘Centinel’ in Pennsylvania, and the writers ‘Brutus’ in New York, and ‘Agrippa’ in Massachusetts, were three of the most politically radical pamphleteers of the debates.358

355 Tuesday 4 December 1787, Convention Debates, in DHRC, 2:473

356 The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1184; a similar expression is the opening lines of Federalist 1, Publius: The Federalist I, New York Independent Journal, 27 October 1787, DHRC, 19:144

357 Agrippa XIII, Massachusetts Gazette, 22 January, in DHRC, 5:771; The Virginia Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1195

358 The identities of ‘Brutus’ and ‘Agrippa’ have never been conclusively agreed upon, but modern research strongly suggests that ‘Brutus’ was New York merchant Melancton Smith, and ‘Agrippa’ was
While implicitly accepting that people needed representatives to speak for them, these writers emphasized the need for close familiarity and frequent accountability between the representatives and their constituents. At the heart of this was the understanding, best elocuted by ‘Agrippa’ that:

“no extensive empire can be governed upon republican principles…unless it be made up of a confederacy of smaller states [therefore] it is necessary that there should be local laws and institutions; for a people inhabiting various climates will unavoidably have local habits and different modes of life, and these must be consulted in making the laws”. 359

According to Bryant, local government governed best because it was “nearer the scene and possessed of superior means of information” for making these laws and administering these institutions.360 ‘Brutus’ added the final piece of the picture, specifying how “those who are placed instead of the people…should bear the strongest resemblance of those in whose room they are substituted”…“their neighbours and [those] of their own rank in life”: representatives who understood the “sentiments and feelings” of their immediate constituents and could be most easily held accountable, both politically and in personal terms.361

These three writers expanded out the logic of this imperative towards localized, accountable representation in opposition to the newly proposed Constitution. The new

Harvard librarian James Winthrop. Notably, all three of these radical writers were Northerners, and the overall line of argument about representatives needing to be close to their constituents arose almost exclusively from Northern pens.


360 Centinel I, Independent Gazetteer, 5 October, in DHRC, 2:164

government created a legislative body that would meet in the capital, far from most ordinary citizens. ‘Centinel’ and ‘Brutus’ both argued that such distance would make government impractical, as representatives would not have the time or knowledge to deal with their constituents. Such a legislature, suggested ‘Brutus’, “cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature”. Bryant believed this problem was already manifesting within the larger states of the union, where inhabitants “who are remote from the seat of government, are loudly complaining of the inconveniencies and disadvantages they are subjected to on this account”.362 ‘Agrippa’ went further, suggesting that “large states…and very great empires have always been despotick”, as they “tried to remedy the inconveniences to which the people were exposed by local regulations; but these contrivances have never answered the end. The laws not being made by the people, who felt the inconveniences, did not suit their circumstances”. Foreseeing similar despotic rule, a Pennsylvanian pamphleteer asked “what satisfaction can we expect from a lordly court of justice, always ready to protect the officers of government against the weak and helpless citizen, and who will perhaps sit at the distance of many hundred miles…?”363

This elision between the size of the polity and the loss of consent in government took on numerous other aspects. While proponents of the Constitution promoted the fact that representatives’ two-year terms precluded their resort to tyranny, ‘Agrippa’ argued

362 Centinel I, Independent Gazetteer, 5 October, in DHRC, 2:164; Brutus I, New York Journal, 18 October 1787, in DHRC, 19:113

363 Agrippa IV, Massachusetts Gazette, 4 December, in DHRC, 4:382; A Democratic Federalist, Pennsylvania Herald, 17 October, in DHRC, 2:196
that two-years, combined with “their residence... from two hundred to five miles from their constituents” made it “difficult to suppose that they will retain any great affection for the welfare of the people”.\textsuperscript{364} And ‘Brutus’ laid out a common refrain among the Constitution’s opponents, that there were not enough representatives in the new Congress to accurately represent the views of their many, varied constituents. “One man, or a few men, cannot possibly represent the feelings, opinions, and characters of a great multitude... sixty-five men cannot be found in the United States, who hold the sentiments, possess the feelings, or are acquainted with the wants and interests of this vast country”.\textsuperscript{365} One of the sole Southern entries into this discourse on local government concurred, troubled by a constitution “whereby about 70 nabobs would lord over three millions of people as slaves”.\textsuperscript{366} Pennsylvania’s ‘Dissent of the Minority of the Convention’, a political pamphlet echoing many of ‘Centinel’s arguments, calculated the numbers needed to form a basic quorum in the new Congress, and denied that “the liberties, happiness, interests, and great concerns “ of the United States could not be left to the “virtue, wisdom, and knowledge of 25 or 26 men”.\textsuperscript{367}

The representation quota presented a double-edged sword, as if the country grew in population to fit its extensive size, it would become, in ‘Brutus’ words, “impossible to

\textsuperscript{364} Agrippa I, Massachusetts Gazette, 23 November, in \textit{DHRC}, 4:305; on the shortness of two-year terms precluding government tyranny, see Cassius VI, Massachusetts Gazette, 14 December, in \textit{DHRC}, 4:423-4

\textsuperscript{365} Brutus III, New York Journal, 15 November 1787, in \textit{DHRC}, 19:255

\textsuperscript{366} A Georgian, Gazette of the State of Georgia, 15 November, in \textit{DHRC}, 3:236. See also \textit{DHRC}, 3:237: “the number of Representatives not to exceed one member for every 30,000. This article I believe to be inadmissible: 1st, it affording too small a representation (supposing 48 at the highest calculation)”

\textsuperscript{367} Dissent of the Minority of the Convention, in \textit{DHRC} 2:631
have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy”. A Pennsylvania periodical agreed in more succinct terms, that such a body “must grow far too unwieldy for business”. Yet opponents of the Constitution fixated more on the potential for this small governing elite to become a distinct political class, corrupted by their powers and privileges, and developing separate interests from the people who had originally sent them to Congress.

Rule by groups with separate interests, unaccountable to voters, could take several forms. In Pennsylvania, the issue was geographic interests. Residents from the western parts of the state complained that the election to the state convention had been rigged by its eastern location, to minimize western voting and only return residents from the more commercial, pro-Constitution areas surrounding Philadelphia. An even more potent critique, elucidated by ‘Agrippa’, was that altering the timing and location of elections would ensure incumbents self-perpetuation in office, an act that “destroys the whole check which the Constituents have upon their rulers”. Citing British and Venetian examples, he posited that term limits could be extended, such as Britain’s replacing the 1694 Triennial Act by the 1716 Septennial Act. The United States would become a faction-ridden “aristocratick republick” like those European republican states before her.

368 Brutus I, New York Journal, 18 October 1787, in DHRC, 19:111; Freeman’s Journal, 26 September, in DHRC, 2:146-7

369 Louis-Guillaume Otto to Comte de Montmorin, New York, 10 October, in DHRC, 2:125, and Cumberland County Petition to the Pennsylvania Convention, 5 December, in DHRC, 2:309-10

370 Agrippa XIII, Massachusetts Gazette, 22 January, in DHRC, 5:770
This fear, summed up by the term ‘aristocracy’, ran throughout the work of the Constitution’s opponents. ‘Brutus’ explored most fully how it would subvert the democratic nature of the republic. If the new federal government had too few representatives in its legislative body, meeting far from their constituents in the imperial capital, they would soon lose sight of their own people’s interests, and pursue their own selfish ends instead. Thanks to their ability to manipulate elections, detailed by ‘Agrippa’, they could keep themselves in power, “above the controul of the people”, a self-serving ruling class.  

Now having separate political and economic interests, they would increase their own power at the expense of the subordinate state bodies within the empire that were once vital parts of the confederate whole, “a compleat Aristocracy, which in its vortex swallows up every other Government upon the Continent”.

While loss of consent over the people governing the republic would lead to despotism, ‘Brutus’ analysis did not stop there. If the people came to see their governors “as a body distinct from them”, the result would be “perpetual jealousy”: the government’s actions would be “narrowly watched; their measures scrutinized; and their laws opposed, evaded, or reluctantly obeyed”. From both ‘Brutus’ and the dissenting members of the Pennsylvania ratification convention came the same conclusion. If the people lost confidence in a government they no longer had real, accountable consent in,


372 John De Witt III, American Herald, 5 November, in DHRC, 4:197

373 Brutus IV, New York Journal, 29 November 1787, in DHRC 19:316
then they would not organically support civil magistrates in the execution of their duties, and then government “must be executed by force, or not executed at all”. Demonstrating an appreciation, not often credited to opponents of the Constitution, that good government served a purpose to free society, ‘Brutus’ bemoaned that “either case would lead to the total destruction of liberty”.374 The opponents of the Constitution are frequently identified as so wedded to ideas of personal liberties that they could not accept stronger government of the kind the Constitution posed.375 Yet this line of criticism by ‘Brutus’ and his fellow writers suggests that to them, consent made a government stronger, as with a consenting populace, acts of government would enforce themselves. In contrast, a more removed, less representative government would sow discord between the people and their leaders, undermining the new institutions of the state.

The failings of the confederation up to 1787 laid open serious doubts that this form of polity could form a viable, imperial whole, but the power of the ongoing arguments in its favor show an inescapable, central element of republican state-building. While the proponents of the Constitution put forward new forms of political connection to bind together a larger domain, they did so by intellectually manoeuvring around these deep-lain assumptions. They accepted that states had local interests and needs that their own legislatures needed to see to. Yet in the wake of Shays’ Rebellion, extreme localism in political outlook appeared as the sure road to anarchy, and reformers insisted that Americans needed to look beyond local interests in designing their government. Instead,

374 *Idem;* Dissent of the Minority of the Convention, in *DHRC*, 2:637

375 See classic texts on the ratification debates such as Wood, *Creation of the American Republic*, and Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828* (Chapel Hill, University of North Carolina Press, 1999)
they insisted that a higher, federal level of government could coordinate and negotiate
general concerns: those powers “necessary for the common benefit of the states” that
“could not be effectually provided for by the particular states”. 376

As they posed this new, higher level of legislative government, the Constitution’s
supporters had to confront the issue of representation. There was no way they could
claim the representatives at the federal center could fit the republican imperative for close
representation, so instead they needed to mount a defense of representative government at
a distance. 377 This led to some of the more openly elitist comments, on how the people
were “totally unfit for the exercise of any of the powers of Government”. 378 And it
brought reformers to the principle that representatives needed to be carefully selected for
quality from among the community, to be trusted to carry out their duty at a distance
from the accountability of their constituents. 379 In time, this emphasis on the quality of
representatives descended into the stark, conservative oligarchy of Hamiltonian High
Federalism, dismissing and despairing of the irrepressible democratic traits inherent in

376 A Citizen of New Haven, Connecticut Courant, 7 January, in DHRC, 3:525; A Landholder IV,
Connecticut Courant, 26 November, in DHRC, 3:479; Junius, Massachusetts Gazette, 25 January, in
DHRC, 5:799

377 The Republican: To the People, Connecticut Courant, 7 January, in DHRC 3:530; The
Reverend James Madison to James Madison, Williamsburg, c. 1 October, in DHRC, 8:31, Publius: The
Federalist 10, New York Daily Advertiser, 22 November, DHRC, 14:181

378 Americanus II, New York Daily Advertiser, 23 November 1787, in DHRC, 19:290; also see
Hambden, Maryland Journal, 14 March 1788, in DHRC, 11:385

379 A Landholder IV, Connecticut Courant, 26 November, in DHRC, 3:478-9; The Virginia
Convention, Thursday, 12 June 1788, Debates, in DHRC, 10:1198
American society. Yet at the moment that the Constitution was conceived, it represented a much-needed bridge between republican ideals and extensive empire.

4.2: The Contested Terminology of Federation

The Philadelphia Convention offered the American political sphere one particular model of empire in September 1787. Its creators presented the proposed government as a federal structure, delegating key powers to the center, while working in harmony with the existing thirteen states, which retained their corporate identity and the majority of their internal functions. Yet the very terms that described the new government, including comparisons to the existing one, were sharply contested. While the vast majority of the American elite agreed on the need for an imperial union, in republican form, they struggled to agree on much else. Whether a model of empire was federal, confederal, or national depended on the writer, the state and the political agenda, blurring the clarity with which we retrospectively focus on the ‘federal’ nature of the Constitution. The very labels “Federalists” and “Antifederalists” were political manoeuvres by the proponents of the Constitution, to portray themselves as positive reformers, and their opponents as negative obstructionists.

Both sides accused the other of seeking to uphold or create a system of clashing, overlapping sovereignties, a setup proscribed since antiquity as an *imperium* (or *imperia*)

in imperio: a state within a state. The Dissent of the Minority in Pennsylvania presented the situation, “two coordinate sovereignties”, as a “solecism in politics”. The nature of power meant that regardless of human intentions, two ill-defined jurisdictions would contest with each other, until, inevitably, local government would have to concede to “the fullness of dominion” of central authority.\(^{381}\) Samuel Adams agreed that, by his reading, the Constitution abolished the sovereignty of the states. To argue for them in the new governing model created “Imperia in imperio, justly deemed a Solecism”, and he wondered why the Philadelphia Convention had adopted what he called a “National Government, instead of a Foederal Union of Sovereign States”.\(^{382}\) And repeating many of those same claims that co-equal sovereignties could not act on the same objects without coming into conflict, William Grayson challenged the Virginia ratifying convention that there was no precedent for such coexistence of power to draw on. In particular, he criticized the Federalist argument that petty corporations existence within other political units presented an example of the how the federal government might work alongside the states. This led into extended speeches back and forth between Henry and Madison as to the viability of such a comparison, or a similar comparison to state, county and parish taxes.\(^{383}\)

In contrast, the Federalists argued that it was the Confederation that was the real \textit{imperium in imperio}, in setting up Congress as the head of the structure of government, but then leaving each state with wide powers to enforce Congressional decisions, and

\(^{381}\) Dissent of the Minority of the Convention, \textit{DHRC,} 2:628

\(^{382}\) Samuel Adams to Richard Henry Lee, Boston, 3 December, \textit{DHRC,} 4:349

\(^{383}\) The Virginia Convention, Thursday, 12 June 1788, Debates, 10:1185, 1202-1226
undermine supposedly union-wide policy. Even before he engaged in debate with Patrick Henry, Madison claimed the need for “a controuling power… by which the general authority may be defended against encroachments of the subordinate authorities”, without which “our system involves the evil of imperia in imperio”. To back up his point, he favorably compared Britain, with its unifying monarchical authority (and royal veto), with a string of confederacies of antiquity, as well as the contemporary ‘confederacies’ of the Dutch Republic and the Holy Roman Empire, all unable to constrain centrifugal forces within them.\textsuperscript{384} In the ‘Publius’ letters, he identified the key design flaw in the Confederation as its acting as “a sovereignty over sovereigns, a government over governments, a legislation for communities, as contradistinguished from individuals”.\textsuperscript{385} Fighting to protect those independent governments, even the Antifederalists who accepted that the government needed change continued to cling to “repugnant and irreconciliable” ideas that the center could be strengthened without compromising the states’ “complete independence”.\textsuperscript{386} In Pennsylvania, the pamphleteer ‘Plain Truth’ similarly denied that a new government could remain united “over 13 coexistent sovereignties”.\textsuperscript{387}

\begin{footnotes}
\item[384] James Madison to Thomas Jefferson, New York, 24 October, 8:100
\item[385] Publius: The Federalist 20, New York Packet, 11 December, \textit{DHRC}, 14:413
\item[387] Plain Truth: Reply to An Officer of the Late Continental Army, Independent Gazetteer, 10 November, \textit{DHRC}, 2:217
\end{footnotes}
To the Federalists advantage, they were able to articulate how a two-tiered political structure could work, without falling into the trap of a state within a state.

Wilson once again provided the clearest statement:

“I consider the people of the United States, as forming one great community; and I consider the people of the different states, as forming communities again on a lesser scale. From this great division of the people into distinct communities, it will be found necessary, that different proportions of legislative powers should be given to the governments, according to the nature, number, and magnitude of their objects. Unless the people are considered in these two views, we shall never be able to understand the principle on which this system was constructed.”

Oliver Ellsworth of Connecticut agreed that in such a setup, there was no need for levels of government to clash: “Each legislature has its province; their limits may be distinguished”.

*Imperium in imperio* was not the only problematic term that the two sides contested. The Constitution’s defenders billed the new government as ‘federal’, with the general government’s “jurisdiction… limited to certain enumerated objects, which concern all the members of the republic” and where “the good of the whole must be preferred to a part”. Yet their opponents frequently argued that their decentralized model was the true federal system, “in the strictest sense of the terms, a federal republick. Each part has within its own limits the sovereignty over its citizens, while some of the

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388 Tuesday 4 December 1787, Convention Debates, *DHRC*, 2:472-3

389 The Connecticut Convention, Monday, 7 January 1788, Convention Debates, *DHRC*, 3:552; in the same vein as Ellsworth and Wilson, see James Madison to Thomas Jefferson, New York, 24 October *DHRC*, 8:101; on the ideological contest around *imperium in imperio*, and Madisonian federalism as a solution to it, see LaCroix. *Ideological Origins*

general concerns are committed to Congress”. In their eyes, the proposed Constitution
represented a ‘consolidated’, or less frequently a ‘national’ government, much more
controversial terms. The Federalists stole a march on their opponents by claiming the
federal label during the writing and ratification of the Constitution, a choice that suggests
at the legitimacy the ‘federal’ concept had over the American political community.

Antifederalists shared a clear sense of what ‘federal’ meant. Drawn from the
Latin foedus, for treaty, a federal government embodied a union between equal states
working together for mutual protection and benefit. The idea of cooperation between
equals, and the corollary that none of the members of a federation conceded their own
sovereignty, ran through Antifederalist political analyses. They insisted that a federal
government could not work on individuals, only the constituent states entities, and
criticized the Constitution’s perceived function to break down the sovereign
jurisdictions. And looking abroad for precedents to federal government, they cited the
loose union of the Swiss cantons, and even presented the barely-ordered anarchy of
Europe’s system of competing, independent states as a kind of “federal liberty”. In
this, Antifederalists simply treated federal and confederal as synonyms, with many of the

391 Agrippa VIII, Massachusetts Gazette, 25 December, DHRC, 5:516
392 On the history of the term foedus, and its role in the early modern political thought that
Americans inherited, see Hendrickson, Peace Pact, 19-22
393 John De Witt IV, American Herald, 19 November, DHRC, 4:267, Agrippa XII, Massachusetts
Gazette, 15 January, DHRC, 5:720, Richard Henry Lee to Samuel Adams, Chantilly, 28 April, DHRC,
9:765, Luther Martin: Genuine Information IV, Baltimore Maryland Gazette, 8 January 1788, DHRC,
11:157-8
394 A Farmer VII (Part 4), Baltimore Maryland Gazette, 15 April 1788, DHRC, 12:516, A
Democratic Federalist, Pennsylvania Herald, 17 October, DHRC, 2:197, on the European state system,
federalism and liberty, see Hendrickson, Peace Pact, 47-54
same writers switching between designations as they discussed Switzerland, unions of states, and how to maintain liberty across large polities.395

In response, the new government’s proponents went to considerable rhetorical length to prove that the new government passed as federal under their opponents’ terms. Wilson in particular emphasized that Congress would still only coordinate independent, sovereign states, and argued that the manner if election of the Presidency and the Senate proved the centrality of the states to the government’s functioning.396 He even shared the Antifederalist blurring of lines between federation and confederation, presenting a confederated republic as the aim of the Philadelphia Convention, for which there were no historical precedents.397 Virginians Madison and Pendleton also both stressed that the new general government remained reliant on the states, while John Dickinson juxtaposed his argument for stronger government against the anarchy of the states with a concession that only a series of sovereign republics could maintain effective government over a large territory.398 Similarly, Swedish-born Philadelphian Nicholas Collin balanced his call for a moral, federal quality to bind the states together, with the understanding that it was


396 James Wilson’s Speech in the State House Yard, Philadelphia, 6 October, DHRC, 2:168, Wednesday, 28 November 1787, Pennsylvania Convention Debates, DHRC, 2:401-2

397 Saturday, 24 November 1787, Pennsylvania Convention Debates, DHRC, 2:334-5

required exactly “because the federal government has no power to maintain the union against their will”.  

However, Federalists introduced a more marked differentiation between federation and confederation, as they discussed the failings of the Articles government, and put it into historical context of other failed unions of states. Dickinson cast his view back to the leagues of ancient Greece, while a fellow Pennsylvanian drew on the Holy Roman Empire as a confederation, both underlining the lesson from history that Dickinson presented as “a useful truth, that the liberty of single republics has generally been destroyed by some of the citizens, and of confederated republics, by some of the associated states.” Federalists began a process of identifying the Articles as a confederation, emphasising their major flaws, and presenting the new government as federal, possessing new qualities that its predecessor did not.

Wilson presented an alternate, more tightly-bound form of “federal liberty”, which necessitated the “resigning a portion of the civil liberty of each state to form a federal republic” while recognising “more liberty is gained by associating, than is lost by the natural rights which it absorbs”. Hamilton spoke on behalf of the Publius writers in stating the need for a federal government to act on individual citizens, without intermediary legislations, in order to protect them, while Oliver Ellsworth, laid out the

399 Foreign Spectator, Philadelphia Independent Gazetteer, 2 October, DHRC, 13:291

400 Fabius III, Pennsylvania Mercury, 17 April, DHRC, 17:168, Friday, 30 November 1787, Fabius VII, Pennsylvania Mercury, 26 April, DHRC, 2:222-223, Pennsylvania Convention Debates, DHRC, 2:432-3; see also Observator V, New Haven Gazette, 20, 27 September, DHRC, 3:348

401 The Federalist Papers are a particularly rich source of criticism of the failings of the Articles of Confederation. See Federalist 14-22, DHRC, 14:329-354

402 Saturday, 24 November 1787, Pennsylvania Convention Debates, DHRC, 2:335-6
ways that two legislatures could harmoniously coexist within their own spheres of jurisdiction.\textsuperscript{403}

In contrast, the terms nation and consolidated were more problematic. Very few writers openly avowed their desire for a consolidated government. Only one ‘West-Chester Farmer’, speaking against the idea of separate confederacies, plainly stated that “One consolidated republic of the United States…would probably be the most happy government”.\textsuperscript{404} The only other times the term ‘consolidate’ turned up in a positive light were incidental references by Washington and John Jay, both well over to the ‘strong government’ side of the political debates, to consolidating separate interests, or consolidating control of the state militias.\textsuperscript{405}

Key to the Antifederalist analysis was drawing a binary opposition between a confederation and a consolidated government, in an attempt to expose the ambiguities in calling the Constitution ‘federal’. One Pennsylvania speaker pinpointed the change in language, “We the people of the United States” changing the basis of the government to one that legislated over individuals, rather than separate corporate bodies.\textsuperscript{406} Luther Martin cried foul, that this change would leave the small states dominated by the larger


\textsuperscript{404} West-Chester Farmer, \textit{DHRC}, 13:128


\textsuperscript{406} Wednesday, 28 November 1787, Convention Debates, \textit{DHRC}, 2:393. Pennsylvania Antifederalist William Findley also delivered a purportedly “eloquent and powerful” speech dedicated to the differences between confederation and consolidation; however, it went unrecorded by the pro-Federalist journalists present. \textit{Idem}, 447-8
ones. And Richard Henry Lee went so far as to accuse that at least some “ambitious and... avaricious” designers of the Constitution specifically intended for a “consolidated... not a federal government”, to sweep away the confederal union based on sovereign states. But more importantly, the change from states to individuals reflected a repeated insistence by Antifederalists in Pennsylvania and Massachusetts that the states would be destroyed or “melted down” into a consolidated government, an empire, or a “universal empire”.

