

Westward Exclusion:
State Formation and the Changing Conception of Virtue
in the Jacksonian Era of the United States

by

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For my parents,
Who in both life and death continue to inspire

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It is peculiar to the character of this Anglo-Saxon race of men to which we belong, that it has never been contented to live in the same country with any other distinct race, upon terms of equality; it has, invariable, when placed in that situation, proceeded to exterminate or enslave the other race in some form or other, or, failing in that, to abandon the country.¹

-- Senator Benjamin Leigh (VA)

¹ *Register of Debates*, 24th Congress, 1st Session, 201, in Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism*, (Cambridge: Harvard University Press, 1981), 209.

Prologue: Our Many Degrees of Civilization

It was almost certainly a cold day when the lame duck session of the twenty-eighth Congress was seated on December 2, 1844. Cold, not only in temperature, but also inside the chambers, as the Senators and Representatives began a session that was to dramatically impact the future of the United States. Much has rightly been made of the key event of that session, the annexation of Texas, but often overlooked is the entrance of two other states on March 3, 1845, Florida and Iowa. The path to statehood of the twenty-seventh and twenty-ninth states respectively was a long and sometimes uncertain affair. Nevertheless, a detailed inquiry into their formation reveals much about the origins of the United States and the changing interpretations of republicanism in the antebellum United States.

“We have in this country many degrees of civilization,” Ohio Congressman Samuel Finley Vinton told his colleagues. He finished his thought: “and every stage of it requires a system of laws adapted to its own conditions.”² Iowa and Florida would thus have different laws and constitutions reflecting their varying degrees of advancement. But statehood marked the ultimate degree of civilization because it proclaimed the land to be republican. Therefore, as coequals, Iowa and Florida represented the same level of civilization. What were these degrees of civilization that required such different bodies of law of which Mr. Vinton spoke? In 1844, and as late as the 1960s, they were simple: white and not white.

In the pre-bellum United States, the pace of westward expansion, seen as the creation of republican governments in the land outside the original thirteen states, was

² *Appendix to the Congressional Globe*, 28th Congress, 2nd Session, 333.

determined by the settlement of white people, mostly men, but their families as well. As this study of Iowa and Florida will demonstrate, it was only with white men would society be republican enough, that is, free from the savagery of the wild frontier, to enter the Union. But this conception of republicanism was not necessarily predetermined. Instead, it developed historically as the process of defining republican citizens underwent a change away from free propertied people (often without regard to race and rarely without regard to gender) to the innate individual trait that we have come to understand as race.

It is this process that the thesis will attempt to explore. While very little work exists on the origins, creation, and admission of Iowa and Florida save for a few journal articles and even fewer scholarly books, the plethora of recent work about the rise of democracy in the United States has yet to fully address this issue. Books such as Sean Wilentz's *The Rise of American Democracy* and Alexander Keyssar's *The Right to Vote* and others dating back to Drew McCoy's *The Elusive Republic* and J.G.A. Pocock's work on the United States have made great contributions to the study of the republican citizenship. These books, however, largely, if not wholly, neglect to account for the reasons that whiteness became the dominant standard for citizenship.

Rather, for most authors who have attempted to explain the parallel movements of complete nonwhite exclusion and white male enfranchisement in the early nineteenth century, racial prejudice tells all.³ The answer to such a puzzle,

³ Statistics on the states that enfranchised all classes of whites while removing voting rights from nonwhites can be found in Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, (New York: Basic Books, 2000), 29, 55. No state admitted after 1790 had property qualifications and the following states all removed property qualifications in favor of racial qualifications: Delaware in 1792, Maryland in 1802, Massachusetts and New York in 1821. Keyssar gives a more nuanced explanation than racism alone, focusing instead on perceived political gains as well. This explanation as well, however, is largely inadequate.

however, is infinitely more complex. While racial prejudice certainly played a part, the policymakers who made such changes were not simply racists, but perhaps more importantly they were republicans. As good republicans, these white men were operating within a framework that was predicated on the exclusion of some groups of people from the polity. Republicanism, in this time period, was distinctly undemocratic, and this was thought to be a good thing. Democracy meant mob rule; republicanism was good governance.