‘Agrippa’ made the elision between consolidation and empire clear, specifically condemning the Constitution as model for “consolidated empire”. This was not a criticism of empire per se, but of a centralized form that relied on power to bind the subordinate parts together. To Winthrop’s reading of history, such consolidated empires could never rule their people well, as laws were made by far away governors and not the people on the ground. And managing various regions and interests, centralized empires made unequal demands on the various parts. In particular, a Cambridge resident like Winthrop feared that the new government would discriminately tax the wealth of Boston to enrich the new imperial capital in Philadelphia. As Americans thought of

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407 DHRC, 11:56
408 Richard Henry Lee to Samuel Adams, Chantilly, 28 April, DHRC, 9:765
410 Agrippa IV, Massachusetts Gazette, 4 December, DHRC, 4:382
411 In this, Winthrop echoed Montesquieu, Spirit of the Laws, 124, 126
412 Agrippa III, Massachusetts Gazette, 30 November, DHRC. 4:343, Agrippa IV, DHRC, 4:381-3, Agrippa X, DHRC, 5:576-7
themselves as imperial, so they actively challenged themselves to avoid the pitfalls of previous empires in history. Winthrop reminded readers of Britain’s failed attempt to reduce the colonies to one uniform set of laws, and warned of America sharing the “tyranny that the Spanish provinces languish [under]”, while Lee summed up his argument with a sinister imperial comparison, noting “the military array at Kamtschatka, at Petersburg, and through every part of the widely extended Russian empire”.413

Facing this potent line of attack, Federalists responded by denying the Constitution represented a consolidation at all. Wilson presented “consolidated empire” as just one of several bad options alongside disunion and separate confederacies, and concurred with his opponents that a government that destroyed the states would be “improper for this country, because it could not be proportioned to its extent on the principles of freedom”. But he argued that the proposed federal government was built upon the states, and “it must stand or fall, as the state governments are secured or ruined”.414 Pendleton repeated this sentiment in Virginia, adding that the new government necessitated no clash between legislatures, as it clearly partitioned responsibilities for local and general concerns.415

In particular, Federalists focused their ire on Melancton Smith’s ‘Brutus’ pieces, which opened with the observation that “although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to

415 The Virginia Convention, Thursday, 12 June 1788, Debates, *DHRC*, 10:1199
it, that it must, if executed, certainly and infallibly terminate in it”. Pelatiah Webster of Pennsylvania chose to subtitle his series of essays ‘The Weaknesses of Brutus Exposed’, and dismissed Smith’s claims about consolidation as plain, false assumption. As in Wilson and Pendleton’s writing, there was no fear of legislative jurisdictions clashing, and state and central government supported one another. Smith’s fellow New Yorkers went further, challenging the underlying logic of the ‘Brutus’ pieces. ‘Curtius’ asked “why did not Brutus forbid that the counties of New-York should be consolidated into one government?” given the states’ “variety of climates… from the commercial ocean, through the frigid regions of the North, and along the uncultivated borders of the Great Ontario!”. And ‘Americanus’ riposted to the arguments of ‘Brutus’ and New York Antifederalist ‘Cato’ by suggesting that the “tendency of this mode of argumentation… militates with equal force against every species of general Government—call it by what name you will, whether Consolidation or Confederation.” For politics, it meant “an end of every thing.”

Yet after all the vitriol at supposed Antifederalist misrepresentation, Federalists still left hints at a consolidated government being a necessary evil. Without using the word consolidation, Ezra Stiles of Connecticut conceded that he still did not think that the Constitution would give Congress enough power “for firm government”, yet he also could not answer how “to surrender the powers of the states to the imperial body,

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416 Brutus I, New York Journal, 18 October 1787, DHRC, 19:106
417 A Citizen of Philadelphia, The Weaknesses of Brutus Exposed, 8 November, DHRC, 14:71
without… prostrating the sovereignty of the particular states”.\footnote{Ezra Stiles Diary, New Haven, 24 December, \textit{DHRC}, 3:502} And notably, after all his arguments to refute the use of the term, Wilson redefined consolidation to encompass only the “general objects of the Union”, agreeing the Constitution was a consolidation, but one that “on such… perhaps our very existence, as a nation, depends.”\footnote{Tuesday 4 December 1787, Pennsylvania Convention Debates, \textit{DHRC}, 2:476}

In doing so, Wilson called on the concept of ‘nation’, and ‘national’, perhaps the most ambiguous term in the debates.\footnote{For a good discussion of the tensions in the term ‘nation’, the existence of regional ‘nationalisms’ in the young republic, and the need of an empire to conjoin them, see Larkin, ‘Nation and Empire’ 502-3, 506-7; on disentangling from the British world, see P.J. Marshall, \textit{Remaking the British Atlantic: The United States and the British Empire after American Independence} (New York, Oxford University Press, 2012), and Keriann A. Yokota, \textit{Unbecoming British: How Revolutionary America Became a Postcolonial Nation} (New York, Oxford University Press, 2010). For reading the contemporary use of the word ‘nation’ as a synonym for our modern use of ‘state’ in an international or diplomatic sense, see Gould, \textit{Among the Powers}, 2-3, 11, and David M. Golove, Daniel J. Hulsebosch, ‘A Civilized Nation: The Early American Constitution, the Law of Nations, and the Pursuit of International Recognition’ in \textit{New York University Law Review}, Oct 2010, 85(4), 932-1066} Wilson’s own use of the term centered on a geopolitical sense of the word ‘nation’: as in the common use of the word ‘country’, or the international relations use of the term ‘state’. The nation was the sovereign entity with fixed political boundaries that expected allegiance from all the people within them. In contrast, Wilson used ‘country’ as the purely geographical scope of the polity, and ‘citizens’ to refer to the people. Crucially, he argued of the Constitution that “by adopting this system, we become a NATION; at present we are not one”: not because it would bind the people together with one identity, but because of a nation’s outward-facing power. Under the Confederation, Americans could not “perform a single national act…”, something “to procure us dignity or to preserve peace and tranquility”, particular
in terms of making treaties with other “nations”\textsuperscript{422} Pendleton agreed, of the “General Government” acting only “in great national concerns, in which we are interested in common with other members of the Union”: issues of foreign policy and commerce\textsuperscript{423}

Only in occasional references did the term take on the idea of the national as a shared “spirit”, or “character”, one that the Constitution would help build on account of its common relationship to all citizens\textsuperscript{424}.

While a necessity for Federalists, these concepts of a unified sovereign political entity, and of a shared polity-wide identity, were anathema to many Antifederalists, who equated the term nation closely with the previously discussed idea of consolidation.

Luther Martin repeated a fear of centralisation, insisting the new government had the power “to strike out every part that has the appearance of being federal, and to render it wholly and entirely a national government”.\textsuperscript{425} Both he and a fellow Maryland pamphleteer focused on the transition to a government over individuals as the source of this change.\textsuperscript{426} Notably, Luther’s compatriot emphasized that a national government would only boost America’s reputation abroad, but would not improve actual security,

\begin{footnotesize}
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\item \textsuperscript{422} Tuesday, 11 December 1787, Convention Debates, in \textit{DHRC}, 2:581, \textit{Idem}, 557
\item \textsuperscript{423} The Virginia Convention, Thursday, 12 June 1788, Debates, \textit{DHRC}, 10:1199; also, see Atticus III, Independent Chronicle, 22 November, \textit{DHRC}, 4:298 and One of the Middle-Interest, Massachusetts Centinel, 5 December, \textit{DHRC}, 4:386
\item \textsuperscript{424} A Federalist, Boston Gazette, 3 December, \textit{DHRC}, 4:361, Nestor, Independent Gazetteer, 29 September, \textit{DHRC}, 2:149-50
\item \textsuperscript{425} Luther Martin: Address No. II, Maryland Journal, 21 March 1788, \textit{DHRC}, 11:419
\end{itemize}
\end{footnotesize}
nor domestic unity. And Massachusetts writers repeated the fear of consolidated government that the states would be destroyed or “melted down”, undermining liberties and regional diversity.

Yet Samuel Adams’ contribution to the above demonstrated exactly the instability of the seeming distinction between the Federalist emphasis on foreign policy, and the Antifederalist focus on domestic consolidation. While he feared becoming “one entire Nation, under one legislature” he did so because the resultant conflict between states and center would be “destructive of the Peace Union and Safety of the Nation”, and centrally-made laws would stoke dissatisfaction and unrest in the outlying regions of “so extensive a Nation”. And Winthrop, an avid opponent of central power of any kind, discussed the minor changes needed to the Articles government to “to render it adequate to national purposes”, including the ability of Congress “to direct the national force” in emergency cases of states invading other states.

427 A Farmer III (Part 1), DHRC, 11:366
428 Thomas B. Wait to George Thatcher, Portland, 22 November, DHRC, 4:295, Samuel Adams to Richard Henry Lee, Boston, 3 December, DHRC, 4:349; Wait explicitly stated that becoming a nation involved the process of consolidation under one government.
429 Adams to Lee, DHRC, 4:350
430 Agrippa IX, Massachusetts Gazette, 28 December, DHRC, 5:541; see also Agrippa XIII, Massachusetts Gazette, 22 January, DHRC, 5:771, and similar language from Melancton Smith, Brutus I, New York Journal, 18 October 1787 DHRC, 19:106
4.3: Republican Affinity, Imperial Diversity

These complex, contested, and often defamatory debates demonstrated the deep tensions between classical republican thought and the practicalities of the United States’ expansive territory. The attempt to combine imperial dimensions with a republican political system elicited the evocative rhetoric of ‘Centinel’, ‘Brutus’ and ‘Agrippa’ against large sized states and its tendency to despotism. Yet for all the fears of how distance might disrupt good republican governance, very few members of the American political elite suggested that the union should break up. While Antifederalist writers attacked the Constitution as the wrong sort of government for a continental empire, they instead posed their own visions for such a structure, drawing heavily upon the existing confederal model laid down by the Articles. Besides the issues of security and diplomacy described in the previous chapter, American considerations of the scale of their polity revolved around the imperial question of how to manage the diverse peoples and interests contained within their expansive territory.

When Americans spoke of diverse interests, they rarely meant different classes of people within society, or even the various racially-differentiated groups that coexisted within the borders of the new republic. While, from our contemporary perspective, the white European settlers of North America may appear relatively homogeneous as a group, in their own eyes they held distinct characteristics and interests based on their state and section. Climate, demographics and major economic interests all contributed to

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431 Pocock’s seminal *The Machiavellian Moment* grapples with the long history of the republican battle over the many ways virtue in a republic could be maintained and lost. On the issue of empire, Pocock argued that while republics did not shun expansion, it represented a grave threat to the liberty of the people.
a prevalent sense that a New Englander was quite different from a South Carolinian, and that the two may not accept the same forms of government as each other, because of their underlying differences. In fact, the Federalist Papers, so regularly cited as a window into the logic behind American state-building, appear idiosyncratic in John Jay’s seemingly self-evident assertion that Americans were “one united people…speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs”.

Accepting the existence of diversity, American elites differed considerably on how to deal with it. Some on the fringe of the confederation-wide debate tried to resign their readers to the reality that such a heterogeneous collection of people needed to separate into more homogeneous groupings. ‘Reason’, a notable New York pamphlet proposing separate confederacies, accepted that the “concerns of a people so numerous, with a Territory so extensive will be proportionably difficult and important” and would “require proportionate powers in the administration”; yet as a complimentary piece, ‘Lycurgus’, elaborated days later, it would be “vain” to “make general laws, and expect obedience to them, if they are not adapted to the habits and manners of the people, and calculated to the climate”. The former tract urged the creation of three new republics, North, South and Middle, the other suggested a fourth to the West, with the latter pamphlet placing considerable stress on “a division that seems to be pointed out by

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climate, whose effect no positive law ever can surpass."\textsuperscript{434} At least a few Kentuckians voiced sympathy with this idea of an independent west, and even proponents of the Constitution conceded that rule of the American domain would be “more perfect” if it was “more Compact”.\textsuperscript{435}

Yet these voices were outliers, and despite the concerns for separation that percolated in the post-war years, the ratification debates overwhelmingly suggest that, regardless of support for or opposition to the Constitution, most writers concerned themselves with how to make the diversity of interests work within a unified political structure.\textsuperscript{436} Madison, Hamilton and Jay’s writing in ‘Publius’ was the most strident of this genre, published primarily as a response to pro-separation works circulating in New York state, such as ‘Reason’ and ‘Lycurgus’. In the opening lines of Federalist 1, Hamilton exhorted that adopting a new plan of government meant “nothing less than the existence of the Union…the fate of an empire”.\textsuperscript{437} Unity between the states represented an absolute necessity. Hamilton and Jay in particular focused on the logic of unity over separation, arguing that republics were no less warlike than monarchies, so several republics on the North American continent would inevitably come into competition, and ultimately war. And war, or the threat of future war, would force the creation of standing armies and high taxes to support them, reducing Americans to the despotism of the


\textsuperscript{435} Pierce Butler to Weeden Butler, Mary-Ville Plantation, 5 May 1788, in \textit{DHRC}, 27:270; on Kentucky, John Brown to Archibald Stuart, New York, 16 December in \textit{DHRC}, 8:243,

\textsuperscript{436} Hendrickson lays emphasis on the possibility of disunion in \textit{Peace Pact}, 177-193, while Matson and Onuf emphasize union in \textit{Union of Interests}, 83-86, 88-9

conflict-ridden Old World. Only union would allow Americans to escape this fate, and imitate the secure insularity Britain had purportedly enjoyed throughout the eighteenth century.438

Yet the Publius authors merely touched the tip of the iceberg. The Federalist author whose writings travelled the furthest, and were read the most during the debates, James Wilson of Pennsylvania, summed up the criticisms levelled at separatist projects: individual states would be vulnerable to foreign interference, while separate confederacies would immediately become one another’s rivals.439 Different writers echoed one or both of these themes, presenting disconnected states as the inevitable “prey of every invader”, and confederacies “diminished…competitors for power”.440 The breadth of support for union was particularly telling in the manner that both sides of the ratification debate tried to tar the other with the label of disunion. Federalists argued that the Antifederalist commitment to state sovereignty undermined any basis for a single government structure, with “The idea of separate [sic] independent sovereignties”


439 Version of Wilson’s Speech by Alexander J. Dallas, in DHRC, 2:345-6. Wilson’s Speech in the State House Yard, Philadelphia, on 6 October, was the most republished and most influential text in favor of the Constitution, read and responded to by far more Americans than the Publius essays: see DHRC, 2:128, DHRC, 3:133, DHRC, 3:230, DHRC, 3:372, DHRC 19:141. He further developed his arguments in a long speech in the Pennsylvania Convention, varying versions of which were captured by two journalists present, Alexander Dallas and Thomas Lloyd.

presented as a “canker worm… perfectly contradictory to the idea of union”. It was centrifugal, rather than centralising forces, that threatened Americans safety. Antifederalists fired back that “a very extensive country cannot be governed on democratical principles, on any other plan, than a confederation of a number of small republics… anything short of despotism could not bind so great a country under one government”. The Federalist attempt to meld the thirteen states together would lead to the tyranny of inadequate representation, inspiring disaffection and ultimately division among the fiercely republican inhabitants of the union.

While the ratification debates polarized politics into two camps, simple ayes and nays, the individual participants revealed a more nuanced series of ideas about how to realize unity between the different states. These ideas covered a broad spectrum. Rufus King would go on to support ratifying the Constitution, and remain a stalwart of the Federalist party until its collapse, but in 1785 he proposed a strange hybrid between maintaining the decentralized Articles government and splitting into separate confederacies: “a sub confederation” for the New England states to give them greater control over their own trade and commercial policies. On the other end of the

441 Remarker, Independent Chronicle, 17 January, in DHRC, 5:739
443 Centinel I, Independent Gazetteer, 5 October, in DHRC, 2:164
445 DHRC, 4:xxxv
spectrum of power structures, Hamilton presented an aggressively centralized plan at the Philadelphia Convention, which undercut state legal sovereignty, placed all armies and militias under federal control, and gave lifelong tenures to the executive and Senate.446 And his writing throughout The Federalist stressed the need for the central state to collect and deploy unlimited taxes and military force.447 Whether or not Hamilton’s ideas met the approval of his fellow elites, only a rare pamphleteer joined in an unapologetic call for a fully-consolidated republic.448

From different sides of the traditional Federalist-Antifederalist divide, Luther Martin of Maryland and Nathanial Gorham of Massachusetts both proffered a union where the large states were broken down into smaller units. They came to similar conclusions through quite different processes. Gorham posed a strong government as the starting point of his thought exercise, carrying out gradual divisions of the states down to a common, small size. This policy would destroy the old states, and the loyalties and interests that had resided in them, and leave the field open for the unfettered action of central government.449 In contrast, Martin believed that the Confederations existing “federal equality” between the states, each a single unit in the central Congress,
represented the only way to build a workable republican structure. He took his readers behind the curtain of the events at Philadelphia, revealing that early drafts of the new government proposed a form of proportional representation in the Senate as well as the House of Representatives. This convinced Martin that the whole new plan of government was a scheme to subject the small states, with less representatives, to the larger, better represented ones. And in service of maintaining that electoral status quo against inevitable, regional separatism, the Marylander foresaw his home state “called upon to assist with her wealth and her blood in subduing the inhabitants of Franklin, Kentucky, Vermont, and the provinces of Main and Sagadohock”. Finally rounding to the same end point as Gorham, Luther surveyed Massachusetts, North Carolina, Virginia and Georgia, and concluded “every principle of justice and sound policy, require their dismemberment or division into smaller States”.

The three men who attended the Philadelphia Convention, but refused to sign the Constitution, demonstrated the divisions within the Antifederalist camp. Edmund Randolph, Elbridge Gerry and George Mason joined their voices in opposition to the Constitution, but their individual writing emphasized different ideas of what they saw as

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450 Luther Martin: Genuine Information II, Baltimore Maryland Gazette, 1 January 1788, DHRC, 11:135-6

451 Idem, Luther Martin: Genuine Information I, Baltimore Maryland Gazette, 28 December 1787, DHRC, 11:132-3; for a Federalist conceding that the small states could not be expected to unite without equal representation in the Senate, see The State Soldier II, Virginia Independent Chronicle, 6 February DHRC, 8:351-2; for a small-state writer taking satisfaction at the result, Lambert Cadwalader to George Mitchell, New York, 8 October, DHRC, 3:137-8; on the small-state/large-state impasse as one part of the Great Compromise of 1787, see Hendrickson, Peace Pact, 220-224

452 Luther Martin: Genuine Information XI, Baltimore Maryland Gazette, 5 February 1788, in DHRC, 11:281-4
wrong with the proposed new government, and how a superior union needed to work.\footnote{453 DHRC, 3:133-4} Gerry fell near the center of opinion of the Constitution’s opponents. He recognized that his fellow elites needed to reform the Articles government for it to survive, but he remained committed to the underlying confederal nature of the system already in place, which he defended as the real “foederal system”.\footnote{454 Elbridge Gerry to the General Court, New York, 18 October, in \textit{DHRC}, 4:98-99} Ensuring the states as separate entities protected citizens from the powers of central government, their individual liberties ensured by the bills of rights already on the books of the various states. The major Pennsylvania Antifederalists emphasized the threat to personal liberties posed by a new government acting on individuals, with the ‘Dissent of the Minority’ focusing its criticism on “the emission of a BILL OF RIGHTS ascertaining and fundamentally establishing those unalienable and personal rights of men…; the stipulation heretofore made in favor of them in the state constitutions are entirely superseded by this constitution”.\footnote{455 Dissent of the Minority of the Convention, \textit{DHRC}, 2:630-1; see also Centinel I, Independent Gazetteer, 5 October, \textit{DHRC}, 2:158}

The Virginia firebrand, Patrick Henry, agreed on this outline: the Articles required amendment, but the Constitution represented a sacrifice of the existing protections for individual rights. He warned that “unaltered” the Constitution “may be terrible to America”, yet he pushed his defense of the confederal model further than Gerry or the Pennsylvanians. Perhaps surprisingly for the radical Henry, he still wished the “the wealth and strength of the Continent [to] go where public utility shall direct”. In
a similar fashion to ‘Brutus’, Henry advanced an argument that the aspects of government that protected liberty also served to make the polity more formidable. So, if freedoms of the press, religion, and the right to jury trial were guaranteed, this persistent opponent of excessive power could concede “This Government, with these restrictions, will be a strong Government united with the privileges of the people”. 456

Henry marks the hinge point between Gerry, Bryant and others who accepted the Confederation was broken, but shied away from the Constitution as an answer, and those like George Mason who saw only minor flaws, easily corrected, in the Articles’ necessary and beneficial republican design. Mason’s suggested amendments to the Constitution wrote many of the Confederation’s state-centered flaws back into existence, with a particular emphasis on keeping militias organized and controlled locally. 457 Begging even less apology for the problems of the Articles government, James Winthrop argued against any centralising reform, stating it was “proved, by indisputable evidence, that power is not the grand principle of union among the parts of a very extensive empire”. 458

Condemning the previous empires of history for being despotic, and the republics of

456 The Virginia Convention, Tuesday, 24 June 1788, Debates, in DHRC, 10:1479; compare to Brutus IV, DHRC 19:316

457 George Mason to John Lamb, Richmond, 9 June, DHRC, 9:821-3; on the militia, see The Virginia Convention, Saturday, 14 June 1788, Debates, DHRC 10:1269-72

458 Agrippa VIII, Massachusetts Gazette, 25 December, in DHRC, 5:515. The lack of other political tracts by Winthrop means that both he and ‘Agrippa’ are usually relegated to minor roles as committed but idiosyncratic opponents of the Constitution, for example in Pauline Maier, Ratification: The People Debate the Constitution, 1787-1788 (New York, Simon and Schuster, 2010). Seeing the wider spectrum of possibilities in play during the ratification debates returns to ‘Agrippa’ the significance that drew particularly vitriolic denunciations of his writings from Federalists: DHRC, 4:303-4.
antiquity for their warlike culture, ‘Agrippa’ posed the harmonising principle of commerce as “the great bond of union among citizens.\textsuperscript{459}

The third member of the non-signers, Edmund Randolph, differed sharply from these writers. Denouncing separate confederacies as a fate equal to total dissolution of all state connections, Randolph’s writing openly accepted that the confederal basis of the government needed fundamental change, as recent events had “condemned the hope of grandeur and of safety under the auspices of the confederation”.\textsuperscript{460} In tracts that could easily have come from a Federalist pen, the only difference between Randolph and the proponents of the Constitution was that Randolph opposed the Convention’s resolution that the Constitution needed to be ratified as a whole, without amendments. This, he argued, would make the new government weaker, as a “constitution ought to have the hearts of the people on its side. But if at a future day it should be burthensome, after having been adopted in the whole” Randolph feared “they should insinuate, that it was in some measure forced upon them”.\textsuperscript{461}

Wilson, the nearest the Federalists had to a central spokesperson, defended the Constitution from the most frequent attacks of its opponents, and in doing so laid out his argument that, while “there are some parts of it which, if my wish had prevailed, would certainly have been altered”, still “I am bold to assert, that it is the best form of

\textsuperscript{459} Agrippa I, Massachusetts Gazette, 23 November, \textit{DHRC} 4:305, Agrippa XII, Massachusetts Gazette, January 11, \textit{DHRC}, 5:695, Agrippa XIV, Massachusetts Gazette, 25 January, \textit{DHRC}, 5:798. In particular Winthrop juxtaposed Rome’s military republican empire with Carthage’s commercial republican empire, holding the latter up as the true model that the United States should imitate.