These men were therefore required to define the basis for such exclusion. As many scholars have identified, what emerged beginning in 1790 and lasting through the Jacksonian period was a racialized set of laws that made whiteness, and to a lesser but still important extent masculinity, the basis for citizenship and civic participation.⁴ The property qualifications that were so important to the revolutionaries were removed and replaced by race as the standard for such exclusion. However what most scholars have neglected is that this exclusion was not simply the result of racial prejudice, but was thought to be essential to the existence of their republican institutions. The more complete explanation for the emergence of a racially organized republic then lies in the policymakers changing understandings of republicanism. This thesis, especially the final chapter, argues that through a variety of factors including the process of expansion, the emergence of scientific racism, the rise of democratic discourse among property-less and commercially employed white men, and the idea of Anglo-Saxon civilization spreading westward, the idea of who could

⁴ Included in these scholars are Reginald Horsman, George Fredrickson, William Stanton, Harry Watson, and in regards to women, Linda Kerber.

be virtuous enough to be a republican was reformulated away from property owners to white men.

However, to fully understand this change, we must first be able to identify it. To do so requires one to look closely at westward expansion and the process of state formation during the period in which this shift took place: the Jacksonian era. Westward expansion was the driving force behind this change because creating states required policymakers to constantly reevaluate what qualified as republican. To do so meant to confront issues of land ownership, slavery, and the definition of citizenship. An example that both illuminates an otherwise neglected aspect of history and allows for a more complete explanation of this process is the admission of Iowa and Florida. While these states had very different local histories, the process they followed to statehood was in many respects similar and remarkably simple. The land for the state was obtained through the frequently violent removal of indigenous American Indians so that white settlers could enter the territory with slaves and build a society around the exclusion of nonwhites.

The literature surrounding Iowa and Florida is largely neglectful of this process. Most of the book length histories of the states were written as memorials to an anniversary of the states founding. As a result, almost no work provides an adequate discussion of the territorial period as setting the basis for statehood. Iowa lacks such a survey completely while the only work that does so for Florida is Dorothy Dodd's brilliant synthesis of primary documents in *Florida Becomes a State*. Other articles, published mostly in state history journals, all deal with components of the territorial period, but not comprehensively. The only comparable work to Dodd

that deals with Iowa is the work of Robert Dykstra, especially *Bright Radical Star*, but even this book only considers black history in the territorial period.

The value of history, however, is not simply in completing gaps in the historiography, but in something much larger. As historians, we have an obligation to not only uncover the past, but also use those lessons to improve the world. In the modern United States the idea that statehood was a process that violently excluded nonwhites is hardly ever recognized. Yet we continue to define ourselves by the state in which we are “from” without ever questioning the origins of such bodies. In this regard, Walter Benjamin leaves us with this thought: “there is no document of civilization which is not at the same time a document of barbarism. And just as such a document is not free of barbarism, barbarism taints also the manner in which it was transmitted from one owner to another.”⁵ To move to a world that is untainted by such barbarity, it is necessary first to understand and expose its origins. This is the true value of history. History is not simply the explanation of events, but rather the examination of the processes by which societies define themselves. More than the routine historical contributions, that is the purpose of this work.

⁵Walter Benjamin, *Illuminations*, (London: Tr. Harry Zohn, 1973), 258, in Richard Waswo, *The Founding Legend of Western Civilization: From Virgil to Vietnam*, (Hanover: Wesleyan University Press, 1997), xv.

I: The “American” Part of Our History: Westward Expansion

“To study this advance, the men who grew up under these conditions, and the political, economic, and social results of it, is to study the really American part of our history.”⁶

-- Frederick Jackson Turner

Westward expansion placed the future of the republic squarely in the minds of the revolutionary generation. The question of how the land in the west would be incorporated into the United States forced the revolutionaries to assess the structure of the republic. Designed specifically to exclude certain people from civic participation in order to place the public good ahead of private interests, the process of creating republican institutions in territories and states constantly caused policymakers to reevaluate the basis for this exclusion. Initially ordered by property and freedom, over time as black slaver labor and American Indians land became the crucial determinants of expansion, race became increasingly important as the basis for such exclusion.