\textsuperscript{460} The Publication of Edmund Randolph’s Reasons for Not Signing the Constitution, Richmond, 27 December, in \textit{DHRC}, 8:262-3

\textsuperscript{461} \textit{Idem}, 271-2
government which has ever been offered to the world”. His words came the closest to a specific defense of the form of American empire instituted in 1788. Seeing “the people of the United States, as forming one great community; and...the people of the different states, as forming communities again on a lesser scale”, Wilson touched on one of the tense compromises that lay at the heart of the Constitutional regime’s design. Wilson needed to argue for union, portraying Americans as one naturally-united people, while also conceding to republican ideas of close representation, recognising the multiplicity of interests and identities at state and local levels that required subordinate institutions to represent and protect them. He portrayed the federal model as energetic, a compromise between different interests and regions, yet limited in enumerated powers. It assured a special kind of “federal liberty”, wherein states gave up a little power and autonomy for the greater good, while transcending the various political forms of the past, so that it alone could “afford a rule adequate to the exigencies and dominion of the continent”. Wilson shared key ideas, and even specific phrases with the authors of the ‘Publius’ letters, as they defended the form of this new federal empire, after Madison and Wilson worked together at the Philadelphia Convention. Drawing heavily on Montesquieu, both emphasized “The idea of a confederate republic”, a form of government holding “all the internal advantages of a republican, together with the


463 Tuesday 4 December 1787, Convention Debates, in *DHRC*, 2:472-3

external force of a monarchical government”.

But even between these close, political fellow-travellers, conceptions of how a unified political entity would function diverged. Notably, Madison introduced his novel idea of the role of faction in Federalist 10. Portraying selfish private interest as gaining majorities at the local level, he argued faction could be counteracted by an extensive government, diluting the power of any one local faction to a minority amongst a vast and varied empire of interests. Madison’s ideas were not entirely unprecedented, as fellow Virginian Edmund Pendleton and another Federalist pamphleteer in New York echoed parts of his ideas, on the need to suppress faction, and on bringing in different interests from across the union. And South Carolina writers showed, in their preference to unite with New England over the other Southern states, some of the ways Madison’s ideas might work out in practice. Yet this focus on quelling internal instability departed from both Wilson’s, and Madison’s ‘Publius’ co-author Hamilton’s, focus on an outward-facing, foreign policy-orientated government.

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467 The Virginia Convention, Thursday, 12 June 1788, Debates, in *DHRC*, 10:1193-5, Federal Farmer, Letters to the Republican, 8 November 1787, in *DHRC*, 19:220-1


If close allies from the Philadelphia Convention such as Wilson, Madison and Hamilton could all portray different forms of republican empire, supporters of the Constitution from the geographical edge of the union differed even further. While the state of Georgia accepted the powerful new government without much debate, it did so viewing the Constitution as the lesser of two evils, compared to intermittent violence with Creek power that the state alone lacked the resources to defeat. Yet these supposed ‘Federalists’ quickly regretted the federal government’s involvement in state affairs, posing instead a sub-empire of rich agricultural land, won by conquest from the Creek. While central military assistance would be welcomed, the spoils of victory would flow to the Southwestern states like Georgia, and the quasi-state of Franklin.

Faced with numerous different models and conceptions of how to make republican empire work, the state-builders of 1787 forged a government structure that centralized as much power as possible, while still incorporating workable institutions to maintain and manage diversity. While the Federalists could make convincing arguments that this regime change was necessary in material terms of security and commerce, it was not a neat solution in terms of classical republican ideology. Yet even as the Antifederalists geared up to savage these republican heresies, they found that the powerful agreement on the need for empire, unity and expansion within the American elite blunted their criticisms, and helped their opponents to blur some of the ideological lines they were crossing.

470 Joseph Clay to John Pierce, Savannah, 17 October (excerpt), in DHRC, 3:332

471 Demosthenes Minor, Gazette of the State of Georgia, 22 November, in DHRC, 3:244-5; Governor George Handley to Governor John Sevier, Augusta, 19 February, DHRC, 3:294, also see DHRC, 3:211
4.4: Popular Empire

Debating the new form of government in 1787 and 1788 had countervailing effects on American political culture. While Madison expressed his beliefs that a large polity would help diffuse the threat of factions or parties, the debates showed Americans tendency to draw sharp political battle lines and build powerful coalitions to enforce their views. Empire could not overcome the tensions of Anglo-American representative government, and of clashing political interests. But the debates did validate the new government, using empire as a major justification for an extended federal republic that departed from some of the classic principles of republican liberty in politics. And as the need for empire shaped the idea of republic, so the popular sovereignty at the heart of republicanism resulted in a stronger American Empire. As Hamilton argued in Federalist 22, Americans needed to “[lay] the foundations of our national government deeper than in the mere sanction of delegated authority.” Instead, “The fabric of American Empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority.”

Legitimized by popular will, a republican empire would be less likely to fragment and divide, and its expansion and wars would occur with the backing of the populace. In this belief, Hamilton shared a great deal in common with one of his polar ideological

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opponents. While Patrick Henry required restrictions on government’s ability to infringe citizen’s rights, he still believed in “a strong Government united with the privileges of the people”, and desired “the wealth and strength of the Continent [to] go where public utility shall direct”.

But popular empire came with a corollary cost. Unleashing the energies of empire where the popular will demanded it could drag the American state into conflicts that imperial statesmen would prefer to have avoided. The underlying popular cause that legitimized the American Empire to westerners, elite and common alike, was aggressive land settlement across the Appalachians. If the federal government reneged on the promise of western expansion, it would be making the same mistake that the British had before the Revolution. Indeed, it might continue the instability of the Revolution as west and east of the union struggled against each other for a mutually agreeable settlement. Yet obeying this popular imperial impulse, the Federalist regime found itself drawn into an imperial war in the West that it was barely prepared to face, and ultimately came very close to losing.

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473 The Virginia Convention, Tuesday, 24 June 1788, Debates, in DHRC, 10:1479

474 Slaughter, Whiskey Rebellion, 4; Patrick Griffin, America’s Revolution (New York, Oxford University Press, 2012), 253-4
CHAPTER 5:
EMPIRES IN THE WEST

In August of 1793, on the lower Sandusky River in Ohio Territory, commissioners from the United States federal government met with a council of Native American leaders from across the Great Lakes region. The commissioners came aiming to make peace, and settle the four-year-old Northwest War that was raging across the Ohio Valley. Theirs would be an imperial peace, reserving to the United States the “the right to pre-emption”: the sole right to carry out purchases of Native land, “to the exclusion of all other White People whatever.” Pre-emption made the United States imperial in two ways. It extended a European conception of suzerain control over self-assuredly sovereign Native groups, foreclosing other empire’s attempts to influence the frontier region through Indian allies, and so undermining their diplomatic independence.

475 On terminology for the indigenous inhabitants of the trans-Appalachian West, none of the widely used terms, Native, Native American or Indian, is perfect. All represent European terms given to the indigenous people of the continent, as Iroquois, Shawnees and others lacked a collective term for the inhabitants of North America. Wherever possible, specific tribal or village names are used. Where a broader collective noun is required, all three terms will appear to avoid excessive repetition. Generally, ‘Native’ appears more than ‘Native American’, as the people described in the coming chapters made very conscious efforts to resist the ‘American’ empire that intruded into their lives.

in the Atlantic world. It also consolidated the United States government’s role as the sole original proprietor of western lands, to whom all settlers, squatters and speculators in the West had to pay various forms of loyalty, service and of course money, to confirm their own claims and properties.477

Yet the Sandusky meeting did not go as the American commissioners expected. Not only did the Indian leaders fully intend to vindicate their people’s collective sovereignty, but with the war going well for the Native confederacy, they had little reason to compromise to American terms. On the receiving end of Anglo-American colonialism for multiple decades, the leaders of the Miami, Shawnee, Delaware and other communities knew full well how American empire worked. Their negotiating stance sought to place the Ohio River between themselves and the land-hungry Euro-Americans advancing north and west. When the US commissioners pointed out that certain lands north of the Ohio were already settled by American families and requested that the Native confederacy sell them at a fair price, the Indian diplomats refused point blank. Instead, they gave the commissioners a remarkable reply that broke down the base dynamics of American imperialism, and suggested a complete reversal of this policy:

You have talked to us about concessions. It appears strange that you should expect any from us, who have only been defending our just rights against your invasions. We want peace. Restore to us country, and we shall be enemies no longer.

As no consideration whatever can induce us to sell the lands on which we get sustenance for our women and children, we hope we may be allowed to point out a mode by which your settlers may be easily removed and peace thereby obtained. Brothers: We know that these settlers are poor, or they would never have ventured

to live in a country which has been in continual trouble ever since they crossed the Ohio. Divide, therefore, this large sum of money, which you have offered us, among these people: give to each, also a proportion of what you say you would give to us, annually, over and above this very large sum of money: and we are persuaded, they would most readily accept of it, in lieu of the lands you sold them. If you add, also the great sums you must expend in raising and paying armies, with a view to force us to yield you our country, you will certainly have more than sufficient for the purposes of repaying these settlers for all their labour and their improvements.478

As a piece of political theater, it threw the US commissioners onto the back foot. As a viable policy suggestion, the rudimentary welfare state the Native leaders sketched out went beyond utopian. What their speech did do, was demonstrate the inherent power of the new form of settler empire the United States had begun to forge. Even as the Native confederacy of the Ohio valley held the American military at bay, they recognized the underlying economic structures that incited the American settlers in the West to constant violence against the region’s Indian inhabitants: poverty, opportunity and abundant land.

This desire to open up the lands of the trans-Appalachian West to European settlement had been a driving factor in the Seven Years War, and then in the colonial grievances against the Proclamation Line and the Quebec Act. Sensing British indecision and parsimony, settlers had been moving into the region since the 1760’s. When the United States finally won its independent empire in the early 1780’s, it inherited this unstable world in the Ohio Valley. Yet unlike the British before them, the United States

478 General Indian Council to the United States’ Commissioners, Aug 13, 1793, ASP, Indian Affairs, 1:356-7; Taylor, Divided Ground, 280
attempted to build a viable imperial system out of land-hungry settlers, backed by government military force.\textsuperscript{479}

American empire in the West hinged upon two documents. The Constitution, hammered out in the debates of 1787 and 1788, created the institutions of power to raise the money and troops needed to fight, conquer and garrison hostile neighboring regions. But just as important, the Northwest Ordinance of 1787 presented a revolution in empire-building. Rejecting the center-periphery model of other European empires, Congress promised western settlers that if they pledged their loyalty to the United States, they would, in time, be guaranteed equal membership of the imperial union on equal footing to the original thirteen states.\textsuperscript{480} Even the most impoverished squatters, the poor men that the Sandusky ambassadors referred to, could envision themselves one day in the not-too-distant future made full citizens in the empire. The states’ rights and individual rights conceded by the state-builders of 1787 and 1788 underpinned this equality, and the whole deal was sealed by the promise of near-limitless cheap land won from the intransigent Native peoples of trans-Appalachia. While the early federal republic had limited resources at its disposal and faced a host of challenges in bringing order to the West, these imperial documents gave American leaders the tools they needed to begin to build a viable regime.

They would need all the help they could get. While the Peace of Paris in 1783 had endowed the United States with the sweeping imperial claims it had sought since the

\textsuperscript{479} Hinderaker \textit{Elusive Empires}

\textsuperscript{480} Onuf, \textit{Statehood and Union}
Declaration of Independence, the reality on the ground was of a West in chaos after the unrest and violence of the Revolutionary War.\textsuperscript{481} The United States Army, strung out along the Ohio River in a series of forts, lacked the numbers to police the region. And across the Ohio Valley, and the broader Great Lakes, a powerful Native American coalition started to form in response to the growing threat of American empire. In response, American leaders engaged in a final series of debates through policy, over the nature of the empire. Faced with the Ohio confederacy, a sovereign power making itself manifest within the United States’ territory, these debates revolved around American policy towards their Indian neighbors, in land purchases, military confrontation and diplomacy with the British and Spanish. Above all, they revolved around the issue of coexistence. And they mattered, because time and again in the 1780’s and 1790’s the agents of American empire suffered stinging defeats at the hands of Native power.

The previous two chapters described the formation of the institutions of a new, empowered, imperial regime. Yet the events in the Ohio Valley between 1788 and 1795 show that this empire’s existence was far from guaranteed after ratification of the Constitution. The Philadelphia Convention and the union-wide ratification debates had forged a more refined imperial toolkit. But the leaders of the young republic still needed to wield these tools effectively to make their republican empire manifest. For several crucial years after the inception of the federal government, they came close to failing.

5.1: The West After the Revolution

Since the end of the Seven Years War, first the British and then American empire had attempted to govern the trans-Appalachian West. The primary challenge facing imperial administrators was managing the conflicting interests of Euro-American speculators and settlers seeking land in the region, and the Native American communities who already lived there. The failure to strike this balance unmade the British Empire in the Ohio Valley in the years preceding the Revolution. In 1783, the United States received sovereign claim over the region.

The US Army garrisoned a string of forts along the Ohio, Forts Pitt, McIntosh, Henry, Harmar, Randolph and Vincennes, and eastern land speculators followed them, to try to make good their investments in large tracts of western land. Kentucky had already seen considerable settlement since 1768, when the Treaty of Stanwix had ceded the Colonies land to the Tennessee River, but Ohio provided a carte blanche for ordered American settlement and state-building. Ideally, the army would act as peacekeepers, while the government surveyed the land, speculators and land companies then sold their plots, and settlers moved in to populate this new region of the United States. The “respectable” elites based at new western towns like Marietta would control this process.

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483 Griffin, *American Leviathan*, 201

And its measured pace, facilitated by legal land purchases from the Native inhabitants, would ensure peace, commerce and accommodation between the various groups in the region as the new federal regime established itself across the Appalachians.\textsuperscript{485}

In reality, the United States claim to control existed on paper only. The sheer weight of numbers of settlers moving into the region overwhelmed any attempts to put the Confederation’s imperial plans into effect. During the Revolutionary War, Native resistance had held the upper hand against American settlers, pinning in settlement in Kentucky. But with peace, the floodgates opened to those seeking land in the Ohio Valley.\textsuperscript{486} Between October 1786 and May 1787, Congress’ commander in the West, Josiah Harmar, recorded river traffic and counted “one hundred and seventy-seven boats, two thousand six hundred and eighty-nine souls, one thousand three hundred and thirty-three horses, seven hundred and sixty-six cattle, and one hundred and two wagons passed Muskingum for Limestone and the Rapids”.\textsuperscript{487} In the latter six months of 1787, he recorded the passage of another 146 boats, carrying 3,196 settlers, 1,381 horses, 165 wagons, and all their attendant livestock. And in the first half of the following year the numbers reached 308 boats and 6,320 people.\textsuperscript{488}

\textsuperscript{485} Idem; Cayton, \textit{Frontier Republic}, 26; Griffin, \textit{American Leviathan}, 201; on Harmar and St. Clair’s concerns with maintaining peace with the Natives, see Harmar to Sec of War, July 16, 1785, \textit{SC Papers}, 2:7; Harmar to Sec of War, Aug 7, 1787, \textit{SC Papers}, 2:29; Gov St Clair to Sec of War, Jan 27, 1788, \textit{in SC Papers}, 2:41

\textsuperscript{486} Hinderaker, \textit{Elusive Empires}, 224-5, 242-3

\textsuperscript{487} Harmar to Sec of War, May 14, 1787, \textit{in SC Papers}, 2:20

\textsuperscript{488} Harmar to Sec of War, Dec 9, 1787, \textit{in SC Papers}, 2:38; Harmar to Sec of War, 15 June 1788, \textit{SC Papers}, 2:46
As Kentucky’s lands filled up, settlers began to cross to the north bank of the river. This new direction of emigration caused two immediate problems: one the one hand, squatters took up the best lands of the region, pre-empting lucrative land sales by the government later. And their rush to grab whatever land they desired inevitably led to conflict with the native peoples who lived on the same land.\(^{489}\) While the problem was clear, the solution was not. From 1785 onwards, Harmar sent a string of reports back to his superiors in the East recording his attempts to clear out squatters north of the Ohio. Expeditions went out along the upper Ohio, warning squatters to clear the area, before companies were sent to burn the cabins of those that had ignored the warnings.\(^{490}\) Yet the squatters largely ignored the military’s police actions, aware that good land was running out south of the river, and Harmar conceded that his ability to effectively police the region stopped little more than 100 miles southwest of Fort McIntosh. He warned that without swift, further support from Congress, the settlers further down the Ohio would be too strongly ensconced to remove at a later date. Instead, in 1787, Congress cut the army’s funding. Harmar saw the results of this failure with his own eyes, travelling down the river in the same year to try and dissuade clandestine settlements at Kaskaskia, where he reported that former Kentucky militiamen had “‘cast their eyes on choice lands, and… had made what they called tomahawk rights’.”\(^{491}\)

\(^{489}\) Harmar to Sec of War, Oct 22, 1785, in *SC Papers*, 2:12; Hinderaker, *Elusive Empires*, 238-9

\(^{490}\) Harmar to Pres of Congress, May 1, 1785, in *SC Papers*, 2:3; *Idem*, 5; Harmar to Sec of War, Oct 22, 1785, in *SC Papers*, 2:12

\(^{491}\) Harmar to Sec of War, Aug 7 1787 in *SC Papers*, 2:29; Harmar to Sec of War, June 1, 1785, in *SC Papers*, 2:6; Cayton, *Frontier Republic*, 9-11; Bergmann, *American National State*, 27-8, 29
The settlers on the ground held the initiative far beyond their supposed
government at this crucial moment. Indicative of the futility of Harmar’s police actions,
the Confederation Congress found itself reduced to legitimising westerners’ appropriation
of land, through treaties with Native communities. The treaties of Fort Stanwix 1784,
Fort McIntosh in 1785, Hopewell over the new year of 1785 and 1786, and Fort Finney in
1786, ceded vast tracts of the trans-Appalachian West to the United States. Each treaty
met settler demands, while doing little for the Indian signees except supposedly
guaranteeing peace. Such a lopsided result all-but promised further violence. But the
process of one-sided treaties demonstrated a profound shift in imperial practice. Before
the Revolution, official British policy had been to guarantee Native land, to ensure peace
and trade. While the Confederation government nominally pursued the same goal, they
made notable concessions to demographic settler pressure. Both British and American
had lacked the resources to control the westerners, but the United States, in its weakness,
began to align itself with the settlers, to piggyback empire on their uncontrolled,
voracious land-hunger.

The 1780’s represented a moment of transition, in policy and attitudes. When
violence flared up between settlers and Native groups, Kentucky militias launched a
series of unofficial incursions north of the Ohio River into Indian territory. The
responses of the US army stationed in the West registered a mixture of powerlessness and
condonement. Unable to police the militia, officers like Jean François Hamtramck had to

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492 Harmar to Sec of War, Nov 15, 1786, SC Papers, 2:19; Harmar to Sec of War, May 14, 1787,
SC Papers, 2:20-21; Banner, How the Indians Lost Their Land, 148-9; Richter, Facing East, 224-5

493 Sadosky, Revolutionary Negotiations pages
look the other way.\footnote{Major Hamtramck to Harmar, 31 August, 1788, in Thornbrough (ed.), \textit{Outpost on the Wabash: Letters of Brigadier General Josiah Harmar and Major John Francis Hamtramck} (Indianapolis, Indiana Historical Society, 1957), 116; Griffin, \textit{American Leviathan}, 203-4} Others tacitly approved of the Kentuckians’ actions, seeing the chance to destroy Native power north of the Ohio. Their commanding officer was among them.\footnote{Bergmann, \textit{American National State}, 27-8, 34, Andrew R.L. Cayton, \textit{The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825} (Kent, Ohio, Kent State University Press, 1986), 9-11} While Harmar denounced the “disgraceful affair” of a Native ally of the US being murdered by militiamen, his concerns focused on the diplomatic fallout. In the very same letter the general showed his sympathies, hoping for the success of further incursions, albeit those launched against appropriately hostile Indian targets.\footnote{Harmar to Sec of War, Nov 15, 1786, in \textit{SC}, 2: 19; White, \textit{Middle Ground}, 440} Rather than playing the imperial mediator that Britain had failed at, the United States agents on the ground began to position the American empire as the patron of the settler interest.

This instability in the West, and the threat it posed to American security and expansion, provided a significant justification for the new Constitution. A divergence of interests between East and West, political theories about the correct size of republics, and the formidable geographical barrier of the Appalachians, all posed major challenges to the US in ruling its new territories. Westerners feared that their Eastern government would negotiate away any hope of access to the Mississippi River for trade, and felt frustrations that the Indian powers of the region remained undefeated. Many commentators in the 1780’s assumed that the republic would end up splitting in two, and a string of provincial rebellions starting in 1786 suggested they might be right.\footnote{Slaughter, \textit{Whiskey Rebellion}, 30, 36-43, 47-9; Matson, Onuf, \textit{Union of Interests}, 64-6}
two neighboring European powers, Britain and Spain, hovered ever-present on the
horizon, threatening that if the US faltered, and lost control of its western provinces, they
could step in and welcome them under the aegis of their own empires. Bringing order to
the region marked a top priority of the federal regime inaugurated in 1789.

The Constitution brought institutional strength to the union. Replacing a
confederation unable to pay its debts or raise a significant army, the new federal
government held the means to enact effective foreign policy. The unique ability of the
Constitution to raise revenue without overburdening American citizens with taxes,
allowed the federal regime to weaponize the demographic strength of the eastern colonies
compared with the societies of the interior.\textsuperscript{498} Westerners, all too aware of the military
failings of locally-raised militia forces in the Northwest War, found hope in the
empowered new regime.\textsuperscript{499} Their attachment to the East depended on its ability to
provide economic development, free land, and the defeat of the Indians in the region.

Yet Western loyalty also hinged on a government that remained responsive to
their needs. Fear of the eastern government abandoning American access to the
Mississippi had brought the union near fracture in the 1780’s. Although the Constitution
provided the required state capacity to impose American empire in the West, durable
legitimacy of the state relied upon the Northwest Ordinance. The revolutionary nature of
the Ordinance came in rejecting the fears of those who posited in the 1780’s that
westward expansion would drain the eastern states of population. Instead, the promise

\textsuperscript{498} Edling, \textit{Revolution for Government}

\textsuperscript{499} Hinderaker, \textit{Elusive Empires}, 244; Bergmann, \textit{American National State}, 41-2
that new states would accede to the union on equal terms as the original states represented an underwriting of unlimited expansion by the federal government.\textsuperscript{500} And expansion guaranteed western loyalty, with the promise that over time, an ever-larger proportion of the empire’s representatives would hail from western states, and represent western interests. In the combination of the two documents, Constitution and Ordinance, American leaders had created, on paper, a powerful set of institutions for an expansionary, imperial regime.\textsuperscript{501}

But documents alone did not settle the West. The Northwest Ordinance played a vital role in creating the shape of republican empire, but it relied on population growth as the engine that pushed areas through the territorial stage to full statehood. In the chaos of war, and the economic instability of a West contested between rival empires, the Ordinance could have been a dead letter. And the Constitution, while it gave the means to participate in that imperial contest, did not guarantee American victory. In the trans-Appalachian West, the United States faced a powerful threat from a series of alliances between its European competitors, Britain and Spain, and the Native power of the region. As evidenced by the events of the Sandusky conference in 1793, Native power in particular proved a challenge that the United States struggled to overcome. American leaders had to ask themselves how their republican empire would interact with neighboring rival powers.

\textsuperscript{500} Onuf, \textit{Statehood and Union}, Anderson and Cayton, \textit{Dominion of War}, 189-91

\textsuperscript{501} Scholars have divided over the most important of the two aspects of American empire: for emphasis on the efficaciousness of government, Max Edling, \textit{Revolution In Favor Of Government} and \textit{Hercules in the Cradle}; on the legitimacy built by property-creating republican regimes, Peter S. Onuf, \textit{Statehood and Union} & \textit{Jefferson’s Empire}, and Taylor, \textit{Divided Ground}. For a blend of the two approaches, that adds the ideological glue of anti-Indian racism, Griffin, \textit{American Leviathan}. 

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5.2: Imperium in Imperio

During the Ratification debates, the concept on a state-within-a-state haunted American thinkers. Whether the power of the individual states to undermine policy under the confederation, or the Constitution’s creation of a new, federal locus of power to clash with the states, the idea of *imperium in imperio* presented the image of a sclerotic polity to both sides of the debates. It meant a government at war with itself, and doomed to fail. This represented an eastern debate, about the nature of sovereignty within the existing union. But looking out west instead, the idea of *imperium in imperio* took on a whole new dimension. In the trans-Appalachian West, the American claim to sovereign empire, conceded to them in international diplomacy in 1783, came up against a string of independent Native American powers. Native polities took on an anomalous form to Euro-American eyes, not quite treated as truly sovereign empires like the British, the French and the young United States, but neither yet the dependent nations that the United States and Britain would reduce Indian communities to in nineteenth century North America. Of course, the Indian communities saw themselves as fully sovereign, and contested American claims to the contrary. In short, the complex diplomacy of the West presented a very real *imperium in imperio*. And even more than the rhetorical challenges the term represented in the ratification debates, this clash of power presented a material

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threat to the existence of the United States’ empire between the mountains and the Mississippi River.

American policy towards Native powers in the 1780’s had proved a failure. At the heart of their failure was a contradictory position to Native power. On the one hand they recognized their potential for further confrontation, if the Indians continued to be provoked by settler raids. Upon taking command of the western territory, Arthur St. Clair argued that further Congressionally-authorized settlement in the West depended “entirely on a solid peace with the Indians” and could not continue “…unless the inhabitants of the States that border upon them can be restrained from acts of violence and injustice towards them”.503 In the preceding years Harmar had advised the government to refrain from sending troops with the official survey of the southern Ohio area, as it might provoke hostilities with Native groups. And in the south, Congress proved willing to warn settlers and states from violating the Confederation’s Indian treaties, and given its lack of enforcing power, even leave obdurate squatters for powerful Indian nations like the Creek to deal with themselves.504 American officers on the ground appreciated fully that if it came to war, the Natives would “become very formidable from their numbers”.505 Further, they could present useful tools of the British and the Spanish to regain influence in the critical trans-Appalachian region.

503 St Clair to Sec of War, Jan 27, 1788, in SC Papers, 2:42; Griffin, Leviathan, 203-4. Also see the text of Northwest Ordinance, in Onuf, Statehood and Union, 60-4

504 JCC, 28:119, Francis P. Prucha, The Great Father: The United States Government and the American Indians (Lincoln, University of Nebraska Press, 1984), 46-8

505 Harmar to Sec of War, July 12, 1786, in SC Papers, 2:15
Despite this, the claim that the United States had conquered the Indians, through the cession of their lands in 1783, proved hard to resist. Playing up the fiction of conquest, the post-war American approach embodied a fundamental overconfidence in their ability to manage people in the West. To break apart Native alliances, the US pursued a strategy of individual treaties with the various Indian nations. American officers on the ground had already observed that the government needed “to engage some of their nations in our favor”. Treaties settling land disputes and bringing trade and trust would achieve this. And the land cessions would also allow the US to slowly surround Native communities with white settlement, cutting them off from both their fellow Indian, and British and Spanish, allies.\footnote{506 Captain John Doughty to Sec of War, Oct 21, 1785, in \textit{SC Papers, 2:10}; Taylor, \textit{Divided Ground, 9}, Hatter, \textit{Citizens of Convenience, 43}} This was an eminently imperial approach. The United States claimed control over everything within its borders, so rearranging landholding patterns appeared well within the United States’ domestic sovereignty.

A series of treaties followed between 1784 and 1786. The Iroquois signed at Fort Stanwix in October 1784, representatives from the Delawares, Odawas and Wyandots at Fort McIntosh in January 1785, Cherokee, Choctaw and Chickasaw at Hopewell between November 1785 and January 1786, and finally the Shawnee at Fort Finney later the same January.\footnote{507 Richter, \textit{Facing East, 224-5}; Sugden, \textit{Blue Jacket 68}; Hatter \textit{Citizens of Convenience, 43}} Had the United States handled these treaties well, they may have achieved a tentative settlement. Instead, driven by the scale of western emigration, American commissioners demanded vast land cessions across the Ohio Valley. Combined with the insulting and intimidating negotiating tactics the US often employed, abandoning the
supposed equality of the formal treaty meetings for the comfort of the fiction of conquest, US demands alienated the Native attendees and frustrated their own strategy. Notably at Fort Finney, most of the Shawnees walked away from the negotiations, leaving only the Mekoche band and their accommodationist leader Moluntha to sign under pressure, ceding away lands belonging to other Shawnee groups.508

Between 1786 and 1788, events north and south of the Ohio further undermined the diplomatic credibility of the United States. Settlers in upstate New York devoured the lands of the Iroquois. Agents acting for Georgia leveraged the sale of large tract of land east of the Oconee River from a small group of Creeks falsely posing as representatives of the wider nation. Settlers in the unrecognised state of Franklin freely violated the Hopewell treaties, attempting to settle the fertile lands around the former Cherokee capital of Chota.509 And ongoing squatting in Ohio forced St. Clair to wonder whether any peace could last, when:

Our settlements are extending themselves so fast in every quarter where they can be extended; our pretensions to the country [the Indians] inhabit have been known to them in so unequivocal a manner, and the consequences are so certain and so dreadful to them.”510

The incoming federal regime inherited this chaos in the West. 1789 presented a moment of reappraisal, and potential policy change. Appreciating that the Confederation’s aggrandising land policies and haughty attitude had driven more and

508 JCC, 34:124; De Pauw (ed.) Documentary History of the First Federal Congress, 2:140-2; Parmenter, “Struggle for the Ohio Valley”, 116-7; Hatter, Citizens of Convenience 43; Sugden, Blue Jacket, 70-1; Nelson, Man of Distinction, 153

509 St Clair to Sec of War, Sept 2, 1788, in SC Papers, 86; Taylor, Divided Ground, 9-12, Prucha, Great Father, 47-8

510 St Clair to Sec of War, July 5, 1788, SC Papers, 2:48-9
more Native groups into collective hostility to the United States, the leading figures in western policy mooted a new approach. President-elect Washington and Secretary of War Knox still intended to buy more Indian land for settlement, but argued that they needed to approach Native powers more equally, conceding to the Indian power on the ground. Clandestine purchases by individual states’ actors had to stop. Further diplomacy and land purchases needed to happen via voluntary, officially recognized deals between recognized Native leaders and federal officials. And beyond policy, American attitudes had to change. Knox argued that “The doctrine of conquest is so repugnant to [the Natives’] feelings, that rather than submit thereto, they would prefer continual war.”511 Based on events before 1783, continuing with the previous contentious approach risked a war the United States might not win.

Yet for all their ideas of reformed practices, Washington and Knox remained caught between two ways of looking at Indian relations. To try and avoid a general conflagration, the Washington administration pressed St. Clair to engage with Joseph Brant, leader of a nascent Native confederacy created to oppose American expansion, and make a viable treaty. Washington pressed for the resultant Treaty of Fort Harmar in 1789 to receive Senate ratification, on par with international treaties: suggesting that a powerful Native collective, such as Brant’s confederacy, could stand near the brink of stateworthiness in American eyes.512 Yet at the same time, Indian affairs were handled

511 JCC 34:125-6
512 Banner, How the Indians Lost Their Land, 130-3, Prucha, Great Father, 52-3; on ‘stateworthiness’, see Gould, Among the Powers, 2-3, 11, 119, Sadosky, Revolutionary Negotiations, 6-9. Both Gould and Sadosky emphasize how the United States attempted to undermine Native stateworthiness: the events surrounding the Northwest Confederacy suggest at how Native Americans could reverse this process.
under the jurisdiction of Knox, the Secretary of War, not Jefferson, the Secretary of State. Indian relations remained in a liminal condition, one part interstate diplomacy, one part suppression of internal insurrection.

The leading figures preaching change remained caught in this intellectual bind. Other members of the administration, like Jefferson, held fast to the theory of conquest, reflecting on the Creek that “they were by our arms completely subdued and humbled”.

In the confusion, federal agents in the field could counteract the attempted policies of the center. This ‘debate’ in American policy did not happen in writing, nor in a cabinet meeting, but in specific actions taken on the ground. St. Clair urged caution over Indian power and the challenges of an open conflict. But unlike his superiors in Philadelphia, he did not abandon the underlying principle that the land under negotiation was the property of the United States, nor the broader attitude of American rights of conquest. His disconnect from priorities coming out of Philadelphia would undermine the entire federal policy. Writing to Brant in advance of the meeting, the governor dismissed as “futility” the Confederacy’s hopes for reversing the earlier, hated Stanwix, McIntosh and Finney treaties, and instead “gave them a view of the consequences of peace and War to themselves.”

The negotiations at Fort Harmar had promised a deal that could deliver the US from a war in the West and form a tentative working relationship between the nascent

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513 Jefferson to William Carmichael and William Short, Philadelphia, June 30, 1793, National Archives at College Park, 593313, M28, 315

514 St. Clair to Sec of War, in Carter, Clarence E., John P. Bloom (eds.), The Territorial Papers of the United States (Washington: U.S. Govt. Print. Off., 1934), 1:164-5; Hatter, Citizens of Convenience, 54; for St. Clair’s strategic sense that the Indians should be defeated through direct, offensive warfare, see St Clair to the President, Sept 14, 1789, SC Papers, 2:124
polities, the American federation in the east and Native confederation in the west. But St. Clair’s hostile communications killed any chance of a deal with major figures such as Brant. In response to the diplomatic insult, the Mohawk leader turned around long before he reached Fort Harmar, letting other, lesser figures attend in his place. Hearing this, St. Clair anticipated “the dissolution of the general confederacy which [Brant] and the British had taken so much pains to form” and predicted increased security for the states east of the Ohio. And a month later, as the meeting concluded, he stated that Brant had lost his influence among the confederates.\textsuperscript{515} St. Clair presented events as a personal triumph. Yet whatever damage he had done to Brant’s leadership, he also undermined Washington and Knox’s peace policy.\textsuperscript{516} In the summer of 1789, the Native communities north of the Ohio would begin the war with the United States that the American leading politicians had attempted to avoid.

In the following three years, American policy in the West remained plagued by the same tensions between realistic assessments of power on the ground and Anglo-American dismissal of Natives as diplomatic or military equals. In this, Knox demonstrated himself as guilty as his subordinate stationed on the Ohio River. Responding to a year of violence, Knox argued “that no efficient defensive protection can be afforded the frontiers lying along the Ohio against the depredations of single or small parties of savages”. Accepting the efficacy of Native power, Knox also downplayed the coordinated nature of these attacks, portraying the Native forces to Washington as a

\textsuperscript{515} St. Clair to John Jay, Dec 13, 1788, in \textit{SC Papers}, 2:102-3; St Clair to Sec of War, Jan 18, 1789, in \textit{SC Papers}, 2:108-9

\textsuperscript{516} St Clair to Sec of War, Jan 18, 1789, in \textit{SC Papers}, 2:109-111; White, \textit{Middle Ground}, 445-6
“banditti” in need of “extirpating”. The use of “banditti” was telling, as it made the Indian confederacy invisible, demoting the Northwest War of the coming years to a large-scale police action, rather than a true interstate conflict.

Strategically, it also allowed the American leaders to believe that the conflict could be contained. While authorising offensive operations in October 1789, Washington stressed the need to avoid war with “the Wabash Indians” along the eponymous river, and Knox affirmed the policy the following May. Convincing themselves that the perpetrators of the violence in the Ohio Valley represented only a rogue “banditti”, the two men worried that indiscriminate violence north of the Ohio would drive Native communities together and wake a superior military force against the American army.

To that end, St. Clair’s subordinate Antoine Gamelin set off on a diplomatic mission to the communities along the Wabash River, in the hope of detaching them from the confederation. The responses from the villages Gamelin visited demonstrated how badly the Americans had misjudged conditions north of the Ohio. The Kickapoops escalated the issue to the neighboring Weas, and the Weas, Piankeshaws and Eel River Shawnee all gave the same reply: “they could not give presently a proper answer, before they consulted the Miami nation, their eldest brethren.”

Forced to meet the Confederacy’s Miami, Shawnee and Delaware leaders at Miami Town, Gamelin received

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517 Knox to St Clair, June 7, 1790, SC Papers, 2:147, Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:146

518 President to St Clair, Oct 6 1789, SC Papers, 2:125, Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:147

519 Gamelin’s Journal, SC Papers, 2:155-7, Gov St Clair to Sec of War, SC Papers, May 1, 1790, 2:136; White, Middle Ground, 447
a dressing-down from the Shawnee leader Blue Jacket, who insisted on his own goodwill, but archly suggested that “some other nations were apprehending that offers of peace …tend to take away, by degrees, their lands, and would serve them as they did before”.

Blue Jacket then pointed to the new Ohio settlements as proof of this, and insisted that “If [the Americans] don’t keep this side clear, it will never be a proper reconciliation” with the major nations north of the Ohio. Returning the way he came, Gamelin found each Wabash village assuring him they would rally behind their “eldest brethren”.

The defeats of the Harmar and St. Clair expeditions in 1790 and 1791, demonstrated the many challenges the United States faced in direct confrontation with this unified Indian coalition. While Harmar appeared on the surface to have successfully harried the central confederacy settlement at Miami Town in 1790, reports from the field suggested that the Miami community had rebuilt its core settlements soon after the campaign. And both Harmar and St. Clair’s armies suffered defeats in major ambushes, by Native forces fighting on home turf. St. Clair’s defeat at the headwaters of the Wabash on November 4th, represented the largest defeat to an Indian force of any in the United States’ history.

In the wake of these reverses, the United States government faced a decision. The Northwest had become a fiscal black hole, and the government could not pursue other

520 Gamelin’s Journal, SC Papers, 2:158-9

521 Harmar and St. Clair portrayed the campaign as a victory. On Harmar’s military defeat, see White, Middle Ground, 454; on the campaign and immediate Native rebuilding, see Wilkinson to St Clair Aug 24 ,1791, SC Papers, 2:237-8, and Bergmann, American National State, 44-5, 47-8

522 Diary of Maj Ebenezer Denny, Aide-de-Camp to St Clair, SC Papers, 2:252-62, St Clair to Sec of War, Nov 9, 1791, SC Papers, 2:262-7, General Armstrong to the President, Dec 23, 1791 SC Papers, 2:276-7; Allen, His Majesty’s Indian Allies, 73-4; Sugden, Blue Jacket, 118-9; Bergmann, American National State, 48-50; Hatter, Citizens of Convenience, 47; Slaughter, Whiskey Rebellion, 105-7
foreign policy ends effectively until “those cursed Indian wars [were] at an end.” Should the United States send yet another army into the West, or cut its losses, and cease what seemed to some politicians and officers as throwing good money after bad? While the immediate choice of the government was to propose peace, and a new, more equitable treaty, many in the government argued for war. Reflecting on “our endeavors for peace”, Jefferson suggested “That they will fail, we have reason to expect: and consequently that the expences of our armament are to continue for some time.”

The American government offered peace to the Ohio confederacy, resulting in the negotiations at Sandusky in 1793. American empire was at its lowest ebb, with federal commissioners willing to “acknowledge the property or right of soil of the great Country above described, to be in the Indian Nations so long as they desire, to occupy the same”. While the United States retained the claim to pre-emption, the memorable reply from the confederacy’s delegates suggested that few voluntary land sales would be forthcoming in the future. And while the American promised to dismantle the Ohio country forts, the two sides failed to agree on territory. The Native demand, that the US retreat behind the Ohio River for good, came too close to recognizing a truly independent, sovereign Native state. No American leaders could condone turning the

523 Gov St Clair to Alexander Hamilton, Aug 9 1793, in SC Papers, 2:318; Hatter, Citizens of Convenience, 47-8

524 Jefferson to Gouverneur Morris, Philadelphia, October 15, 1792, NAC, 593313, M28, 203

525 Speech of the Commissioners, in Simcoe Papers, 1, 408

526 Taylor, Divided Ground, 267, Sugden, Blue Jacket, 142
admittedly uncomfortable *imperium in imperio* of the West into a genuine contested borderland between two rising powers.

With the Sandusky meeting a failure, and the Northwest War still ongoing, the fate of the empire lay in the balance. The American position in the West appeared on the verge of unravelling in 1792 and 1793. Inhabitants of western Pennsylvania, western Virginia and Kentucky opposed the government’s new excise on whiskey, claiming they should be exempted from any taxes while the countryside remained “infested with savages”. By 1792, the scale of the crisis morphed from moderate petitions and protests into more serious riots and demonstrations.527

At the same time, agents of the French ambassador Edmund Genet moved through Kentucky, trying to stir up the disgruntled settlers to break from their own government and join the French Revolutionary cause.528 Secretary of State Jefferson reported the French attempts “to excite and engage as many as they could, whether of our citizens or others…to descend the Ohio and Mississippi and attack New Orleans.”529 And in the South, the Creek and Cherokee launched a major attack on Buchanan’s Station, on the Cumberland River. A Cherokee elder in favor of peace warned Governor Blount in advance, and the attack failed, but the Southwest Territory appeared in similar

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527 Draft of a petition from the inhabitants of Kentucky, 4 Dec 1793, quoted in Griffin, *Leviathan*, 233; also see William Findley, *History of the insurrection in the four western counties of Pennsylvania: in the year M.DCC.XCIV. With a recital of the circumstances specially connected therewith: and an historical review of the previous situation of the country (Philadelphia, 1796)*, 41; Slaughter, *Whiskey Rebellion*, 93-4, 110-7, 117-8

528 Ammon, *Genet Mission*, 82-6

529 Thomas Jefferson to Governor Shelby, Nov 6 1793, in *SC Papers*, 2:319; also see St. Clair to Gov Shelby, Nov 7 1793, *SC Papers*, 2:320
danger to the Northwest. And Jefferson confirmed the extent of Spanish support coming out of New Orleans and Pensacola. The “Baron de Carondelet… chief Governor at New Orleans…is the sole source of a great and serious war now burst out upon us, and from Indians who we know were in peaceable dispositions towards us, till prevailed on by him to commence the war.”

In this critical context, Washington, Knox and the Federalist regime had no real choice but to make another attempt at military victory, in order to justify their efficacious, federal empire, and its promise of expansive republicanism. Faced with the demand to not just limit, but withdraw their western settlements, the Federalists chose to raise the stakes and invest massive amounts of money and manpower into a third expedition against their rival power north of the Ohio.

5.3: War in the West

Inheriting a chaotic western world in 1789, the leaders of the new federal government and their military officers on the ground in the Ohio Valley brought an empowered new government and a revolutionary plan for an empire of equal parts. But they only slowly grasped towards an appreciation of the difficulties of ruling the West, and the scale of Native power. The daunting challenge of dealing with a Native state within the boundaries claimed by the American state proved too much for the regime to


531 Thomas Jefferson to the US Commissioners to Spain (Carmichael and Short), Philadelphia, October 14, 1792, *NAC*, 593313, M28, 200-1
handle. Unable to wed coexistence with the bottom-up demands of settler colonialism, the United States stumbled into a regional conflict against a formidable opponent.

Despite defeats, the United States could not abandon its imperial project in the West. Ceding effective sovereignty to another power compromised the federal government’s ability to control land settlement, and so removed its central raison d’etre. The political economy of revolutionary liberty required extensive land and growing commerce, to diffuse internal tensions within American society by deflecting them out into the West. Only by opening the lands of trans-Appalachia to American settlement could the United States stabilize itself in the wake of the revolution. If the United States lost control of the West and remained penned up on the east coast, the new republic would quickly replicate the society and politics of the European world it had tried to escape from.

The new instruments of American empire, the Constitution and Northwest Ordinance, gave the United States the capacity and legitimacy to try again. The greater capacity for fiscal and military power, and the increased buy-in from western settlers, made for a more durable empire than the Americans’ British predecessors. But they did not guarantee victory. If the government suffered further defeats, Western confidence in the United States might finally evaporate. The settlers might finally abandon their American loyalties, and the empire across the Appalachians might fracture and collapse.

532 McCoy, Elusive Republic, 204-208, Peter S. Onuf, Jefferson’s Empire: The Language of American Nationhood (Charlottesville, University Press of Virginia, 2000), Griffin, America’s Revolution, 259-261

533 Taylor, Divided Ground, 267; Hatter, Citizens of Convenience, 58; Sugden, Blue Jacket, 143
CHAPTER 6:
EMPIRES OF LIBERTY

In the wake of the Harmar and St. Clair defeats of 1790 and 1791, the tide of American imperialism went into reverse. In September of 1792, at the burgeoning settlement of The Glaize, in the northwest corner of modern-day Ohio, the Northwest Confederacy, now led by Miami and Shawnee communities, received the supplication of the United States. Reaching out via Iroquois intermediaries, the US federal government attempted to sue for a restoration of peace and commerce with its geopolitical rival in the Ohio region. The leaders of the Confederacy threw the text of the peace terms into the council fire.534

More than an act of bravado or diplomatic posturing, this gesture embodied a transformation in power that had been taking place over the previous decade. Since the War of Independence, the region between the Maumee and Wabash rivers had become the economic hub of the Ohio Valley and the lower Great Lakes. Two settlements along

534 Reginald Horsman, Expansion and American Indian Policy, 1783-1812 (Norman, University of Oklahoma Press, new ed. 1992), 92-5; Christopher Densmore, Red Jacket: Iroquois Diplomat and Orator (Syracuse, Syracuse University Press, 1999), 39-40; Parmenter, ‘The Iroquois and the Native American Struggle for the Ohio Valley, 1754-1794’, in Skaggs and Nelson, Sixty Years War, 117-8; Bergmann, American National State, 50; on the nomenclature of the Native confederacy, and its war with the United States, see Skaggs, ‘The Sixty Years’ War for the Great Lakes, 1754-1814: An Overview’, in Skaggs and Nelson, Sixty Years War, 10. Referring to the Native confederacy across the entire post-revolutionary period, ‘Northwest Confederacy’ is used. When focused on events after the treaty of Fort Harmar in 1789, ‘Miami Confederacy’ appears more often, in line with Skaggs.
the Maumee, first the Miami Towns, then The Glaize, saw a boom of Native population that formed the basis of the Confederacy. And working in close cooperation with British and French merchants embedded in these settlements, the Native leaders of the two towns saw a corresponding growth in trade connections across the region, from Upper Canada and Detroit down into Kentucky and Tennessee.535

This economic strength was backed up by military and diplomatic success. Two United States armies had been defeated in little over a year by the confederacy’s warriors. Warriors from the breakaway faction of the Cherokee, the Chickamauga, arrived at The Glaize at the same time as the American peace delegation, to add their strength to the confederacy. They came after a successful conference between southern tribes earlier that year, facilitated by Shawnee diplomats. And the word from Upper Canada’s governor, John Graves Simcoe, was that the British would provide further supplies, weapons and perhaps now even soldiers to aid the Miami’s struggle.536 In 1792, the confederacy comprised Shawnees, Delawares, Wyandots, Odawas, Ojibwas, Potawatomis and more, as well as the eponymous Miamis, to form “the largest Native American confederacy ever assembled” on the North American continent. And their diplomatic reach followed their trade power, from British Canada to south of the Ohio River, to offer the Cherokee and the Creek an alliance that could dominate the lands between the Appalachians and the Mississippi.537

535 Bergmann, *American National State*, 48-9, 54, 60-1, 75


537 Skaggs, ‘Sixty Years’ War’, 10; Dowd, *Spirited Resistance*
The Ohio Valley in 1789 remained a borderland bereft of clear sovereignty, caught between a fading British empire and rising American and Native empires. While Washington, Knox, Jefferson, St. Clair and Harmar debated their plans and policies for the trans-Appalachian West, events on the ground belied the overarching American claim to true imperial control. If any party could be said to have something like effective control over the region, it was the Natives. American merchant Charles Johnson and General James Wilkinson testified to their superiors that groups they identified as Shawnee were ensconced at strategic points along the Ohio, attacking and boarding boats traversing the river. Notably, these ‘Shawnees’ confiscated American property, but allowed traders affiliated with their British allies to continue on their journey. Military attempts to dislodge them had failed.\textsuperscript{538} This meant more than just the loss of American goods, or the disruption of settlement. By controlling access along the river, the commercial lifeline of the whole region, these Native groups were asserting an effective form of sovereignty over the Ohio Valley, the economic corollary to their military dominance.\textsuperscript{539}

While the leaders of the federal regime had constructed a more durable form of empire, its successful expansion into the West was far from guaranteed after ratification of the Constitution. A rival Native power was forming in the Ohio region, in reaction to American expansion, and its moment of ascendancy in the early 1790’s posed a critical challenge to the United States. A new power center west of the Appalachians had the

\textsuperscript{538} Deposition of Charles Johnson, before Sec of War, July 29, 1790, \textit{American State Papers, Indian Affairs}, 1:87, James Wilkinson Esq to General Harmar, April 7, 1790, \textit{ASP, Indian Affairs}, 1:91, Secretary of War to General Harmar, June 7, 1790, \textit{ASP, Indian Affairs}, 1:97

\textsuperscript{539} Bergmann, \textit{American National State}, 32, Hinderaker, \textit{Elusive Empires}, 243

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potential to undermine settler loyalty to the American government, incentivize westerners’ search for alternative imperial patrons, and facilitate the ongoing movement of British and Spanish money, goods and agents into the supposedly sovereign territory of the United States. Failure to achieve a military-diplomatic settlement in the West could result in the international recognition of a new imperial boundary in the Great Lakes region, cutting away a swathe of the empire Americans thought they had won in 1783. In contrast, successful confrontation and defeat of the Native confederacy would buy the United States the space to achieve a viable Revolutionary settlement through the new republican-imperial regime of the Northwest Ordinance. In time, the West could be yoked securely to the cis-Appalachian East, and a formidable continental power would be born. The line between these two outcomes was a thin one. For all the advantages of power the Federalists had given the new United States government, they met in the Ohio Valley an equivalent rising power in the Northwest Confederacy, with its own list of strengths aiding it in making the region its own.