In the revolutionary’s language, especially Thomas Jefferson’s, it was only through a virtuous citizenry, free from the corruption of luxury and dependence on commerce that a republic could be maintained. Beginning in the 1810s and fully articulated in the Jacksonian era, the interpretation of who qualified as a virtuous person was revolutionized away from property to race. Visibly marked as the other by their skin color, by the peak of expansion blacks and American Indians set the terms under which expansion operated. Considered by the state to be non-citizens, the presence of nonwhites in any capacity other than slave threatened to disrupt the very process itself. From its outset, expansion was about ensuring that only select people,

⁶ Frederick Jackson Turner, *The Frontier in American History*, (New York: Henry Holt and Company, 1920), 4.

first free propertied people but later white men, would compose the states and territories that were essential to the future of the republic.

The Revolution in 1776 opened a host of questions to the new leaders of the United States of America. Most importantly perhaps, was the problem of defining precisely who could participate in the polity. Ronald Takaki writes,

As the Revolutionary leaders labored to define precisely who Americans were or should be as virtuous people and as republicans, they were establishing a national identity which had significant implications for race in America...they had to determine what the relationship should be between nationality and race.⁷

The question gained added importance when it was considered in the context of westward expansion. Westward expansion was a complicated process for the revolutionaries precisely because it raised as many questions as it answered. Many of the revolutionaries had theorized that westward expansion was crucial to the viability of the republic. But, with expansion came a host of risks, notably the difficulty of maintaining republican institutions on the periphery of the nation, which threatened to be greater than the theorized benefits. Consequently, expansion had to be organized in a way that would be consistent with the republican principles that were at the core of the revolution.

As a result, even before the Articles of Confederation were scrapped, the terms of westward expansion had already been decided. In 1787, the Continental Congress passed “An Ordinance for the government of the Territory of the United States northwest of the River Ohio,” otherwise known as the Northwest Ordinance.

⁷ Ronald Takaki, *Iron Cages: Race and Culture in 19th-Century America*, (New York: Oxford University Press, 1990), 5.

The Ordinance ensured that any land incorporated into the union from outside the original thirteen states would not threaten the character of the republic by limiting the rights of expansion to property owning free men. It is significant that at this point in time whiteness was not yet considered a legitimate qualification because the idea that republicans could be white people only was not yet fully articulated. Property and freedom, that is not being a domestic servant or slave, were seen as the essential qualities of a republican person.

The Ordinance regulated the process of state formation through three provisions. First, it stipulated that a General Assembly could only be formed in a territory when “five thousand free male inhabitants of full age” were present in the territory. Second, office holding was limited to those who were either a three-year citizen of the United States residing in the district, or have resided in the district for three years and in either case, “hold in his own right, in fee simple, two hundred acres of land.” Finally, statehood would only occur with the presence of “sixty thousand free inhabitants” unless it was “consistent with the general interest of the confederacy such admission shall be allowed at an earlier period.”⁸

Importantly, the Ordinance prohibited slavery, stipulating, “there shall be neither slavery nor involuntary servitude in the said territory.” However, this did not mean that once a slave entered the territory they would become free; like almost every other Congressional Act before the Civil War, even if a slave escaped to free territory he or she could still be reclaimed into slavery.⁹ Consequently, even while outlawing slavery in the Northwest Territory, the Ordinance recognized that slavery

⁸ “An Ordinance for the government of the Territory of the United States northwest of the River Ohio,” from Yale University Avalon Project. <http://www.yale.edu/lawweb/avalon/nworder.htm>

⁹ “An Ordinance for the government of the Territory of the United States northwest of the River Ohio.”

was an untouchable institution in the United States. From its outset, westward expansion never once fundamentally challenged the viability of black slavery. Instead, as we shall see, westward expansion before the Civil War was specifically designed to preserve black slavery.

Additionally, the Ordinance was also indicative of a general view about relations with the American Indians. On its face, the Ordinance seems to be a large grant of right to the American Indians stating:

Their lands and property shall never be taken from them without their consent...they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.¹⁰

Yet implicit in the statement is the idea that the American Indians needed to be taught by the government how to develop in a manner consistent with republican principles. It is not farfetched to see how American Indian removal laws could be justified as “founded in justice and humanity” if it was believed that the American Indians could not coexist with republican society. In many ways, this was precisely what happened.