A state-within-a-state, a rising regional power, even a nascent empire, the Native confederacy north of the Ohio deserves to be rescued from obscurity. Its strength and successes against United States expansion illuminates the contingent nature of American victory in the West. The political and economic entity that took form after 1789, centered in modern-day western Ohio and northern Indiana, had equal claim to the famous title Jefferson bestowed upon the American republic, an “empire of liberty”. The struggle between the two powers promised two very different futures for the Ohio Valley, the trans-Appalachian West, and even for North America. In emphasising these alternate
possibilities, the Confederacy also suggests at some of the underlying factors that helped the United States to eventually triumph.

6.1: The Making of a Native Power

The Northwest Confederacy was born out of the endemic violence of the West, and the unrelenting land hunger of American settlers. When Americans squatted illegally on Indian land, their presence triggered a cycle of Native reprisals and settler counter-reprisals that made the west into the unstable, violent world that the eastern American governments struggled to control. Communities along the Ohio River suffered worst, caught between the American settlements of Kentucky, and the Native territories north of the river. The chronic violence drove many of the Native villages in this area further north, disrupting the fur trade that had long defined the Ohio Valley.

In response, Native leaders attempted to forge a unity among the Indian communities of the region to resist American aggrandizement. This occurred in two distinct phases. The Mohawk leader and Loyalist Joseph Brant led a formative diplomatic phase between 1783 and 1789, that sought to give the Natives of the Ohio and his fellow Iroquois a single diplomatic voice to negotiate with the Americans from a place of strength, while maintaining peace. When diplomacy failed, as a result of American intransigence, leadership transferred to the Miami, Shawnee and Delaware

540 Griffin, American Leviathan, 185-197

541 Bergmann, American National State, 37; Hinderaker, Elusive Empires, 32-4
leaders of the upper Ohio and lower Great Lakes, who pursued a more potent, military phase of resistance from 1789 to 1794.542

These two developments, of movement of refugees north from the Ohio, and the change of attitudes towards military resistance, converged at the settlement of Kekionga, at the confluence of the St Mary’s and St Joseph rivers, one of several settlements called the Miami Towns by the Americans. A predominantly Miami settlement, Kekionga had been bolstered by the arrival of Shawnees and Delawares escaping the American land-grabbing and forced treaties of the previous decade. Its swelling numbers, and the disruption of the fur trade further south, also made it a center of commerce in the region. This became the focal point of the southern refugees, and the political center of a new call for united resistance to the United States’ encroachments on Native land, led by new leaders: Blue Jacket of the Shawnee, Le Gris and Little Turtle of the Miami, and Buckongahelas of the Delaware.543 While Native violence often claimed the lives of American settlers, it primarily targeted productive property: their houses, trade goods, slaves and above all livestock. All of these elements were central to the semi-subsistence level of agriculture in the new American territories west of the Appalachiens, and were easy to destroy or steal from settlers’ farms. Even boat-borne goods were vulnerable to Native boarding parties, who threw American produce over the side.544

542 On the hinge moment between Brant and the Miami/Shawnee leadership, see St Clair to John Jay, Dec 13 1788, in SC Papers, 2: 102-3; also, Parmenter, ‘Struggle for the Ohio Valley’, 115-7

543 Bergmann, American National State, 43-6

544 Bergmann, American National State, 23-26, 32, 36
In the midst of all this, the United States’ European rivals maintained a vital presence in the Ohio Valley. British soldiers continued to garrison key forts on American soil, and these formed the base for extensive connections between British and French-Canadian traders and the Native communities across the trans-Appalachian West. These forts and trade posts took Native-collected furs, and in return gave the Natives key weapons and supplies that assisted their struggle against the United States. The shared goal of merchants and Native leaders alike was the creation of an effective Native sovereignty in the region, to keep the Americans out of the valuable fur trade territory and away from Canada. These actors on the ground attempted to entice the United States’ rivals to back such a project.545

The stark inability of the US military to enforce peace amid the spiralling Native versus settler violence, all spoke to the emptiness of the United States’ paper claim to the West in the 1780’s.546 Yet after the important moment of regime change in 1789, determinism can creep into the historical narrative of the early West. The demographic realities of the massive settler influx into the West, opposed by a relatively small population of Native and European residents, make it hard to envision a lasting Indian victory. And the power of the vastly expanded American military under the Constitution presented a lopsided power calculation against the warriors of the Northwest Confederacy. As a result, studies on the significance of the American military’s deployment west of the Appalachians focus on its effects on civil society: ensuring peace

545 Skaggs, ‘Sixty Years’ War’, 9-10; Andrew R.L. Cayton, ‘Radicals in the “Western World”: The Federalist Conquest of Trans-Appalachian North America’, in Ben-Atar and Oberg (eds.), The Federalists Reconsidered, 80-1

546 Griffin, American Leviathan, 205-8; Gould, ‘Dividing the Spoils’
between native and settler groups, encouraging the growth of infrastructure and trade, and facilitating land surveying and sales. Further, while many studies examine the challenges of western separatism, and separatists diplomatic contacts with Britain and Spain, close retellings of the diplomacy of the 1780’s and 1790’s return repeatedly to the lack of commitment of the two European powers to take advantage of this separatist moment. Britain preferred peace and trade with its former colonies to another costly war, and Spain, while open to Kentuckian offers of secession, took too long to coordinate between center and peripheries, expecting western leaders to deliver them a fait accompli.

Finally, while all serious histories of the early West recognize the stiff military resistance American settlers and soldiers faced from Native Americans across the region, the Native groups remain cast in a subordinate role. They appear as either the targets of American government policy, or the vectors of Euro-American diplomacy in the West. Their resistance to American expansion, while yielding several victories, appears doomed

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547 White, Middle Ground, 419; Hinderaker, Elusive Empires, 244; Griffin, American Leviathan, 185; Bergmann, American National State, 7-8, 68-71 and passim; Onuf, Statehood and Union, 54; Saler, Settlers Empire 67-7, 72-7

548 Slaughter, Whiskey Rebellion, 48-56, 190-1; Combs, Jay Treaty, 91

549 On US-Native relations, see Banner, How the Indians Lost Their Land, 125-6; Bergmann, American National State, 42-3; Griffin American Leviathan, 216; Hinderaker Elusive Empires, 242; Eric Hinderaker ‘Liberty and Power in the Old Northwest, 1763-1800’ in Skaggs, Nelson, Sixty Years War, 238. On European-Native diplomacy, White, Middle Ground, 435, 448, 454, 464-8; Daniel K. Richter, Facing East From Indian Country: A Native History of Early America (Cambridge, Mass., Harvard University Press, 2001), 225; Dowd, Spirited Resistance, 112; Skaggs, ‘Sixty Years War’, 11; Cayton, ‘Radicals in the Western World’, 80-1
due to their lack of numbers, military technology, or a coercive state apparatus to organize war.\textsuperscript{550}

The underlying assumptions of this interpretation are clear. The strength of the new federal government, and the structural weaknesses of European imperialism, all-but guaranteed that the demographic power of the western settlers’ could only fall back within the orbit of the growing American empire. Part of this determinism revolves around the undoubted strength of the new government institutions that American leaders created in 1787 and 1788. A new form of empire had come into being in North America. Yet the interpretation sketched out above still lacks contingency. While the American elites behind the creation of the federal regime certainly forged an effective new form of imperial structure, its conquest of the West was far from certain. The missing piece of the story is a full recognition of Native power in the West, political, economic and military. Historians have recognized this power at crucial, but sporadic moments in early western history: Pontiac’s uprising against the British, the Native alliance against the Americans during the Revolution, and the Northwest Confederacy’s victories over the new federal government in 1790 and 1791.\textsuperscript{551} Eric Hinderaker made the case most directly, arguing that after St. Clair’s defeat, “the Ohio Indians were the dominant military power in the valley”. But in a telling reflection on the wider literature of the

\begin{flushleft}
\textsuperscript{550} On Native strategies, see White, \textit{Middle Ground}, 435; Dowd, \textit{Spirited Resistance}, 91, 103-4; Sugden, \textit{Blue Jacket}, 138-40. On inherent weaknesses, see White, \textit{Middle Ground}, 455; Dowd, \textit{Spirited Resistance}, xx, Sugden, \textit{Blue Jacket}, 141; Bergmann, \textit{American National State}, 76

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Northwest War, Hinderaker gives this moment of strength only a paragraph’s treatment, before stating that the “Indians’ ascendancy was short-lived”.552

Once the true significance of the Northwest or Miami Confederacy re-enters the picture, many of the elements of the existing interpretation become a lot less predetermined in the United States’ favor. Native military power presented the primary concern for western settlers. The European empires’ lack of resources on the ground, in Richard White’s words, “no more than a few small garrisons huddled in the woods”, made them distinct junior partners in their collaborations with the Natives of the region.553 But even more than this immediate weakness, their alliance with the Indians significantly undercut their appeal as potential new overlords to would-be American separatists. How much harder for western settlers to embrace a regime that channelled supplies and weapons to their long-time enemies? The United States, after its policy turn to military confrontation with the Native powers, became the obvious client for the inhabitants of Kentucky, Franklin and Ohio. Yet western independence, or breakaway states under the aegis of a rival empire, were no chimeras, and both remained possibilities so long as the United States could not succeed in its attempted subjugation of the West.

The clamor for alternate solutions to western problems, outside of the US’ patronage, followed the success and failure of American arms. It rose during the chaos of the 1780’s, dropping in 1789 as the new government formed and promised direct action, but peaked once more in the wake of the disastrous Harmar and St. Clair defeats, during the

552 Hinderaker, Elusive Empires, 243
553 White, Middle Ground, 365
zenith of Native power. The final major episode of frontier uprising, the Whiskey Rebellion, rose to its climax contemporaneous to Wayne’s Fallen Timbers campaign, and petered out in the immediate aftermath of American victory.

To give the Miami Confederacy its proper significance in the events of the early West, and return real contingency to the story of the American empire’s rise, we need to put the confederacy north of the Ohio River into the same framework as the United States itself. Both polities were rising powers, caught in an interlocked contest with one another over the territory and the resources of the Ohio Valley. Both struck unique balances between power and liberty within their political societies, harnessing their populations in effective ways. And both had gone through changes in leadership and policy around 1789, heralding regimes more prepared for war. Telling the story of the early West from the Confederacy’s perspective demonstrates its equivalence as a regional power, even as another nascent empire managing the people and wealth of trans-Appalachia. The United States was not the only “Empire of Liberty” attempting to make itself manifest in the West.

6.2: Native Power and Empire in the Ohio Valley

The last generation of scholars has entirely recast the narrative of the interactions between Native Americans and Euro-Americans. Moving beyond European-centered, top-down narratives that assumed Indians’ inevitable disappearance from the scene, recent histories have demonstrated their full participation as historical actors. Natives could fight and resist, but also cooperate, coexist and adapt with the agents of European
colonialism to create new forms of communities and economies. When it came to the expression of power, Jeremy Adelman and Stephen Aron’s conception of ‘borderlands’ provided a template to understand how Native groups could manipulate the space between European empires to their own advantage. They thrived, rather than suffered, caught between the rivalries and conflicts of the colonial polities that surrounded them.

Yet historians have argued that the borderland approach does not go far enough in recognising Native pre-eminence in the interactions that defined the hybrid worlds that marked eighteenth century North America. Kathleen DuVal has shown how the Osages exerted power over other Native American groups in the Arkansas river valley and the lower Mississippi, and integrated the agents of Spanish and French colonialism into their hierarchies of exchange and control. The Osages demonstrate how Natives determined the nature of relationships between Indians and Europeans, at the edges of


colonial regimes, until the early years of the nineteenth century. Going further still, Pekka Hämäläinen has argued that certain Native American power formations, specifically the Comanches, could force the process of European colonisation into reverse, and build an empire of their own amid the paper claims and hollow borders of European regimes. By using power to take control of the key economic resources of the region, integrate surrounding peoples into their political hierarchy, and ultimately ‘call the shots’ in terms of war, treaties and commerce, Hämäläinen argues that Native peoples in the right time and place could dominate the forces of even an active, reforming European empire at its height. These imperial approaches stress the need to move beyond diplomatic history and integrate economic and commercial relations, and different forms of social and cultural power, to reorientate our understandings of who held the upper hand at these key moments in North American history.

Demonstrating the Northwest Confederacy’s power, and recognising the imperial elements at play in this transformative moment in the West, requires drawing out the key aspects of power and control that define DuVal and Hämäläinen’s work. The central tenet is reversing the usual Euro-American historical perspective, and look outward from Indian country, to view Native actions as conscious, planned policy, utilising a range of tactics with internal logic to further their ends. These included both maintaining their own sovereignty and identity, and setting the terms of engagement with neighboring

557 DuVal, Native Ground

558 Hämäläinen, Comanche Empire. For the outline of a similar imperial argument regarding the Lakota people, see Hämäläinen, ‘The Rise and Fall of Plains Indian Horse Cultures’, Journal of American History, 90 (Dec, 2003) 859-62
peoples, often with a view to impose dominance upon them.\textsuperscript{559} Like all other empires, Native empires used force when necessary, but in Hämäläinen’s words, “like most viable empires, [were] first and foremost an economic construction”. Native imperial power allowed them to develop extensive commercial networks, that let them control nearby markets and more long-distance trade. This control meant that they were enriched by the European-Native encounter, while European empires failed to make any profit for the metropolis, and even poured money into provinces haemorrhaging wealth. Key to the economic imbalance was Native emphasis on different types of property wealth: Natives forewent the Euro-American focus on land, and instead extracted moveable property in the form of horses, livestock, captives and slaves, and trade goods. To that end, destroying or dislocating European outposts and settlements would have been counterproductive. These contact points allowed for sale of the various products of their extractive policies, in exchange for the European goods that made their communities strong and wealthy: guns, ammunition, tools, provisions, and luxury items. Keeping a string of Euro-American outposts on the edge of their territory, autonomous or politically connected to another empire, but economically co-dependent on the Native power, allowed them constant access to European resources, and even the ability to play various empires at different ends of their territorial domain off against each other.\textsuperscript{560}

Native power operated along very different structural lines than Euro-American polities. Native Americans lacked any political structures or mechanisms of coercion that


\textsuperscript{560} Hämäläinen, \textit{Comanche Empire}, 2, 4, 5; DuVal, \textit{Native Ground}, 6
tied their various communities together under a single, central authority: in effect, they operated empires without states. This statelessness helped render Native empires invisible, and obscured their deliberate policy choices. European observers would often record members of the same group pursuing conflicting policies, carried out by rival leaders. Indeed, pinning down who was leading Native communities has often been a contentious issue between historians. This was merely a mark of an internal fluidity of Indian power hierarchies, that let them carry out a range of policies with their neighbors at once, ranging through violence, diplomacy, trade and kinship politics, while maintaining an externally coherent political coalition.\footnote{Hämäläinen, \textit{Comanche Empire}, 3-4. On the plasticity of Native identity and political allegiances, see White, \textit{Middle Ground}. For an example of the debates over Indian leadership, see Sugden’s discussion of the historiography of Little Turtle and Blue Jacket in the Northwest Confederacy, in \textit{Blue Jacket}, xi, 4-6}

But these differences between Native and European structures were not as marked as often appears. In response to the dangers and opportunities of North America in the 1780’s and 1790’s, both Euro-Americans in the east and Native Americans in the west forged confederacies to increase their power and enhance their collective interests. Neither formation lodged all power at the top of their respective political structures, leaving considerable room for the members of their polities to enjoy wide liberty, while also contributing their individual and collective strengths to the confederacy’s power. While the Native confederacy lacked an empowered state, the successes of its voluntary decision-making apparatus between 1789 and 1791 suggested at the power that liberty could give a polity. Working from the opposite end of the political spectrum, from the European world of coercive states, American leaders also spent the late 1780’s wrestling
with effective combinations of liberty and power. Their emphasis on making government light, so that it would not “interest the sensations of the people”, and lodging sovereignty in those same ‘people’, reflect their own attempt to combine power and liberty in an expansive and enduring way.\textsuperscript{562}

Even lacking a state structure, Native American power, while often invisible to outside observers, could dominate formal institutions within their claimed territory. As a result, their territory overlapped with those of Euro-American empires, letting European empires lay claim on paper to the vast spaces of the North American interior. Yet the real power in these territories lay with the Indians, as they exploited fellow Natives and European settlers alike, and controlled the largest portion of the material things that could be owned. While administrative and economic connections tied Euro-American colonies to their respective metropoles, they made less impact on colonial development than the policy choices of the neighboring Native American power. And despite their nominal invisibility, Native power did shape the map in very visible ways. Where they made alliances with one power, or committed to destructive war with another, played a decisive role in determining European borders, colonial powers drawing their mapped territories to align with the areas controlled by the Native power that had chosen to ally with them.\textsuperscript{563}


\textsuperscript{563} Hämäläinen, \textit{Comanche Empire}, 4-5; DuVal, \textit{Native Ground}, 8; also see DeLay, Brian, \textit{War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War} (New Haven, Yale University Press, 2008)
The Ohio Indians shared many of the basic conditions of Hämäläinen and DuVal’s conceptions of Native power and empire. The Ohio Valley saw an unprecedented convergence of Indian numbers, in communities united by a collective leadership that pursued shared goals via shifting means. Their confederation sat at a strategic geographical intersection that let them control the region’s major trade, transport and communication routes. But it remained invisible from Euro-American maps, that assigned the area to the American republic, while American leaders feared, and British agents hoped, that events might make the Ohio revert to its former European owners. While neither side could fully acknowledge it, these events would be dictated by Native power.

However, the Confederacy also presents two challenges to the ‘Native empire’ model. Given the fluctuating state of power politics on the Ohio frontier from the 1750’s to the 1790’s, it is impossible to pose the Native coalition as a long-standing power structure in the same way as the Comanche or Osage achieved through decades of existence. Connected to this, is the nature of the Confederacy’s defeat. The Osages were finally overwhelmed by the weight of Euro-American settlers backed by the maturing American state in the years after 1815.\textsuperscript{564} The Comanche’s own success bred their downfall, as they pushed their imperial realm to the point of environmental collapse.\textsuperscript{565} In contrast, the Miami Confederacy suffered defeat in battle and swift dissolution at the hands of the newly-forged American empire, still finding its own strength. Ohio Indian

\textsuperscript{564} DuVal, \textit{Native Ground}, 196-226
\textsuperscript{565} Hämäläinen, \textit{Comanche Empire}, 292-303
power then, cannot be placed alongside the Comanche as a continent-dominating empire for a significant period of North American history. Instead, they should be portrayed as a rising, or nascent empire: forming in response to a series of contingent developments, drawing opportunities and strengths from the unstable world surrounding them, but ultimately falling at a key hinge-point in direct confrontation with an imperial rival. While the Northwest Confederacy may not have achieved a sustained dominance in eastern North America, there was a brief but critical moment when it appeared to be the United States’ equal. Placing the Ohio Valley into the context of this Native power, we can retell the story of the Northwest Confederacy’s formation and its war with the United States, in a way that emphasizes the interactions between imperial and quasi-imperial polities in the shaping of North America. And demonstrating the closeness of the contest, and the genuine obstacles the United States faced, highlights the most important imperial qualities the United States possessed that contributed to its victory.

That story begins with the place: the Ohio Valley itself. A part of the wider region of the ‘pays d’en haut’, the Ohio country shared a central role in the fur trade beginning in the seventeenth century. By the middle of the eighteenth century, Native and European fur traders brought hundreds of thousands of pounds of furs to the major imperial outposts, in a lucrative commerce that shaped cultural changes through business partnerships, marriages and material exchanges. In exchange for the furs that they

566 White, Middle Ground, 1

567 Larry L. Nelson, A Man of Distinction Among Them: Alexander McKee and the Ohio Country Frontier, 1754-1799 (Kent, Ohio, Kent State University Press, 1999), 6-7; Hatter, Citizens of Convenience, 7; White, Middle Ground, passim; on the region as part of a wider “creole corridor” of European traders from Montreal to New Orleans, see Hatter, Citizens of Convenience, 8
delivered to European merchants, Indians of the Ohio Valley received a vast array of
goods, including guns, knives, saddles, wampum, paint, jewellery, kettles, cups, clothing,
blankets, rum and tobacco. As early as the 1750’s Native leaders had even begun
building luxurious, wood-hewn cabins in villages that growingly resembled Euro-
American settlements in their architecture. The trade also took on a geopolitical
dimension, as rival European empires vied for trading alliances with the inhabitants of the
Ohio Valley, and equated these relationships with their own imperial control, in a region
where they had minimal personnel or resources on the ground to make good their
claim.

While the pays d’en haut was originally described as “shattered” world, of
“fragments”, recent studies have built up the importance of the Ohio Valley as a vital
locus for Native American power and diplomacy, and as a major geopolitical fault line in
continental and transatlantic affairs throughout the eighteenth and early nineteenth
century. This corrected the historical and historiographical oversight wherein
contemporary observers and later historians focused on the more prominent Iroquois,
with their diplomatic importance and seeming political and cultural coherence over the
‘fragmented’ nations further west. While as early as 1750, Indian agent William Johnson
would report that the inhabitants of the Ohio Valley had double the population of the
Iroquois Confederacy, British officialdom would continue to insist that although the Ohio

568 Nelson, *Man of Distinction*, 6, 13-14
569 Hinderaker, *Elusive Empires*, 32-4
570 White, *Middle Ground*, 1. For post-*Middle Ground* works on the wider importance of the Ohio
Valley, see Dowd, *Spirited Resistance*; Calloway, *New Worlds for All*; Hinderaker, *Elusive Empires*; and
Furstenberg, ‘Significance of the Trans-Appalachian West’. 