The Constitution that emerged shortly after the Northwest Ordinance did not fundamentally alter the concept of citizenship that was proposed under the Northwest Ordinance. Instead, much of the policies, including voting requirements were left to the individual states. At this time, as Judith Shklar has demonstrated, the idea of who qualified as a citizen in the republic was largely a set of shared understandings.¹¹ It was clear to the delegates, however, that to be a republican meant not to be a slave.

¹⁰ “An Ordinance for the government of the Territory of the United States northwest of the River Ohio.”

¹¹ See the Introduction of Judith N. Shklar, *American Citizenship: The Quest for Inclusion*. (Cambridge: Harvard University Press, 1991).

As a result, the Constitution of 1787 ensured that slavery would be an important institution in the United States through a number of compromises and concessions to the south that inhibited Congressional power to regulate slavery. Article one section two gave the south strength in the House of Representatives as a result of the three-fifths clause that effectively made black slaves nonhuman entities only valuable insofar as they impacted apportionment, taxation, and representation for those considered to be citizens. Article one section nine postponed the prohibition of the slave trade until twenty years after the adoption of the Constitution, and Article four section two stipulated that fugitive slaves had to be returned to their owners.¹²

With these provisions, alternatives to property were beginning to be voiced. By this time, it was clear that when one spoke of slavery, it was clear that they spoke of not only an economic condition, but also of a "race" of humans. For the delegates, however, slavery was an untouchable institution. Rather than destroy the institution of slavery, the Convention goers realized that it would have to be institutionalized in order to preserve the nation. For instance, James Madison said:

*The great danger to our general government is the great southern and northern interests of the continent, being opposed to each other. Look to the votes in congress, and most of them stand divided by the geography of the country, not according to the size of the states.*¹³

If this was not prediction enough for the Civil War French observer Louis Otto made it more clear in 1786 that "it is to be feared that this discussion [strengthening of Congress] will cause a great coolness between the two parties, and

¹² "The Constitution of the United States of America," in Clinton Rossiter, *The Federalist Papers*, (New York: Signet Classic, 1961), 543.

¹³ *Records of the Convention, I*, 476, in Staughton Lynd, "The Abolitionist Critique of the United States Constitution," in Martin Duberman ed. *The Antislavery Vanguard: New Essays on the Abolitionists*, (Princeton: Princeton University Press, 1965), 218. Emphasis in original.

may be the germ of a future separation of the southern states.”¹⁴ Additionally, pre-dating the Missouri Compromise, Thomas Jefferson was acutely aware that “if a state be first laid off on the [Great] lakes it will add a vote to the Northern scale, if on the Ohio it will add one to the Southern.”¹⁵ This sectional dispute was at the very heart of the evolving understanding of republican citizenry, and during the Constitutional Convention, the notion that race could replace property as the basis for republican people was made possible.

The greatest defense of the Constitution was the Federalist Papers published in New York newspapers beginning in 1787. The Federalist Papers point to a number of beliefs held by the Framers that along with the Constitution reveal how they attempted to reorganize the polity. Federalist No. 2 articulates a vision of the United States that created a very precise narrative about the composition of the United States:

One united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.¹⁶

This was not just a rhetorical strategy to gain the support for the Constitution. Rather, it was part of the definition of the United States. The argument advanced was that the only people who could be in the Republic were the descendents of the liberty loving Anglo-Saxons. All other persons were excluded from the Republic because they were not part of the united people that had defeated the British. Of course, this view could

¹⁴ Otto to Vergennes, September 10, 1786, in Lynd, “The Abolitionist Critique of the United States Constitution,” 230. Attributed in Lynd to George Bancroft, *Formation of the Constitution*, II, 391.

¹⁵ Thomas Jefferson to the Governor of Virginia, November 11, 1783, *Letters of Members of the Continental Congress*, ed. Edmund C. Burnett (Washington, D.C., 1934), VII, 374, in Lynd, “The Abolitionist Critique of the United States Constitution,” 221; Lynd concludes that “in the ear of the Revolution the problem of slavery was recognized, was manageable, and was shirked,” 238.