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Indians were “infinitely a more numerous People”, their fate “will always be influenced by that of the Six Nations”. Yet despite supporting the winning side in the Seven Years War, the Iroquois were weakened by a century of inter-imperial conflicts, and lost their diplomatic significance with the removal of the French from Canada. On the ground in the Ohio Valley, the Iroquois claim to control meant little to the Algonquian peoples of the region, who had overwhelmingly chosen to ally with the French.  

The Iroquois claim to control fell flat because of the voluntary nature of Native American political and social association. While belonging to a tribe or nation meant something, smaller scale identity to villages and to family units mattered more. And these sub-groups could show a great deal of mobility and plasticity of identity. Indian politics was shaped by the constant tension between different leaders maintaining power only as long as they could convince a critical mass of others to join them. Native association was never backed by the coercive power of a state, giving any individual, family of village the liberty to withdraw from collective actions they disapproved of. In the absence of a credible leader, populations could disperse and find a more compelling locale. On the surface, this ever-shifting world of local associations and interests would seem to make alliance-building and power politics much more difficult.  

Yet the nations of the Ohio Valley managed it several times before the zenith of their power on The Glaize in 1792.

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571 Parmenter, ‘Struggle for North America’, 111-3, Skaggs, ‘Sixty Years War’, 6
572 White, Middle Ground; Hinderaker, ‘Liberty and Power’, 231; Parmenter, ‘Struggle for the Ohio Valley’, 108-9
A variety of different nations lived scattered across the Ohio Valley and the lower Great Lakes in 1763. Delawares and Shawnee crossed freely from east and south Ohio into Pennsylvania and Kentucky. The region around Detroit and western Lake Erie hosted Odawas and Wyandots, while Miamis lived along the Maumee River that gave them their name, alongside western Iroquois, called Mingos. To their west, along the wide hook of the Wabash River in modern-day Indiana, were groups closely related to the Miami, the Weas, Piankeshaws and Kickapoos, while to the north, Potawatomis inhabited southern Michigan, and Ojibwas spread out from Detroit northwest across the Michigan Peninsula to Lakes Huron and Superior. Finally, west of Lake Michigan was the home to Sauks, Foxes and Menominees.\textsuperscript{573} This diverse group of peoples had little in common, but Britain’s high-handed, top-down approach to ruling this new region united them into a first, loose, pan-Indian confederation, nominally under the leadership of the warrior Pontiac and the prophet Neolin. Their rebellion shook British control of the Great Lakes, and demonstrated that contrary to treaties made in Europe, Native peoples still held effective control of their home territory.\textsuperscript{574}

This power and control defined the following decades of history in the Ohio Valley. Fearing another war, the British announced the Proclamation Line in 1763, followed by boundary adjustments made at the grand British-Iroquois Treaty at Fort Stanwix in 1768. Giving up the lands of other nations, who they claimed dubious sovereignty over, the Iroquois sold Britain a large portion of central-west Pennsylvania,

\textsuperscript{573} Helen H. Tanner, \textit{The Atlas of Great Lakes Indian History} (Norman, University of Oklahoma Press, 1986) 85-90

\textsuperscript{574} Hinderaker, ‘Liberty and Power’ 229, Dowd, \textit{War Under Heaven}, Anderson, \textit{Crucible of War}
all of West Virginia, and eastern Kentucky. Crucially, the boundary between British settlements and Indian territory ran for most its length along the line of the Ohio River. For another generation, it would remain the only boundary many Native leaders recognized between themselves and the Americans to their east.575

By undermining Britain’s attempt to settle the west, Pontiac and his allies helped spur the coming of the American Revolution, as British authority over colonists crumbled, first in the west, and then in the east. Yet violence barely ceased in the Ohio Valley, as the Shawnee rejected the Iroquois’ ceding away of their lands, and began to resist the new influx of European settlers onto them almost as soon as the ink was dry on the Stanwix treaty. First under the clandestine command of the royal governor Lord Dunmore, then under the auspices of the Revolutionary state governments, American settlers, soldiers and speculators sought to defeat this resistance, and consolidate Euro-American settlement in the valley.576 In a mirrored response to the revolutionary instability of the east, older Native communities of tribe and nation began to break down and reform in the west. Indian nations saw fault lines emerge over their responses to American settlement and aggression, as the Revolutionary War in the West became in effect a war of conquest against the Natives. Younger, more militaristic groups within nations broke away, like the western Iroquois Mingos, or the Cherokee offshoot the Chickamauga, and across the West, Indians embraced nativist religious revivals,

575 Richter, Facing East, 212; Robertson, Conquest by Law, 6, Griffin, Leviathan, 72-3, 84-7; Sugden, Blue Jacket, x

576 White, Middle Ground, 363-5; Griffin, Leviathan, 99-101
undermining traditional village and national authority structures in favor of wider Indian unity.\textsuperscript{577}

These calls did not work everywhere, as groups like the Cherokee fought alone, and saw their resistance to the US military quickly overwhelmed. Yet in the Ohio Valley, a regional alliance formed that won a string of victories against the US in association with British Loyalists. Joseph Brant and his Mohawks defeat George Rogers Clark near the Ohio in 1781. A coalition of Delaware, Wyandot, Mingo and Shawnee Indians routed William Crawford’s Pennsylvania militia at Sandusky in June 1782. And in August of the same year Wyandots, accompanied by British riflemen and Indian agents Alexander McKee and Simon Girty, defeated a large force of the Kentucky militia at the Battle of Blue Licks. The Native leaders were quick to remind the British that the large force of irregular warriors that they had helped arm and equip took their own commands, and fought for their own ends. “If too severe with them”, one British agent reported at the beginning of 1782, “they tell us we are well off that there are no Virginians in the Quarter, but such as they bring here against their inclinations.”\textsuperscript{578}

Britain made peace with the United States in spite of these victories, at a time when Native military superiority in the West appeared firm. The betrayal not only robbed the nascent alliance in the Ohio Valley of purpose, but ceded their lands and homes to the claimed authority of the Americans. The fury of the Native groups to the treaty sparked British fears of a backlash. Their Great Lakes forts, access to the fur trade, 

\textsuperscript{577} Banner, \textit{How the Indians Lost Their Land}, 121-2; Parmenter, ‘Struggle for the Ohio Valley’, 113-4; White, \textit{Middle Ground}, 365, 367; Dowd, \textit{Spirited Resistance}, xviii-xx

\textsuperscript{578} Arent de Peyster to Haldimand, Jan 26, 1782, quoted in White, \textit{Middle Ground}, 402; Hinderaker, \textit{Elusive Empires}, 211-2; Allen, \textit{His Majesty’s Indian Allies}, 60; White, \textit{Middle Ground}, 407
even the safety of Canada could be compromised by a new Pontiac-style uprising. Rumors of an Odawa strike against Michilimackinac in the summer of 1784 gave life to this possibility. Alexander McKee’s connections among the Indians of the region proved vital to exposing a plot to take Michilimackinac, but the British knew they needed Native support to sustain their precarious position on the Ohio Valley.579

British appreciation of Indian strength led them to make three substantial concession to try and maintain both Iroquois and Ohio Indian support: retaining the Northwest forts, diplomatically backing the Stanwix line as the divide between Native and American territory, and endorsing a pan-Indian confederacy.580 Ever since Pontiac’s rebellion, Britain had been well aware that the forts alone could not control the region, and while their retention helped exclude American fur traders from the region in favor of British merchants, it also heightened tensions with the United States. Holding onto them after the Peace of Paris was a controversial move, and one that benefitted the Natives more than it did the British. The diplomatic reasons the British officially gave for this, the Americans states’ intransigence over honoring pre-war debts and returning confiscated loyalist property, came after the fact. Appeasing their Native allies loomed far larger, and pressed on British officials far more immediately, than the lengthy legal battles in the east. Similarly, Haldimand’s agreement to defend the Stanwix line as a priori to the later Paris treaty appeared to America eyes as a reneging on the 1783 deal,

579 McKee to Johnson, June 2, 1784, Michigan Pioneer and Historical Collections, 20:229-30; For the strike at Michilimackinac, Robertson to Haldimand, June 26, 1784, quoted in Nelson, Man of Distinction, 151

580 Sir John Johnson, speech, July 22, 1783, MG 11, CO 42, XLIV: 270, Nat Arch; Taylor, Divided Ground, 113
but the opinions of Britain’s Indian allies took precedence over American indignation. Finally, a new Native confederacy in the Ohio region undermined Britain’s ability to influence individual Indian groups. But lacking the means to resist it, the British signed on to supply to confederation and remain in their Native allies’ good graces.581

Betrayed at the Paris agreement, the Natives of the Northwest had used their clear military superiority to reshape the diplomatic landscape into more favorable terms, exploiting British sympathies for their wartime allies, as well as the ambiguities in the treaty. By 1784 they had excluded American fur traders from their territory, locking down an Indian-British monopoly on the trade, and brought the British to support their goals diplomatically. Now they only needed to develop regional political unity and a shared agenda to challenge the rising US power to their east. This occurred in a diplomatic phase led by Brant between 1783 and 1789, followed by the outbreak of war led by the Miami, Shawnee and Delaware leaders from 1789 to 1794.

Brant had a long history of working for Indian unity in cooperation with the British. He had collaborated with William Johnson for Iroquois autonomy at Fort Stanwix in 1768, accepted a captain’s commission from Haldimand in 1779 as he helped fight the Americans, and been a prime mover in pushing Haldimand to honor the Stanwix line in 1783.582 While settling a faction of Loyalist Iroquois in Upper Canada with Haldimand’s aid, Brant sought to rekindle pan-Indian unity and resistance to the United


582 Taylor, Divided Ground, 8, 115, James Paxton, Joseph Brant and His World: 18th Century Mohawk Warrior and Statesmen, (Toronto, 2008), 44, 49
States. Having gotten Haldimand’s agreement on the Ohio River as the US-Indian
border, Brant and a delegation of his Canadian Iroquois travelled to Sandusky the same
year to meet in council with the Ohio Indians. The Sandusky gathering included
Iroquois, Wyandots, Delawares, Shawnees, Odawas, Ojibwas, Potawatomies, Miamis,
Chickamaugas, and Wabash communities. Agreeing to collectively abide by the Stanwix
line, this major meeting of village and community leaders from thirty-five nations
represented the beginning of a new Western Confederacy.583

Brant and other Native leaders with the strongest connections to European culture
and European diplomatic norms took charge. They premised the confederacy on the
policy that “all treaties carried on with the United States, on our parts, should be with the
general voice of the whole confederacy, and…that any cessions of our lands should be
made in the most public manner, and by the united voice of the confederacy.”584 Only if
the Ohio Valley Indians spoke with one voice could they provide a political and
diplomatic deterrent to American expansion. It also gave them the diplomatic leverage to
gain European recognition into the wider continental and Atlantic diplomatic system. As
well as the attendees at Sandusky, the confederacy reached out beyond the immediate
Ohio region through the agency of uprooted or exiled groups within their territory.
Brant’s Canadian Iroquois and the Mingos maintained connections with the New York
Iroquois. And the Shawnee and the Chickamauga, both driven from their former homes

583 Speech at the Confederate Council, November and December 18, 1786, ASP, Indian Affairs, 1:8; Richter, Facing East, 224; Taylor, Divided Ground, 116; White, Middle Ground, 413

584 Speech at the Confederate Council, ASP, Indian Affairs 1:8-9
in Kentucky and Tennessee by American expansion, kept in contact with the Cherokee and the Creek to the south.\textsuperscript{585}

While the leaders of the confederacy strove for a diplomatic settlement with the United States, small groups of Native warriors continued a guerrilla war against American settlers and soldiers who had crossed the river line.\textsuperscript{586} This primarily stemmed from the same uprooted groups who forged interregional connections. Having already lost their homes to American settlers, many Mingos, Shawnees and Chickamaugas held more militaristic attitudes to the treaty-seeking leadership. One such village leader, Captain Johnny of the Wakatomica Shawnee, demanded the United States “keep your people within Bounds, or we shall take up a Rod and whip them back to your side of the Ohio”.\textsuperscript{587} While the confederacy’s policy of unity and peaceful negotiation dampened the overall level of violence on the region, the strikes of the Shawnee and the Chickamauga still left St. Clair infuriated at “the audacity” of the Natives, “to fall upon the parties escorting the provisions to the posts”, and he and Harmar shared disquiet at the patent vulnerability of the American soldiers and forts in the region.\textsuperscript{588}

\textsuperscript{585} Dowd, \textit{Spirited Resistance}, 91, Parmenter, “Struggle for the Ohio Valley”, 115-6


\textsuperscript{587} Speech of Captain Johnny To Americans, Wakatomica, 18 May 1785, \textit{Michigan Pioneer and Historical Collections}, 25: 692

\textsuperscript{588} St Clair to John Jay, Dec 13, 1788, in \textit{SC Papers}, 2:103; also see Harmar to Sec of War, July 23, 1788, in \textit{SC Papers}, 2:64
The military response to these Indian actions came not from the American army, but from Kentucky militias who set off into Ohio on missions of revenge and plunder.\textsuperscript{589} In contrast, the United States government tried to stifle conflict. Despite the Confederacy’s reserve when it came to military confrontation, American officers on the ground appreciated fully that if it came to war, the Natives would “become very formidable from their numbers”.\textsuperscript{590} Yet the attempts at a peace settlement in the west, in the treaties at Fort Stanwix, Fort McIntosh, Hopewell and Fort Finney, failed because the government could not control its people on the ground. Settlement carried on unconstrained by the treaties, punctuated by specific acts of militia violence, that, in painful irony, wreaked destruction on the accommodationist Native groups who had committed to the treaties. Benjamin Logan’s militia raid from Kentucky destroyed the Shawnee settlements of Wakatomica, Pekowi and the Mekoche town, with one Kentuckian infamously killing chief Moluntha as he stood beneath an American flag and held out the pages of the Fort Finney treaty.\textsuperscript{591} Franklin militiamen killed the Cherokee chief Tassel, a key proponent of peace and Congressional mediation, and Georgian raids destroyed the towns of their nearest and most pacific Creek neighbors.\textsuperscript{592} Across the

\textsuperscript{589} Major Hamtramck to Harmar, Aug 31, 1788, in Thornbrough (ed.), \textit{Outpost on the Wabash: Letters of Brigadier General Josiah Harmar and Major John Francis Hamtramck} (Indianapolis, 1957), 116

\textsuperscript{590} Harmar to Sec of War, July 12, 1786, in \textit{SC Papers}, 2:15


\textsuperscript{592} Dowd, \textit{Spirited Resistance}, 96-9
West, Brant’s condemnation that the New York Iroquois had “sold themselves to the devil” rang true for all Native accommodationists.593

The Americans’ aggrandising behavior in the Ohio Valley had destroyed Native accommodationism and rallied more Indian communities around the Confederacy. But it had also undermined Brant’s leadership position, by convincing more and more Native groups that they could not stem American land-hunger by diplomatic means. In the autumn of 1788, St. Clair observed that “…a war with the Western tribes…seem inevitable.” Conflict north of the Ohio would be a match to a fuse, as “A war with them will probably involve some others, and it will soon become general.”594 The incoming Washington administration attempted to set a new tone for American-Indian relations, including treating diplomacy with the Confederacy on par with international diplomacy.595 Brant proved willing to compromise, withdrawing the US-Indian border to the Muskingum river, to allow existing American settlements west of the Ohio to remain.596 A successful treaty at Fort Harmar in December 1788 could deliver the US from a war in the West, and save Brant’s position in the Confederacy.

593 Brant to Patrick Langan, 20 March 1788, in William L. Stone, Life of Joseph Brant - Thayendanegea: including the border wars of the American revolution, and sketches of the Indian campaigns of Generals Harmar, St. Clair, and Wayne. And other matters connected with the Indian relations of the United States and Great Britain, from the peace of 1783 to the Indian peace of 1795. (New York, A.V. Blake, 1838), 2:275; for political repudiation of the leaders who signed the treaties, see White, Middle Ground, 436-9

594 St Clair to Sec of War, Sept 14, 1788, in SC Papers, 2:89

595 On diplomacy and ‘statworthiness’, see Gould, Among the Powers, Sadosky, Revolutionary Negotiations.

596 White, Middle Ground, 445
But with the wheels already in motion, any hope of a comprehensive treaty fell apart on the actions of St. Clair. His insulting attitude towards Brant and the Confederacy aborted a meaningful treaty meeting. While St. Clair saw Brant’s refusal to attend Fort Harmar as a victory, and anticipated “the dissolution of the general confederacy which he and the British had taken so much pains to form”, the truth was that he had bungled the United States’ last chance at peace.\footnote{St. Clair to John Jay, Dec 13, 1788, in \textit{SC Papers}, 2:102-3; St Clair to Sec of War, Jan 18, 1789, in \textit{SC Papers}, 108-9} Upon receiving the governor’s reply, Brant had warned the major players of the Indian coalition to avoid Fort Harmar. By St. Clair’s own reckoning, about 200 Iroquois, Wyandots, Ojibwas, Potawatomis, Delawares and Sauks attended the meeting. But, no Shawnees, Miamis or Wabash Indians. And the groups that did attend represented smaller offshoots of the wider nations: in particular, the majority of Delaware Indians stayed away, as did Wyandots under the war leader Tarhe. Those who did attend, like the Wyandot chief Shendete, spent the meeting venting petty inter-tribal claims and grievances, and signed up to an unpalatable treaty ceding even more ground than Brant’s Muskingum plan.\footnote{St Clair to Sec of War, Jan 18, 1789, in \textit{SC Papers}, 109-111; White, \textit{Middle Ground}, 445-6; for Miami leader Le Gris’ claim that the attendees at Fort Harmar were politically insignificant, see Gamelin’s Journal, in \textit{SC Papers}, 2:159}

Another piece of evidence of the United States’ bad faith, the Treaty of Fort Harmar had no chance of acceptance by the wider Confederacy. But it played a vital role in finally swinging political initiative to the war faction, those groups who did not attend Fort Harmar: the Shawnee, the Miami and the Delaware. Brant’s policy of unity, peace,
and negotiating from strength lay discredited, and he departed for Canada, leaving control of the Confederacy to the leaders based at Kekionga.\textsuperscript{599}

The transition of power within the confederacy proved swift and decisive. Standing at the junction of the Saint Mary’s and St Joseph rivers and commanding the Maumee-Wabash portage, the new capital of the Native confederacy represented a center of fur trade in the Ohio Valley. With its population boosted by an influx of refugees fleeing American violence and land-grabbing further south, and a large proportion of European inhabitants intermarried into the community, it became a strategic commercial and military hub on par with the British posts of Detroit and Michilimackinac. The Native headquarters comprised six neighboring towns, including the Miamis’ Kekionga, the mixed Miami-Shawnee-Delaware settlement of Miami Town, and the Delaware town of Chillicothe, and hosted a roster of the region’s major resistance leaders, including Miamis Le Gris, Pacane and Little Turtle, Shawnees Blue Jacket and Blacksnake, and Delaware Buckongahelas.\textsuperscript{600}

In the spring of 1789, these leaders unleashed Confederal forces against the agents of US imperialism across the Ohio Valley. From May 1789 to May 1790, the United States reaped the whirlwind its previous diplomatic blundering had sown, as Indian warriors struck at settlers on land and on river, ranged across Kentucky, and

\textsuperscript{599} This narrative challenges Sugden and Allen’s accounts, that Native disagreement over terms split the confederacy. Instead it follows White’s interpretation that the Treaty was made between the US and a rump of Indian attendees, after non-attendance by the major Native leaders. White, \textit{Middle Ground}, 445-8; Allen, \textit{His Majesty’s Indian Allies}, 70; Sugden, \textit{Blue Jacket}, 84.

\textsuperscript{600} Tanner, \textit{Atlas of Great Lakes Indian History}, 87, 89-90; White, \textit{Middle Ground}, 448; Bergmann, \textit{American National State}, 43-4; Sugden, \textit{Blue Jacket}, 79-80. On the site’s strategic value, see Knox to St. Clair, Sept 14, 1790, \textit{SC Papers}, 2:181 – “the Miami village presents itself as superior to any other position excepting the actual possession of the posts on the lakes [still held by the British]”
ambushed American military forces multiple times. Knox lamented “that no efficient defensive protection can be afforded the frontiers lying along the Ohio against the depredations of single or small parties of savages”, and argued that only offensive operations against the aggressive groups would pacify the region. This policy change came as a result of American vulnerabilities, and Native power on the frontier. Rather than acting as imperial arbiters in the region, the United States found itself preparing to gamble on extended military campaigns into what was effectively enemy territory, actively concerned that such actions would incite other Native communities, and the British in Canada, into a broader war.

Gamelin’s mission to the Wabash Indians demonstrated the depth of American misunderstanding about Native power and political connections. It also showed the unity of the Confederacy as it waged its war against the United States. On receiving word of the mission’s failure, St. Clair conceded “there is no prospect of peace with the said Indians at present; on the contrary, they continue to be very ill-disposed towards the

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601 For attacks on settlers, see President Washington to the Gov of Virginia, May 16, 1789, in SC Papers, 2:114-5; Major Hamtramck to St Clair, April 19, 1790, SC Papers, 2:135. For attacks in Kentucky, see St Clair to the President, Sept 14, 1789, SC Papers, 2:123-4; Henry Knox to Harry Innes, April 13, 1790, ASP, Indian Affairs, 1:101. For attacks on US military forces, see Judge Parsons to St Clair, Aug 23, 1789, SC Papers, 2:121-2; Major Doughty to Major Wyllys, March 25, 1790, SC Papers, 2:134; William St Clair to Governor St Clair, May 16, 1790, SC Papers, 2:144

602 Knox to St Clair, June 7, 1790, SC Papers, 2:147. Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:146

603 President to St Clair, Oct 6 1789, SC Papers, 2:125. Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:147

604 Gamelin’s Journal, SC Papers, 2:155-9; Gov St Clair to Sec of War, SC Papers, May 1, 1790, 2:136; White, Middle Ground, 447
United States in general”. Belatedly he admitted that “many parties…are now actually gone to war.”

The first American campaign against Kekionga centered on an overland attack by an army under Harmar, while Jean-François Hamtramck led a diversionary raid along the Wabash river. Yet even before it set off, St. Clair worried that too few militia had responded to the call to overcome Native resistance. Knox wrote to the governor, limiting the campaign’s goals to destruction of property and agriculture, as the federal government lacked the funds to support building a fort on the site of Kekionga, and believed that such a project would only unite other Native groups and the British against them. Harmar’s initial seeming success in harrying the Native capital was undone by his subsequent defeat in a Miami ambush, and the reports that the Confederacy had rebuilt its core settlements in the wake of their victory. Hearing this, Hamtramck argued that “The Indians can never be subdued by just going into their towns and burning their houses and corn, and [them] returning the next day”. Facing military impotency against the Indian population’s mobility and industry in rebuilding, he suggested in future

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605 St. Clair to Gen Butler, Aug 16 1790, SC Papers, 2:151, and earlier in the summer, St. Clair to the President, May 1, 1790, in Carter, Territorial Papers, 2:245
606 Sec of War to St. Clair, Sept 12, 1790, ASP, Indian Affairs, 1:100
608 Harmar and St. Clair portrayed the campaign as a victory. On Harmar’s military defeat, see White, Middle Ground, 454; on the campaign and immediate Native rebuilding, see Wilkinson to St Clair Aug 24, 1791, SC Papers, 2:237-8, and Bergmann, American National State, 44-5, 47-8
using swift, mounted strikes to gain the element of surprise against civilian populations.609

The second campaign went no better, despite extensive preparations throughout the spring and summer of 1791. St. Clair even followed Hamtramck’s advice, sending James Wilkinson with a cavalry detachment to repeat the major’s raid on the Wabash settlements from the previous year.610 Poorly supplied and reliant on undertrained militia, St. Clair led his army into another ambush, and a historic defeat, at the headwaters of the Wabash on November 4th.611 St. Clair could put no good spin on it: “It was, in fact, a flight”, he admitted.612 As the battered US Army retreated, it left the Ohio country to the victorious Miami Confederacy.