¹⁶ Publius, “No. 2: Concerning Dangers from Foreign Force and Influence,” in Rossiter, 32.

not have been more historically inaccurate as many blacks and American Indians gave their lives in support of the revolutionaries, but it nevertheless helped to shape the terms of expansion in the United States.

Beginning in Federalist No. 3, the west gained special importance. The land in the west held both the future of the nation but was also inherently dangerous as a result of its distance from the center of the nation. The west, subject to “sudden irritation,” was the place where war was most likely to begin.¹⁷ “In the wide field of Western territory, therefore, we perceive an ample theatre for hostile pretensions, without any umpire or common judge to interpose between the contending parties,” Alexander Hamilton wrote.¹⁸ The conclusion given by the Federalists was that the best way to prevent this conflict was to incorporate those areas into a confederate republic to stave off any conflict. The conclusion of Federalist No. 10 makes this clear: “the influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States.”¹⁹ Territories and states take on special importance in this argument because they become emblematic of the civilization required for a successful republic. More than anything else, it was statehood that became the mark of civilized republican society.

Still questions remained about the quality of the participants. Therefore, it is no coincidence that out of the Federalist Papers and the Constitutional Convention one of the first legislative actions of the new government was to promulgate a law about citizenship. The Naturalization Act of 1790 provided a direct answer to the

¹⁷ Publius, “No. 3: The Same Subject Continued,” in Rossiter, 39.

¹⁸ Publius, “No. 7: The Same Subject Continued,” in Rossiter, 56.

¹⁹ Publius, “No. 10: The Same Subject Continued,” in Rossiter, 79.

question of which immigrants could be citizens under the new constitution. While the Northwest Ordinance left open the possibility for free blacks to become participatory members, the Naturalization Act quickly ended that possibility. The Act, only two paragraphs, stated:

Any alien being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years may be admitted to become a citizen thereof...making proof to the satisfaction of such court, that he is a person of good character.²⁰

By restricting immigrant citizenship to free white persons with good moral character, the Act limited good republicans to whites. Skin color became the way in which republican people were legally defined – all other people were excluded from participation.

Beginning with the Naturalization Act, race became codified as a definitional component of republican people. Since the Constitution made no statement about citizenship, it was left the states to determine citizenship for those already residing in the country. In combination with the terms of the Northwest Ordinance and Federalist Papers, expansion, and therefore the future of the republic, was beginning to be restricted to whites only. While citizenship was racialized, good moral character and property qualifications still inhibited some white men from becoming citizens. At this time, race was only one of the qualifications placed on citizenship, but as expansion continued, it became the central qualification in large part because of the demands of owning land and providing a labor force that were raised by westward expansion. Gaining legal title over the land and slavery were therefore the key issues that

²⁰ “An Act to establish an uniform Rule of Naturalization,” in *Public Statutes At Large of the United States of America Vol. I*, 103.

expansion had account for, and, in both cases, resulted in the exclusion of nonwhites from the polity.

The question of land ownership in the Americas was a constant problem for both the British Empire and the United States government. As early as the mid-1700s, settler encroachment into Indian lands had created animus in both Indian and white settler communities. During the French and Indian War, many American Indians actively fought against the British monarchy largely as a result of disingenuous land purchases and continued settler expansion. The result was that the Crown was, for the first time, forced to deal with the question of land ownership.

The Proclamation of 1763 was the British attempt to solve the problem of Indian and settler hostilities. Defining the problem as “essential to our Interest,” the Proclamation codified three rules for all future land exchanges.²¹ First, private land sales by individual Indians were prohibited so that the entire nation had to agree: “if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians” Second, it prevented British settlers from purchasing land without the consent of the Colonial Government: “we do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever...without our especial leave and License for that Purpose first obtained.” Finally, the Proclamation set a western boundary of the colonies so that all the land to the west of the boundary would be reserved for the American Indians: “lands and Territories lying to the Westward of the Source of the Rivers which fall