6.3: The Hallmarks of Native Power

At the beginning of 1792, the Native empire centered on Kekionga was the dominant power in the Ohio Valley.613 In an orchestrated show of their new dominance,

609 Maj Hamtramck to St Clair, Dec 2, 1790, SC Papers, 2:197-8

610 On preparations for the campaign, see SC Papers, 221-244, on tactics see especially St Clair to Wilkinson, July 31 1791, SC Papers, 2:227-9

611 Diary of Maj Ebenezer Denny, Aide-de-Camp to St Clair, SC Papers, 2:252-62, St Clair to Sec of War, Nov 9, 1791, SC Papers, 2:262-7; General Armstrong to the President, Dec 23, 1791 SC Papers, 2:276-7; Allen, His Majesty's Indian Allies, 73-4; Sugden, Blue Jacket, 118-9; Bergmann, American National State, 48-50; Hatter, Citizens of Convenience, 47; Slaughter, Whiskey Rebellion, 105-7

612 St. Clair to Sec for Dept of War, November 9, 1791 ASP, Indian Affairs, 1:137; see also Deposition of Mr. Fitzsimons, “Causes of the Failure of the Expedition Against the Indians in 1791, Under the Command of Major General St. Clair”, communicated to the House of Representatives, May 8, 1792, American State Papers, Military Affairs, 1:36-7

613 Hinderaker, Elusive Empires, 243
Miami emissaries arrived at Grand River, home of the Confederation’s former leader Brant, and threw down before him the scalp of St. Clair’s second in command, Richard Butler, killed at the Wabash. “You chief Mohawk”, they declared, “…you roused us to war… Arise and bestir yourself!” The message was clear: Brant’s aversion to conflict had seen him eclipsed. But the tell-tale signs of Native imperialism that brought the victorious Miamis to Grand River had already been visible in sporadic form since the Mohawk chief had led the Confederacy. They simply became more pronounced as power re-centered around the Miami, Shawnee and Delaware at Kekionga.

The first basic element of Native power was their ability to set the terms of engagement with neighboring people. Anglo-Americans as a whole failed to appreciate this aspect of Indian politics. Because European empires operated through a central state, Britons and Americans in the West dismissed any groups working outside of the European forms of war and diplomacy as “banditti”. Throughout the period of the confederation’s resistance, American leaders repeated this term to explain Indian violence as unpredictable and localized. It also let them write out of existence Native decision-making structures, delegitimising the challenge posed by the Confederacy by refusing to acknowledge it. Yet this came at a cost, as St. Clair and his subordinates

614 Quoted in Taylor, Divided Ground, 259; see also ‘A Letter from Niagara’, Niagara, 24 November 1791, CO42, vol 88, NAC

615 “By The Unites States In Congress Assembled”, October 20, 1786 (New York, 1786), President Washington to the Gov of Virginia, May 16 1789, SC Papers, 2:114-5, Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:146, General Knox to Gov St Clair, June 7 1790, SC Papers, 2:147; Hinderaker, ‘Liberty and Power’, 229
failed to appreciate that they were at war until August 1790, and only fumbled towards recognising that they faced a unified Indian coalition after Harmar’s defeat.\textsuperscript{616}

The Native leadership had a strategy and an underlying philosophy that guided their actions throughout the 1780’s and 1790’s. They sought united Indian strength and wealth, but also understood this had to come alongside ongoing connections with Europeans and Americans, to allow for commerce. Even at its height, the Confederacy never sought to drive Euro-Americans back across the mountains. While the unrelenting pace of American settlement from the east pushed Brant and his allies to mark out the Ohio river line as a basic geographic barrier between Indians and Americans, a river also allowed for trade and connection, if the communities south of the Ohio could be trusted to live in peace.\textsuperscript{617} Brant mediated between the Confederacy and Britain, and Alexander McGillivray played a similar role between the Creek and the Spanish Crown, welcoming the enhanced economic prospects the Europeans brought, while asserting their own diplomatic interests.\textsuperscript{618} Far from making themselves into a British satellite, Native leaders insisted to the Americans that “[We] do not give ourselves entirely up to them [the British], not lean altogether upon you. We mean to stand upright as we live between both.” Consolidating the confederacy’s membership with symbolic pan-Indian ceremonies, such as calumet smoking and passing on wampum belts, they aimed to create

\textsuperscript{616} St Clair to Butler, Aug 16 1790, \textit{SC Papers}, 2:151, Captain David Zeigler to St Clair, 8 Jan 1791, \textit{ASP: Indian Affairs}, 1:122

\textsuperscript{617} Speech at the Confederate Council, November and December 18, 1786, \textit{ASP, Indian Affairs}, 1:8-9; Dowd, \textit{Spirited Resistance}, 91, Taylor, \textit{Divided Ground}, 10

\textsuperscript{618} Alexander McGillivray, Letter to Governor Arturo O’Neill, July 10, 1785, quoted in Colin G., Calloway, \textit{The World Turned Upside Down: Indian Voices from Early America} (Boston, St. Martin’s Press, 1994), 173; Letter from Detroit, 4 May 1788, CO 42/59:236; White \textit{Middle Ground}, 434; Cayton, “Radicals in the Western World”, 80-1
an independent Native polity, and utilized Europeans’ desire to maintain their trade in the West to leverage their cooperation in seeking international recognition.619

Americans had difficulty seeing Native policy-making, because they struggled to identify paramount leaders in the Indian political system, and failed to understand the confederacy’s ability to carry out numerous policies at once. The fluid nature of Native politics was the second key element of the confederacy’s strength. While St. Clair identified Brant’s influential place at the head of the confederacy in the early stages, the transition to the Miami-centered coalition left the American government in the dark as to who their rival leaders were. Brant remained part of the confederation but became sidelined, still more closely tied to the British, and to a policy of negotiation, than the new leaders. The other Natives chiefs the Americans interacted with in the later 1780’s were marginal figures to the confederacy, such as the Delaware Captain Pipe who visited Marietta in 1788, and the Wyandot Shendete who took center stage at the Fort Harmar treaty later the same year. Looking further afield, St. Clair admitted his complete ignorance as to which nations held the Illinois country.620

While the Confederation relocated its capital to Kekionga, this did not help the Americans distinguish a single leader to deal with. In a mobile society, and a political system that relied on voluntarism, more leaders working together strengthened the


For similar sentiment, see Young King’s Speech, May 21 1791, ASP: Indian Affairs, 1:165; Sugden, Blue Jacket, 91-2; Skaggs, ‘The Sixty Years War’, 9-10

620 On Brant, Taylor, Divided Ground, 258; on Captain Pipe, Harmar to Sec of War, March 9, 1788, SC Papers, 2:42; on Shendete, Gamelin’s Journal, SC Papers, 2:159; on the Illinois country, St Clair to Sec of War, June 14 1789, SC Papers, 2:117
confederation. Each settlement contributed to the leadership. Le Gris led in Kekionga itself, Blue Jacket, Buckongahelas and an unidentified Miami leader shared power in Miami Town, and in the neighboring Pacane’s Village, the eponymous Miami leader moved to the Wabash, leaving his nephew, the French *metis* Jean Baptiste Richardville, in charge. And different figures carried out peace and war duties. Le Gris and Pacane were peace leaders, while Blue Jacket, Buckongahelas and Little Turtle of the Miamis took command in wartime. Buckongahelas and the Shawnee Red Pole also took on greater influence when it came to nativist religious ceremonies. Gamelin glimpsed some of this complex political world, on his embassy to Kekionga. But even when he met Le Gris and Blue Jacket, the Indians used the multiplicity of their leadership to obscure to the United States official quite who was making the decisions. The Wabash Indians insisted that they had to refer him to the senior Miamis, the Miamis blamed the recent violence on Blue Jacket’s Shawnees, and Blue Jacket in turn claimed he had to escalate the American embassy to the British at Detroit. Yet the confederates still presented Gamelin with a united front as he left, forced to report his failure to St. Clair.

Failing to identify Native leaders, Americans also failed to understand their strategies. While Brant’s confederation sought unified diplomacy with the United States, the Chickamaugas and Mingos still received autonomy to raid American settlements along the Ohio from early in the 1780’s, to keep up the pressure on the squatters. During his tenure in command, Harmar struggled to identify the “banditti” behind the violence.

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on the frontiers. Over the 1780’s, the culprits grew from the Chickamaugas, to the Shawnee and Chickamaugas, then including the Miamis and Mingos, until in 1790 St. Clair added the Delawares to the growing list of nations he believed were “irreclaimable by gentle means”.

And as the United States geared up for a war with the perpetrators, St. Clair, Knox and Washington all tried to define which groups of Indians remained friendly to the United States. Insisting that their Miami and Shawnee enemies were a breakaway group, they held hope for the friendly attitudes of the Wyandots and Wabash Indians. While Gamelin’s mission suggested at regional loyalty to the Kekionga-centered confederacy, the Americans remained overly optimistic in the face of broad, amenable statements from town leaders, and failed to appreciate that they were already at war with many of Gamelin’s hosts. This ignorance led to a grave tactical mistake in 1790. Not wanting Harmar’s police action against the “rogue” Miami to alarm the British or the supposedly non-aligned Natives of the region, Knox advised St. Clair to warn these parties in advance. St. Clair followed the Secretary of War’s suggestion as the campaign got under way, broadcasting Harmar’s assault to the Confederacy and its allies.

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623 St Clair to Sec of War, Jan 26 1790, SC Papers, 2:132; Harmar to Sec of War, June 1, 1785, SC Papers, 2:6; Harmar to Thomas Mifflin, June 25 1785, SC Papers, 2:6; By The Unites States In Congress Assembled, October 20, 1786 (New York, 1786); Harmar to Sec of War, May 14, 1787, SC Papers, 2:21-2; Harmar to Sec of War, July 23, 1788, SC Papers, 2:64; Hatter, Citizens of Convenience, 44; Jon W. Parmenter, ‘The Iroquois and the Native American Struggle for the Ohio Valley, 1754-1794’, 115-6

624 President to St Clair, Oct 6 1789, SC Papers, 2:125; St Clair to Sec of War, Jan 26 1790, SC Papers, 2:132; St Clair to Sec of War, May 1 1790, SC Papers, 2:136; St. Clair to President, May 1, 1790, in Carter, Territorial Papers, 2:245; Summary Statement of the Situation on the Frontiers by the Secretary of War, May 27 1790, SC Papers, 2:146-7; Gamelin’s Journal, SC Papers, 155-7, 159

625 Gen Knox to Gov St Clair, Aug 23 1790, SC Papers, 2:162-3; Gov St Clair to Major Murray, Sept 19 1790, SC Papers, 2:186-7
While the Americans failed to see the political structures and manoeuvres of the Confederacy, its economic strength appeared more clearly. This third and central aspect of Native imperialism did not just mean compiling material wealth, but also extracting wealth from the United States: cutting out American trade and stealing or destroying American assets. The Confederacy’s own wealth came from the fur trade. Since before the Revolution, speculators had realized the strategic value of the Illinois and Wabash River regions for the movement of fur from the west to Detroit and the Great Lakes. This made the Maumee River and the Native settlements on it a strategic commercial hub of the entire region, a center of economic power based on interpersonal connections. By 1790, the fur merchants of Montreal predicted that if Britain left the Ohio Valley to the United States, the loss of trade through Detroit would cost them £30,000 from the territory south of the lakes, and £150,000 from the vast watersheds of Huron, Michigan and Superior to the north and west.\(^{626}\) In return for the fur pelts, British and French traders embedded in the Native villages used their connections in Quebec to supply food, weapons and trade goods. The most notable example was Indian agent and merchant Alexander McKee, who owned two major trade outposts in the region: one at The Glaize, the other further east at the Rapids of the Maumee. McKee’s operation showed the volume and sophistication of the region’s commerce. An American prisoner reported that in 1791 McKee’s Maumee Rapids location comprised a large complex of eleven storehouses filled with arms, ammunition, corn, pork and peas. From there, McKee and

\(^{626}\) Montreal Merchants, 28 November 1790 CO 42/73:51; Nelson, \textit{Man of Distinction}, 6-7; White, \textit{Middle Ground}, 448; on pre-Revolutionary schemes to monopolize the fur trade in the Illinois country, see Robertson, \textit{Conquest By Law}, 8, 11, 14
his fellow trader Simon Girty would transport supplies upriver by boat or packhorse to their Glaize location, from where they could distribute them to the neighboring communities.627

Enriched by the fur trade, the Indians of the confederacy also sought to impoverish the American settlers on their land. While they fought in battles and skirmishes with American militias, and committed numerous murders of unarmed settlers, the Natives’ main target was the settler’s material possessions. In 1788, Harry Innes of Kentucky complained how Indians “duly deprived [settlers] of their property”, by taking horse, livestock, slaves, burning homes, destroying boats and killing settlers. “Merchandise to the Value of above £3,000” had been taken or destroyed that year alone, he estimated.628 Horses held particular value to Americans, both as a source of labor as well as transport, and Native raiders could easily drive both them and other livestock away from American settlements. Two years later, receiving more reports of property theft in the area, Innes wrote to Knox claiming that “upwards of 20,000 horses have been taken and carried off” from Danville over the previous seven years.629 Slaves could be carried downriver to the Spanish colonies, where an interregional slave trade thrived.

627 Nelson, Man of Distinction, 157-8; Knox to St Clair, Sept 14, 1790, in SC Papers, 2:181

Richter, Facing East, 225; Taylor, Divided Ground, 113; Bergmann, American National State, 48-9; White, Middle Ground, 454

628 Harry Innes to John Brown, April 4 1788, Correspondence 1788, Harry Innes Papers, Library of Congress, DC; Bergmann, American National State, 23

629 Innes to Sec of War, July 7, 1790, ASP: Indian Affairs, 1:88; for Innes’ correspondents see Christopher Greenup to Judge Innes, May 24, 1790, and John Caldwell to Judge Innes, June 4, 1790, both ASP: Indian Affairs, 1:89. For other local officials filing similar complaints to the central government, see Lieutenants of the Counties of Fayette, Woodford and Mercer, to the Secretary of War, April 14, 1790, ASP, Indian Affairs, 1:87; Bergmann, American National State, 24-5
unwillingly supplied by the United States’ western colonies. And the American forts themselves proved valuable targets, as Indians fell on the convoys sent to supply these outposts.\textsuperscript{630} The plunder from these raids flowed north, supplying Native communities as well as the British in Canada. The transfer of goods solidified the partnership between the Native confederacy and the British province: the British consolidated their position near Detroit in 1788 with a new fort at Lake St. Clair, and the next year Blue Jacket encouraged Canadians to “Send your trading men…amongst us… Tis the interest of ye and us… forsake not the trade that links us together in amity and interest.”\textsuperscript{631}

Native strength in the Ohio Valley depleted American resources in indirect ways as well. To avoid open war and buy the friendship of Indian towns, American officers throughout the 1780’s stressed the need to match Britain’s gift-giving. Arguing that it presented a much cheaper option than war, Knox nevertheless estimated annual presents to Native communities would come to $16,000, sent from the fledgling government’s coffers to Native recipients.\textsuperscript{632} And St. Clair repeatedly confronted the fact that raising militia units to guard the long frontiers between Kentucky, Pennsylvania and Ohio placed

\begin{footnotesize}

\textsuperscript{630} St Clair to John Jay, Dec 13, 1788, \textit{SC Papers}, 2:103: “They have had the audacity to fall upon the parties escorting the provisions to the posts”; on the regional slave trade, Bergmann, \textit{American National State}, 26

\textsuperscript{631} Blue Jacket quoted in Sugden, \textit{Blue Jacket}, 91; on British expansion, St Clair to John Jay, Dec 13 1788, \textit{SC Papers}, 2:103; on the scale of Native raids, St Clair to Sec of War, May 1 1790, \textit{SC Papers}, 2:136

\textsuperscript{632} Knox estimate in Taylor, \textit{Divided Ground}, 238-9; Captain John Doughty to Sec of War, Oct 21, 1785, \textit{SC Papers}, 2:10; St Clair to Sec of War, Jan 27, 1788, \textit{SC Papers}, 2:41

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an unbearable cost on the government. He even went so far as to recuse the government from paying to guard valuable local assets such as a Kentucky salt works. 633

The Confederacy’s success meant that the Ohio Valley failed to be a source of wealth for the United States, but instead became a drain on federal finances. Individual settlers could be ruined by the loss of a boat, a horse or their home, and the cumulative effect threatened economic collapse. Ohio Company founder Rufus Putnam feared that those settlers who survived the Indian attacks would be “a ruined people”. And St. Clair stated to John Jay in 1788 “It was always my fear that our Western Territory, instead of proving a fund for paying our national debt, would be a source of mischief and increasing expense. 634

This Native economic strength built off their geographic control of the region. The final aspect of their power, this control meant the effective exploitation of people, resources and transport routes, while denying them to their enemies. On official maps, the entire of the Ohio Valley from the Appalachians to the Mississippi belonged to the United States. But the records of American soldiers and citizens in the West clearly demonstrated that into the early 1790’s the Native confederates controlled the most important points of connection and commerce.

With their recent history of crossing the Ohio, Shawnee and Chickamauga groups knew well the most important strategic locations on the river. Through the late 1780’s Americans reported areas of particular danger for travellers at the mouth of the Scioto

633 St Clair to Hon John Brown July 18 1791, SC Papers, 2:225-6; also see St Clair to Sec of War, Sept 14, 1788, SC Papers, 2:88; St Clair to Colonel Sproat, July 6 1791, SC Papers, 2:224

634 Rufus Putnam to the President, Jan 8, 1791, ASP: Indian Affairs, 1:122, St Clair to John Jay, Dec 13, 1788, SC Papers, 2:103; Bergmann, American National State, 36-7
river, and at Wheeling and Limestone in northwest Virginia. But in 1790, after the start of the Miami Confederacy’s war with the US, river transport itself became unsafe. Report after report came before both St. Clair as well as Knox in Philadelphia, recording a litany of horses, goods and other property stolen or lost and boats abandoned in the face of Native boarding parties. In March, American troops had to shelter with a French merchant after an ambush claimed most of their party. Weeks later, James Wilkinson reported that attempts to dislodge the Indians from the key river intersections had failed. Significantly, while American traffic suffered massive disruptions, the Natives let pass shipments belonging to British and French-affiliated merchants. At this critical juncture, the Miami confederates had greater control of the major artery of the Ohio Valley than the United States did.

Using this river access, Native war parties ranged across the region, in both Ohio and Kentucky. Land surveying came to a halt, and St. Clair worried he would need to abandon the outlying forts, because supplying them had become too dangerous. Word even came to the governor that “Ottowas and Sacs…Shawanese…Delawares” were raiding on the Spanish side of the Mississippi, so great had their reach grown. Absorbing

635 Harmar to Sec of War, June 1, 1785, SC Papers, 2:6; Narrative of John Heckewelder’s Journey, 123, Daniel Boone to Nathaniel Rochester, 7 May 1789, Daniel Boone Papers; Journal of Col. John May, 148-9; Dowd, Spirited Resistance, 91

636 Major Doughty to Major Wyllys, March 25, 1790, SC Papers, 2:134; James Wilkinson Esq to General Harmar, April 7, 1790, ASP: Indian Affairs, 1:91; see also Major Hamtramck to St. Clair, April 19, 1790, SC Papers, 2:135; St. Clair to Sec of War, May 1, 1790, SC Papers, 2:138-9; William St Clair to St. Clair, May 16 1790, SC Papers, 2:144; deposition of Charles Johnson, before Sec of War, July 29, 1790, ASP: Indian Affairs, 1:87; on British and French merchants see Bergmann, American National State, 32

637 John May to Samuel Beall, rec’d May 1786, May to Beall, 27 June 1786, quoted in Griffin, Leviathan, 191; St. Clair to John Jay, Dec 13, 1788, SC Papers, 2:103; St. Clair to Sec of War, May 1, 1790, SC Papers, 2:138-9; see also Judge Parsons to St. Clair, Aug 23, 1789, SC Papers, 2:121-2; St. Clair to the President, Sept 14, 1789, SC Papers, 2:123-4
the American situation, St. Clair wrote, confounded, that “We seem to be here in another world that has no connection with the one we lately left.” The following year, after Harmar’s defeat, and mere days before St. Clair’s own rout on the Wabash, Kentuckian Henry Bidinger admitted that he and his fellow settlers lived in “Dread of the Tawny Enemies, who frequently Infest the Good people.”

Whereas the American presence in the west suffered under this imperial pressure, the British and Spanish thrived in cooperation with their Indian allies. In the South, the Creeks forged closer connections with the Spanish, leading US officials to worry about Spanish trade expansion across the southwest. In the Ohio Valley, the nexus of fur trade investments and personal connections between the confederate Indians and British merchants created a symbiotic circle. Merchants at the Miami Towns and The Glaize influenced decisions in Canada, where officials like Simcoe had considerable leeway to depart from their Westminster-sent orders to maintain neutrality. Increasing support for the confederation in order to defend British monopoly of the fur trade, Simcoe and his subordinates strengthened the Native coalition. The stronger confederacy in turn protected the sparsely-populated, poorly defended Canada from American aggression, letting the British maintain their vulnerable colony with minimal investment.

638 St. Clair to Sec of War, May 1, 1790, SC Papers, 2:136-7, 140; Henry Bidinger to David Shepherd, 27 Oct 1791, Shepherd Papers, quoted in Griffin, Leviathan, 216

639 Prucha, Great Father, 54-5, Cayton, “Radicals in the ‘Western World’”, 80-1

640 On Native and merchant interests, see Skaggs, ‘Sixty Years War’, 9-10; Sugden, Blue Jacket, 91; Hatter, Citizens of Convenience, 8-11; White, Middle Ground, 456. On Simcoe and British interests, Allen, His Majesty’s Native Allies, 52-3; Nelson, Man of Distinction, 149; White, Middle Ground, 434; Combs, Jay Treaty, 96; Lawrence B.A. Hatter, ‘The Narcissism of Petty Differences? Thomas Jefferson, John Graves Simcoe and the Reformation of Empire in the Early United States and British–Canada’, in American Review of Canadian Studies, 42(2), 130-141
Native power reached its height in 1792, and the Confederacy began to take on quasi-imperial proportions. In the light of the repeated American assaults on Kekionga, the Confederacy transferred its headquarters to the settlement of The Glaize. At the confluence of the Auglaize and Maumee Rivers, the site had become the new home of Captain Johnny and the Wakatomica Shawnee after the destruction of their southern Ohio village in Logan’s 1786 raid. It also hosted McKee’s distribution entrepot, and like the Miami Towns had a high proportion of European traders living within the community, men like Jacques Lasselle, George Ironside and James Girty who provided important connections between the Ohio and Canada. The arrival of the Confederations leaders from Kekionga made it the political and economic center of the region. Not only did it become the destination for large numbers of refugees and communities drawn into the war effort by the confederacy’s victories, but it stood even more central to the expanding confederacy than the previous capital. An important influx of Odawa, Ojibwe and Wyandot warriors in the weeks before the Battle of the Wabash had been followed by the preeminent Odawa leader Egushaway joining the confederacy in the wake of the Indian victory. The confederacy’s move created a new axis of power: between the Native capital at The Glaize, the Odawa settlements and the main McKee warehouse at the Maumee rapids, and the British position at Detroit, with neighboring Wyandot, Ojibwe and Potawatomi villages.

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641 Sugden, *Blue Jacket*, 114, 130-2; Sugden, *Tecumseh*, 80-1; Bergmann, *American National State*, 75;

In the face of this power, the United States finally began to grasp at the scale of the war they had engaged in. Rufus Putnam pointed out to Knox that the British alone could not be behind the confederation, as more Indians had raised arms against the United States than at the height of the Revolutionary War. With the military situation bleak, Putnam argued for diplomatic avenues: buying off the Wabash Indians and ceasing all land purchases to remove a central Native rallying cry. After St. Clair’s defeat, a British observer at Niagara believed that the United States “will find great difficulty in raising another Army for this Service. They would probably listen to any Reasonable Terms of accommodation, if they saw a prospect of its being establish’d on solid Grounds, perhaps this can only be affected by the influence of the British Government.”