²¹ “The Royal Proclamation – October 7, 1763,” from Yale University Avalon Project <http://www.yale.edu/lawweb/avalon/procl1763.htm>

into the Sea from the West and North West” that were not already in British possession are reserved for Indians.²²

The Proclamation, in the words of historian Stuart Banner, “marked the first time the imperial government treated Indian and English landowners in such a systematically disparate fashion.”²³ Individual American Indians were prohibited from selling their property while individual British subjects could do as they pleased given consent of the government. Despite the fact that they had lived on the land for centuries before the British arrived, individual American Indians were inhibited from making their own business transactions, a burden the Colonial Government would never universally place on their Anglo subjects. The Proclamation reflected the British understanding of land ownership that distinguished between sovereignty and ownership. While understanding that they would have to purchase the land, the British argued that they were sovereign. The notion that discovery granted the power to rule even without owning the land provided the basis for all future land ownership disputes in the United States.

Absolute sovereignty over land that was not “owned” was a tenuous concept at best. Yet it was readily adopted in the United States after the Revolutionary War. However, beginning in 1810, a number of court cases and Congressional Acts, built on theories of racial inferiority and concepts of republicanism, instead took land ownership rights away from the American Indians. This was in large part due to the prevailing attitude toward American Indians present as early as the Declaration of Independence. For instance, the last grievance reads:

²² “The Royal Proclamation – October 7, 1763.”

²³ Stuart Banner, *How The Indians Lost Their Land: Law and Power on the Frontier*, (Cambridge: Harvard University Press, 2005), 94.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes, and conditions.²⁴

As savages, American Indians were hardly considered worthy of living on the land that would comprise the future United States. Consequently, the process of obtaining land for future states would prove fateful for American Indian nations across the United States in forced marches west that both eradicated traditional forms of life for over 80,000 people and the deaths of untold thousands.²⁵

The first legal attempt to define land ownership rights did not occur until the 1810 case of *Fletcher v. Peck*. The case concerned fraudulent land sales in the Yazoo Delta of Georgia, but for the first time established a legal definition of land ownership in the United States. The case was a collusive effort between Fletcher and Peck who both wanted the Court to overturn a Georgia law that had declared the fraudulent land sales void; the Marshall Court complied. The argument presented to the Court was that the State of Georgia, not the American Indians, was the rightful owners of the land. The Indians were simply occupiers of the land under a concept known as the “Indian Title.” As Peck’s lawyer described, “it is a mere occupancy for the purpose of hunting. It is not like our tenures; they have no idea of a title to the soil itself. It is overrun by them, rather than inhabited. It is not a true and legal possession.”²⁶ Indeed, very different conceptions of land ownership and civilization.

The case nevertheless left open the question of what rights the American Indians had under the “Indian Title.” That question was forcefully answered in the

²⁴ “The Declaration of Independence” in Rossiter, 531.

²⁵ Banner, 191.

²⁶ In Banner, 172.

1823 case of *Johnson v. M'Intosh*. *Johnson v. M'Intosh*, still cited as precedent, fully articulated the principle that the United States Government, not the American Indians, was the true owner of all of the land. In an opinion written by Chief Justice Marshall, the Indians were relegated to “rightful occupants” of the land. Marshall framed the case in the following way, do the American Indians have the power “to give, and of private individuals to receive, a title which can be sustained in the Courts of this country?”²⁷

Marshall’s answer is worth quoting at some length both for the arguments that it makes and also for the rhetoric it uses to refer to the American Indians. Marshall begins:

The character and religion of its [the Americas] inhabitants afforded an apology for considering them [American Indians] as a people over whom the superior genius of Europe might claim an ascendancy. The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new, by bestowing on them civilization and Christianity, in exchange for unlimited independence.²⁸

Marshall willingly admits that the white settlers of the future United States arrived with an assumption that they were superior to the native inhabitants. By bringing Christianity and proper civilization, the settlers had done enough to justify the establishment of colonies, and later states, without regard to the native societies. Marshall concludes: “this principle was, that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession.”²⁹

²⁷ *Johnson v. M'Intosh*. 21 U.S. 543; 5 L. Ed. 681 (1823).

²⁸ *Johnson v. M'Intosh*. 21 U.S. 543; 5 L. Ed. 681 (1823).