British governors agreed, recognising the confederacy’s strength, but having no wish to get drawn into a war against the United States to support it. Both Lord Dorchester and Simcoe engaged in serious conversations about a British offer of mediation, centered on making the long-promised Indian buffer state a reality. Dorchester laid down the principle, that “the area northwest of the Ohio between the Mississippi and the Lakes shall be secured exclusively to the Indians, and remain neutral ground in respect to Great Britain and the United States”. Simcoe suggested further details to McKee, that Britain could abandon the Northwest forts in return for permanent control of Detroit and American exclusion from Lake Erie.

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643 Rufus Putnam to General Knox, July 8, 1792, SC Papers, 302-3

644 A Letter from Niagara, Niagara, 24 November 1791, News From Detroit, CO42, vol 88, NAC.

645 Dorchester to Henry Dundas, London, 23 March 1792, MG11, CO 42, vol 89, NAC; Nelson, Man of Distinction, 162; Taylor, Divided Ground, 266
These reconfigurations of power came together at The Glaize in September 1792, at the largest congress in the history of the Ohio Valley. As well as the core confederacy members from the Maumee, Wabash, Sandusky and Detroit regions, The Glaize hosted Sauks and Foxes from west of Lake Michigan, New York and Canadian Iroquois, Delawares and Shawnee who had moved across the Mississippi to Spanish territory, and Creek and Cherokee observers from the south. The conference saw a critical debate over how to engage with the Americans. Aupaumat, a pacifist Stockbridge Indian, argued that the confederacy should trust the Washington administration. Accepting the extension of American control over the Ohio Valley would bind the warmongering western settlers to the United States’ laws, averting further violence. And the Seneca Iroquois, led by Red Jacket, presented themselves as mediators between the United States and the confederates, bringing with them an offer of peace from the Americans, based on the 1780’s treaties.

Buoyed by their victories over Harmar and St. Clair, the Confederacy’s leaders had no time for this accommodationism. The Shawnee dismissed Aupamat’s calls for trust by reminding the audience of the many atrocities the western settlers had committed, while the Seneca received ridicule for collaborating with the treaty-breaking Americans. Reflecting the bold, militant mood, a Shawnee threw the American peace terms Red

646 Sugden, Blue Jacket, 134

647 Aupaumut, Narrative, 92-110, 121-131; White, Middle Ground, 458-60

648 Parmenter, “Struggle for the Ohio Valley”, 117-8; Sugden, Blue Jacket, 135-7; Taylor, Divided Ground, 277
Jacket had presented into the council fire. The debate represented a political argument to win the support of the more distant, northerly groups in attendance, including the Ojibwas, Potawatomis, Sauk and Fox. Not only did the confederates win over these groups, but the ridiculed Seneca returned and signed up to a consensus strategy. The Confederacy would meet ambassadors from the United States on the lower Sandusky the following year and demand the Ohio as the official boundary between their peoples. They would come armed with maps and documents provided by Simcoe that evidenced the legitimacy of their claim, based on the 1768 Stanwix Treaty.

The 1793 Sandusky conference marked the complete reversal of the Stanwix, McIntosh and Finney treaties of the previous decade. Despite their own people clamoring for a general war, the United States came to deal, offering important concessions. Not only did the United States relinquish the right of ownership of land north of the Ohio, but their claim to pre-emption excluded other settler interests making purchases. If the treaty was signed, and honored by two co-equal parties, the Americans were committing, on paper at least, to an agreement to police their own settlers and speculators, doing the Confederacy’s dirty work for them. But while the United States government accepted the need for some concessions, the one at the heart of the conference, the Confederacy’s claim to the 1768 Stanwix Line, went beyond the pale.

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650 Sugden, *Blue Jacket*, 138; White, *Middle Ground*, 458-9; Allen, *His Majesty's Indian Allies*, 78-9

651 ‘Speech of the Commissioners of the United States to the Deputies of the Confederated Indian Nations Assembled at the Rapids of the Miamis River, 31 July 1793’, Cruishank, *Simcoe Papers*, 1, 408; Griffin, *Leviathan*, 216-7
The major breakdown between Brant and the Confederate-British alliance that happened at Sandusky meant less than it appeared. Brant argued for accepting a compromise Muskingum-to-Lake Erie boundary, whereas the Confederates and Simcoe pushed for a boundary running all away along the Ohio and then up towards Niagara. In truth, the United states could never have accepted either proposal.

The diplomatic impasse at Sandusky resulted from the equalising of power between the United States and the Miami Confederacy. The endemic violence of the Revolutionary period, and the lopsided treaties of the earlier 1780’s had given way to a trans-Appalachian West divided between two power centers: one based east of the mountains, one coalescing at The Glaize. The contest for control of the West had shaped each. Settler intrusions into their territory had initially pushed the Native communities of the Ohio Valley into confederating around Brant. The raids against western settlements facilitated by the new confederacy in turn helped justify the federal Constitution in the United States. And the blunders of the newly-empowered American regime drove Native communities to war under more militant Miami leadership.

The two powers embodied different forms of liberty. The American form of individual liberty to take and hold private property fell within the collective liberty of relatively equal provinces constituting a wider federal empire. The Native form of liberty revolved on voluntary ties to bind both individuals and communities, retaining the core principles of confederation: close equality and freedom of association of the constituent

652 The secondary literature makes a great deal of the diplomatic divide between Brant and the Confederates as destructive to Indian unity, only occasionally pointing out that the treaties both parties proposed went way beyond anything the United States could accept. See Allen, *His Majesty’s Indian Allies*, 79-80; Nelson, *Man of Distinction*, 164; Sugden, *Blue Jacket*, 144-5; Sugden, *Tecumseh*, 82; Taylor, *Divided Ground*, 281-2
parts. Both presented unique forms of a sort of ‘free empire’, but they promised very
different futures for the Ohio Valley, and for North America beyond it. Which form
would win out was decided in the military confrontations of 1794.

6.4: To an Imperial Peace at Greeneville

The campaign that followed in 1794 is usually labelled the Fallen Timbers
campaign, for the single set-piece battle between Wayne’s army and the forces of the
Confederacy. But the crucial moments of the campaign actually occurred outside two
forts, the American Fort Recovery and the British Fort Miami. The events at these
locations demonstrate the contingent nature of American victory, and show how close the
Miami Confederacy came to inflicting a third defeat on the United States.

While Americans held the advantage of fortifications that Native forces lacked the
cannons to effectively attack, fixed positions like forts presented a weakness as well as a
strength to the United States. A string of forts, Jefferson, St. Clair and Recovery, marked
out Wayne’s army’s supply line from the Ohio River towards The Glaize. All food and
ammunition moved between these forts in wagons, so the Confederates leaders knew
exactly where to find them. Circling around the slow-moving United States army, in
territory they knew much better than the Americans, the Miami forces aimed to attack the
poorly-defended convoys near the forts, cutting Wayne’s supply line and letting the army
starve in the Ohio wilderness.653

653 Nelson, Man of Distinction, 167, 169; Bergmann, American National State, 49, 53, 63-4, 89-92; White, Middle Ground, 467. For suggestions at the time of the efficacy of non-gunpowder weapons,
At Fort Recovery, the Confederacy’s warriors demonstrated the efficacy of this strategy, successfully ambushing the American supply convoy. But tactical mistakes in the heat of battle caused a higher number of casualties than normal, and a political rift between members of the confederation in the aftermath.654 These divides weakened the Native alliance at the Battle of Fallen Timbers, and set up the final betrayal by the British at Fort Miami, who refused to shelter their Native allies after the battle and risk a war with the United States.655

The battles could easily have gone the other way, the campaign ending in another disaster for American forces strung out in Indian-controlled territory. Such a result would have shaken the United States and its western empire. But what defined the outcome in the West was the different responses of the two powers in the wake of defeat. After the Battle of the Wabash in 1791, the United States’ leaders had reflected on whether the costs of their war in the West were worth it. The tenuous nature of republican power, built upon the consent of its land-hungry citizens, meant that the federal regime could only gain legitimacy by repeated attempts to gain victory. This legitimacy trap pushed them into further campaigns that were expensive and risky, fighting a powerful enemy on their home turf. People had to be mobilized, and loyalties

654 Sugden, Blue Jacket, 160-8; Allen, His Majesty’s Indian Allies, 82; Nelson, Man of Distinction, 169-70; White, Middle Ground, 466-7

655 Allen, His Majesty’s Indian Allies, 83; Sugden, Blue Jacket, 179; White, Middle Ground, 464-8; Hatter, Citizens of Convenience, 64-5
tested. But the new formulations of republican government in 1787 and 1788 had created a regime that had the capacity to keep trying, in spite of numerous defeats.

In contrast, the Miami Confederacy still had the manpower after Fallen Timbers to fight. Within a few weeks of the defeat, McKee had rallied about 3,000 Indians at a temporary camp six miles from the battle, supplying them from his warehouse and pressing the British to build a small blockhouse nearby as a symbol of protection. But the nature of political liberty within the confederacy let individuals and groups decide on their own terms whether the costs of war had become too high, and whether the costs of peace were acceptable. The Confederacy could not make the same regime-threatening roll of the dice that the United States had made on Wayne’s campaign. With their economic centers of Kekionga and The Glaize now built on by American positions at Fort Wayne and Fort Defiance, and their British allies standing aloof, even the senior leaders of the Confederacy decided they should make peace with the Americans, to save their people more loss of life and economic hardship.656

Yet even in military defeat, Native American power still shaped the settlement process in the West from 1794 onwards. Until January 1795, no major Indian leaders had come forward. While war was no longer a desirable option, Native groups needed peace to be acceptable. Until that moment, a vacuum of power existed in the Ohio Valley.657 Only when the United States and the Native American leaders worked together did the possibility of a real settlement arise. At the Treaty of Greeneville, the United States

656 Nelson, Man of Distinction, 172-3; Taylor, Divided Ground, 287-8; Bergmann, American National State, 78-9, 89-92

657 Sugden, Blue Jacket, 186-7, 190-3; Bergmann, American National State, 94
finally forged an imperial peace acceptable to both sides. On the one hand, the federal government orchestrated a major demonstration of power, spending hundreds of thousands of dollars visibly garrisoning and supplying the western forts with a larger army than the US had previously maintained. But it also returned to pre-Revolutionary practices of gift-giving, conceding the chance to dictate a peace to the members of the Confederacy, in favor of establishing a more durable peace settlement through the presentation of Greeneville as an equal treaty between two strong polities.\(^{658}\)

While the Natives had been beaten in 1794, their power in the Ohio region remained, underlining the need for this new American approach. The heavily-garrisoned forts still needed to be supplied by nearby Indian and settler communities, requiring peace between all parties in the region. And Native leaders needed to accept and promote peace to their followers, or else the 1780’s had shown that even low-level guerrilla war by small numbers of resisters could throw the region back into disorder. As a result, Wayne and St. Clair feared that Indian-hating, land-hungry Kentuckians would sink the whole settlement, and incite the Indian nations to restart a war in their own defense. Wayne complained that

“certain evil-disposed people in the State of Kentucky are determined to prevent an amicable treaty from taking place between the United States and the Indian tribes north-west… unless some effectual measures are adopted to prevent predatory war parties from Kentucky crossing the Ohio, the inhabitants of the Territory, over which you preside, will hold their lives and property by a very precarious tenure.”


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St. Clair professed his lack of control, and wrote to the governor of Kentucky, imploring him to keep his people in line.\textsuperscript{659}

Having confronted, and nearly been defeated by the full force of the Miami Confederacy, the United States forced itself to confront the idea of an \textit{imperium in imperio} and accept the existence of viable Native power within its borders. This was helped by the leverage of victory in 1794, and the connected diplomatic break between the British and the Confederacy. But in the short term, Native power remained enough of a factor that the immediate aftermath of the Greeneville treaty saw a bifurcated regime across the West. New land was opened up for American settlement in what would become the state of Ohio within a decade. Further north and west, the American government replaced the British as suppliers for Native communities at a series of federally-run factories, in return for peace.\textsuperscript{660}

The outcome of the Northwest War hinged on much greater contingency then subsequent events made it seem. The instruments of republican empire let the United States stay in the conflict despite serious reverses and threats to imperial stability, but American leaders could only convert the good fortune of battlefield victory into a fundamental settlement for the West once they had accepted the reality of the Native power they faced. Because the unprecedented demographics of American settler colonialism overwhelmed the Natives of the Ohio valley in the nineteenth century, the significance of American concessions at Greeneville disappear. But this later surge of

\textsuperscript{659} Wayne to St Clair, June 5 1795, \textit{SC Papers}, 2:374-5; St Clair to Wayne, June 11 1795, \textit{SC Papers}, 2:376; St Clair to Gov Shelby, June 20 1795, \textit{SC Papers}, 2:386; Bergmann, \textit{American National State}, 115-7

\textsuperscript{660} Bergmann, \textit{American National State}, 172-212, Saler, \textit{Settler's Empire}, 67-8
Euro-American settlers was itself predicated on the regional peace tenuously forged in 1795.
While the United States’ initial victory over the Miami Confederacy remained tentative until the Greeneville settlement, the outcome of the campaign had immediate ripple effects in regional geopolitics. American settlers and European empires took notice of the federal government’s first major military success.

In July 1794, as Wayne conducted his campaign against the Confederacy, the federal government began delivering court summons to western distillers who refused to pay the new whiskey excise. Outraged, settlers across Kentucky, western Virginia and Pennsylvania claimed that they shared a “connected” cause and began to make plans “to convene together to determine for Peace or war”. Western papers declared “Western America has a right to expect and demand that nothing shall be considered a satisfaction, that does not completely remove our grievances”, posing redress as “the common cause of the western people”. 7,000 rebels, who “considered the conduct of Congress in seizing British posts, arms [in the Revolution]…to be a precedent perfectly applicable to their case”, rose up and threatened Pittsburgh at the beginning of August. They marched through the town in defiance of the army garrison, waving a secessionist flag. Days later,

661 Zachary Biggs to Edward Smith, 29 May 1794; Sutherland to Buher, 30 Oct 1794, both quoted in Griffin, *Leviathan*, 233; Slaughter, *Whiskey Rebellion*, 177; Griffin, *Leviathan*, 238
the rebels convened a meeting at Monongahela to discuss their next move.\textsuperscript{662} Yet as this western rebellion reached its peak, news came from Ohio that Wayne had won at Fallen Timbers. The Indian threat to the settlers now promised to recede. Moderates retook control of the rebellion’s councils, and the uprising dissipated in the face of the Washington administration’s military response.\textsuperscript{663} Without Wayne’s victory, events could have gone much differently.

The Confederacy’s defeat also opened up diplomatic avenues for the United States’ expansion in the West. News of it reaching London guaranteed the Anglo-American treaty in the works, resolving the leftover disputes from the Revolution. And the reciprocal news, that the British had agreed to abandon the Northwest forts in what became known as the Jay Treaty, convinced the Native American holdouts that their future lay in negotiations with the United States.\textsuperscript{664} The British had once more sold out their Indian allies. Yet their alliance had brought them a major geopolitical gain. Even in 1793, Lord Dorchester had believed that Britain would need to abandon Upper Canada in the case of an open war with the Americans.\textsuperscript{665} Yet the power of the Miami Confederacy had magnified the threat of its ally in Canada. Instead of considering an invasion of the loyalist province, the United States settled for a compromise peace that allowed free movement to British traders and Native collaborators into American territory, a situation

\textsuperscript{662} Pittsburgh Gazette, 26 July 1794; Findley, \textit{History of the Insurrection}, 98, 102; Slaughter, \textit{Whiskey Rebellion}, 187-9

\textsuperscript{663} Slaughter, \textit{Whiskey Rebellion}, 176

\textsuperscript{664} Timothy Pickering to St Clair, March 25, 1795, \textit{SC Papers}, 2:338; Bemis, \textit{Jay Treaty}; Taylor, \textit{Divided Ground}, 293; Allen, \textit{His Majesty’s Indian Allies}, 83-4

\textsuperscript{665} Dorchester to Simcoe, Quebec, 7 October 1793, Cruishank, \textit{Simcoe Papers}, 2:83-4; Simcoe to Henry Dundas, York UC, 10 November 1793, \textit{Simcoe Papers}, 2:100
that left American leaders uncertain of western loyalties for a generation to come.

Thanks to American pre-occupation with the Indian empire to its south, the militarily weak, thinly populated British province survived, to become the heart of a new nation in the next century.666

The Jay Treaty in turn leveraged the Spanish into the Treaty of San Lorenzo, or the Pinckney Treaty. Taking serious defeats against the French Revolutionaries in Europe, the Spanish panicked that the Anglo-American rapprochement meant an emerging threat against its North American provinces. To head this off, the government of Charles IV finally agreed to the long-pressed American goal of open access to the Mississippi River, and trade out of the port of New Orleans.667 Western settlers finally had the riverine access to the wider world that the Spanish, and their own governments’ failed diplomacy, had denied to them for so long.

After many failures, the United States had delivered to its western inhabitants what Britain had failed to do in the years before the Revolution. It gave them cheap land, at the expense of the Native American nations of the West, and opened up the region for commerce, so they could export their agricultural produce for profit. The need for military victory against the might of the Miami Confederacy turned the settlers of the Ohio Valley from localists, and even budding separatists, into loyal imperial subjects. And the massive military presence in the West kickstarted the region’s semi-subsistence

666 Allen, His Majesty’s Indian Allies, 83-6; Hatter, Citizens of Convenience, 50, 71-3; Bergmann, American National State, 58-9; Bemis, Jay Treaty

667 Bemis, Pinckney Treaty; Stagg, Borderlines in Borderlands, 36-7
economy through demand for supplies and building new infrastructure. St. Clair continued to fret over the westerners inciting wars with Spain, or conversely, leaving American territory for more generous Spanish land offers. But on the ground after 1795, most settlers showed themselves willing to wait on the chance to become full citizens, once their territories advanced to full statehood along the lines laid down in the North West Ordinance. While Americans would continue to eye Spanish territory as St. Clair claimed, in the future they would do so with a view to bringing it into the expanding imperial republic.

The territory between the Appalachian Mountains and the Mississippi River became the proving ground of American empire. Where Britain’s colonial empire and the confederal experiment of the Articles government had both failed, the federal government succeeded in imposing its power in the West, and securing the acquiescence to its rule from both Native powers and Euro-American settlers.

The instruments of empire that had strengthened the United States in its struggle for the West, the Constitution and the Northwest Ordinance, also played a vital role in vanishing that empire from the United States’ subsequent history. The very success of the empire made it invisible. The Ordinance filled up the land with American settlers, and formed the western territories into new states, on equal terms as members of the Union as every other state. By the middle of the nineteenth century, it turned the old

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668 Hinderaker, Elusive Empires, 244; Griffin, Leviathan, 241-2; Bergmann, American National State, 1-2, 6, and passim

669 Some considerations as to the dangers that beset the Western Territory, and how it may be preserved as an important part of the Union (1797?), SC Papers, 2:417-20; Stagg, Borderlines in Borderlands, 38
Northwest, inhabited by hunting and fur-trading Natives, into the agricultural American heartland of the Midwest.\textsuperscript{670} The material powers of the Constitution assisted, in allowing an empowered federal government to whittle away Native land over the decades, and relocate many groups to the Great Plains in the 1830’s. Attempts to resist American encroachment, such as the Black Hawk War, met the joint force of the federal military and the state militias. In an unprecedented amount of time, the United States had integrated the vast expanses of the trans-Appalachian West, and removed or silenced those people who would remind American citizens of its recent, alien status.

The one-two process of American imperialism repeated itself across the 19\textsuperscript{th} century. The empowered federal government acquired land through its military strength or fiscal resources, then the strictures of the Northwest Ordinance, expanded beyond its original remit north of the Ohio, created new republican provinces across the continent. As the empire grew in population and resources, it became more and more difficult for its rivals to resist its expansion. In 1803, when Napoleon sold Jefferson Louisiana to bolster French coffers for the Emperor’s endless European wars, the young republic’s vast increase in size came about through events outside of American leaders’ control.\textsuperscript{671} By 1823, John Quincy Adams could present the policy that came to be known as the Monroe Doctrine, making a bold assertion of American influence in the Western hemisphere, and a first claim to American empire outside of North America. Monroe and Adams were

\textsuperscript{670} The speed of change in the Midwest famously gave rise to Wisconsinite Frederick Jackson Turner’s triumphalist Frontier thesis. Reflecting on Midwestern history in 1898, Turner’s interpretation demonstrated the invisibility of empire and the American state, in the absence of any references to wars, garrisons or Indian Removal in the text.

\textsuperscript{671} Tucker, Hendrickson, \textit{Empire of Liberty}
aware through diplomatic exchanges that the Royal Navy would do the actual hard work of keeping European armies off American soil, but the claim of American power reflected how, in the preceding years, American military forces had trampled on Spanish sovereignty in East Florida, then signed a favorable treaty with Spain to receive the Floridas and a north-western border that ran to the Pacific Ocean.  

Yet so long as the end result of empire remained the accession of white settler communities into the federal government, American thinkers, writers and politicians could downplay their country’s expansion as imperial. This did not mean a reneging of the imperial ends that Americans had been pursuing since they still called themselves British. Instead, it meant emphasising to the world, and to fellow Americans, the United States’ idealized image as an organically expanding republic. This came to a head in the 1840’s, as Manifest Destiny represented the logical conclusion of this intertwined process of aggressive imperial expansion and the swift elision of empire. Texas and the Southwest were brought into the Union in a war Americans portrayed as a defensive reaction to Mexican violence on the border, but ultimately saw American forces capture Mexico City and dictate a peace.  

This was only the most notable event in a mid-century period when the major focus in American foreign policy rested on the Gulf of Mexico and the Caribbean, as slaveholders and slaveholder interests dominated decision-

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672 Sexton, The Monroe Doctrine

making in Washington, and attempted to defend and expand the institution in their neighboring region. 674

Despite this rhetorical turn, burying the role of empire, imperial expansion and the pressures it brought still defined the American experience. The debates over slavery that sectionalized politics in the lead up to the Civil War began in the aftermath of the Mexican-American War. While few mainstream American politicians wanted to meddle with slavery in the places it already existed, the powerful Free Soil party grew up in response to the potential expansion of slavery into newly-conquered Southwest. 675 Differences between North and South were further aggravated by the expansive foreign policy of slavery, of which the most egregious examples in popular imagination were the repeated attempts of Southern adventurers to annex Central American and Caribbean territories in the 1850’s. These ‘filibusters’ sought to install American regimes, implant American slave economies, and ultimately seek annexation back into the United States, bringing proslavery representatives and two proslavery senators into a finely-balanced Congress. 676 Imperial expansion, so long a shared end of American leaders, became proof of the dangerous imbalance between the sections.

By the end of the century, the ongoing process of assimilating land in the American West into the republican fold had brought the United States into conflict with a


676 Karp, This Vast Southern Empire, 182-198, Johnson, River of Dark Dreams, 366-394
series of Native powers on the Great Plains, resulting in wars with the Comanches, Lakotas and Nez Perce. Finally, as the United States ran out of continental space, it stretched its imperial grasp into the Caribbean and East Asia, annexing its first overseas territories in the Philippines, Guam and Puerto Rico, and establishing a protectorate over Cuba. Here, empire came to the fore, a discrete debate between imperialists and anti-imperialists over the virtues of taking on overseas commitments, ruling over colonial populations, and extending the promise of eventual American statehood to non-white, non-anglophone imperial subjects. The Spanish-American War and the United States’ brief foray into overseas colonialism is often portrayed as an aberration, at the height of the global rush for empire between European, American and Japanese empires. In fact, it merely represented a complex new chapter in a history of American empire that was already more than a century old.


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