²⁹ *Johnson v. M'Intosh*. 21 U.S. 543; 5 L. Ed. 681 (1823).

Marshall's logic is that since the American Indians were thought to be uncivilized and not Christian, they had no actual rights to the land. Instead, by virtue of "discovery," the white Europeans who first arrived in North America had all rights to the land. In a moment of amazing candor, Marshall perfectly articulates the impact of this argument on the American Indians:

The rights of the original inhabitants were, in no instance, entirely disregarded; but were necessarily, to a considerable extent, impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it.³⁰

Thus European expansion in the Americas, from its inception, necessitated the expulsion of all other peoples. Whether or not Marshall's argument accurately describes the attitude of every settler or explorer to reach the Americas is irrelevant. The land was now legally owned by the white "discoverers." And as Marshall indicated, this was the way it should be. Why? Because,

The tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness; to govern them as a distinct people, was impossible, because they were as brave and as high spirited as they were fierce, and were ready to repel by arms every attempt on their independence.³¹

Marshall's rhetoric was not only indicative of the public belief that all American Indians were savage beasts incapable of reaching civilization, but placed American Indians in a legal category that denied them full personhood.

³⁰ Johnson v. M'Intosh. 21 U.S. 543; 5 L. Ed. 681 (1823).

³¹ Johnson v. M'Intosh. 21 U.S. 543; 5 L. Ed. 681 (1823).

It did not take long for the United States government to put this legal holding into action. As full owners of the land, the United States was now legally capable of doing whatever it wanted. The Indian Removal Act of 1830 was Congresses attempt to control the increasing number of Indian treaties and removal efforts. While the purpose of the Act was to increase funding for the Office of Indian Affairs, it legalized Presidential authority to trade lands in the west for lands in the east.³² Additionally, Section Three gave the President the authority “solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them...*Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.”³³

This proviso was not simply attached as a safety net. Instead, it was the widely held belief among politicians, including President Andrew Jackson, that the Indians were destined to die out as a result of their contact with white civilization. For instance, Henry Clay’s thought that Indians “‘were destined to extinction’ and ‘as a race, not worth preserving.’ Considering them ‘essentially inferior to the Anglo-Saxon race’ and ‘not an improvable breed,’ the Secretary thought ‘their disappearance from the human family would be no great loss.’”³⁴ Andrew Jackson echoed Clay’s remarks in his second annual message to Congress, “what good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive

³² Banner, 217.

³³ “An Act to provide for an exchange of land with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi,” in *Public Statutes At Large of the United States Vol. IV.*, 411-412.

³⁴ Henry Clay (no citation given) in Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846*, (New York: Oxford University Press, 1991), 279.

Republic...occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?”³⁵ The question was asked more bluntly by Richard H. Wilde of Georgia, “what is history but the obituary of nations?”³⁶

Yet the question the status of American Indian nations as part of the United States had not yet been answered. While they were not owners of the land and were expected to die out sooner rather than later, their presence was nonetheless a real fact. In the 1831 case *Cherokee Nation v. Georgia* Chief Justice Marshall declared that Indian nations were neither foreign states nor members of the United States so they could not bring suit in a United States Court. Therefore, Marshall refused to discuss the merits of the Cherokee Nation’s claim, instead ruling that they had no standing to appear in Court because they were a “domestic dependent nation.”³⁷

Marshall began his opinion by asking, “is the Cherokee nation a foreign state in the sense in which that term is used in the Constitution?” Yet such was not the real question he meant to ask. He reframed the question in the following way: “Do the Cherokees constitute a foreign state in the sense of the constitution?” Marshall found enough difference in these questions to claim opposite answers precisely because of what he believed to be the unusual relationship between the American Indians and the government:

They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of

³⁵ James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, 20 vols. (New York, 1897-1917), III, 1084, in Horsman, 202.

³⁶ *Register of Debates*, 21st Congress, 1st Session, 1083, in Horsman, 202.

³⁷ Banner, 219-220.

possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.³⁸

Building on the holding in *Johnson v. M'Intosh*, Marshall justified their status as “pupils” on the grounds that:

At the time the constitution was framed, the idea of appealing to an American court of justice for an assertion of right or a redress of wrong, had perhaps never entered the mind of an Indian or of his tribe. Their appeal was to the tomahawk, or to the government.³⁹

Nevertheless, even though American Indians were under the tutelage of the United States Government, they were prohibited from appealing to the Government for protection. American Indians were seeking redress in the wrong institution:

If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future.⁴⁰

Yet if the Court were not the correct place, then what alternative would there be?

Excluded from the Court system but legally subjugated, American Indians were left with nowhere to turn. The necessities of expansion created a system in which the American Indians were left stateless and landless. The belief that they were destined to die out in response to continued contact with civilization ensured that expansion would continue with little to no regard for the wellbeing of the American Indian population.

Expansion, however, was not simply about gaining ownership of land. It was, perhaps more importantly, about incorporating territory into the Union in the form of states and territories. As early as the Constitutional Convention, Jefferson, Madison,

³⁸ Cherokee Nation v. Georgia. 30 U.S. 1; 8 L. Ed. 25 (1831).

³⁹ Cherokee Nation v. Georgia. 30 U.S. 1; 8 L. Ed. 25 (1831).

⁴⁰ Cherokee Nation v. Georgia. 30 U.S. 1; 8 L. Ed. 25 (1831).

and others recognized that as a result of the north/south divide over slavery, state creation would be a difficult process. The difficulty was not only about sectional power within Congress, but also concerned larger questions about how expansion would interact with republican theory.

Classical republican theory held that republics could only exist in localized settings. It was unlikely, the theory held, to sustain a republic across the continent of North America. Yet this was precisely what the revolutionaries, especially Thomas Jefferson, had in mind. Even the Federalists conceived of the United States as an empire. In his instructions to George Rogers Clark, Jefferson said, “we should have such an empire for liberty as she has never surveyed since the creation: and I am persuaded no constitution was ever before so well calculated as ours for extensive empire and self government.”⁴¹ Jefferson’s acquisition of territory west of the Mississippi River in the Louisiana Purchase of 1803 provided him with the ability to enact this “empire for liberty.” Yet, as John Murrin emphasizes there was both a hard and soft side to expansion since, “the ‘Empire for liberty’ was for whites only.” He continues, “the twin goals of Indian removal and African colonization were essential components of the project, at least in Jefferson’s imagination... No other society had ever tried to combine expansion, hegemony, and small government. In all probability, no other society ever will.”⁴²

Once in possession of the land west of the Mississippi, it would only be a matter of time before those lands had to be incorporated into the polity as miniature

⁴¹ Thomas Jefferson to George Rogers Clark, Dec. 25, 1780, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd *et al.* (27 vols., Princeton, 1950-1970), IV, 237, in John M. Murrin, “The Jeffersonian Triumph and American Exceptionalism,” *Journal of the Early Republic*, Vol. 20, No. 1 (Spring, 2000), 2-3.

⁴² Murrin, 4.

versions of the whole. While the acquisition of the land and its impact on American Indians has already been discussed in some length, the balance of power in Congress regarding Congressional authority to regulate slavery was still a large impediment to adding new states and territories. The solution came in 1820 with the Missouri Compromise. The Compromise allowed Missouri to enter the Union and a slave state and Maine as a free state, thereby establishing an understanding that no state could enter without a section counterpart. The crux of the legislation admitting Missouri was a provision that prohibited slavery north of latitude thirty-six degrees thirty minutes in the Louisiana Purchase territory. Importantly, the great benefits of citizenship, office holding and voting, were limited to “free white male citizens.”⁴³

The effect of the Missouri Compromise has been well documented as one of the key events in the sectional split of the United States that culminated in the Civil War. While such is certainly the case, it is important to recognize that the Missouri Compromise also made the institution of statehood dependent on the preservation of slavery. If the United States were to continue to expand westward after 1820, it would only do so in conjunction with the spread of slavery.

While the Missouri Compromise set clear boundaries on state introduction in the Louisiana Purchase territories to prevent further north/south conflict, lands annexed from Mexico were more divisive. The first point of contention was the 1845 annexation of Texas and the 1846 Wilmot Proviso. These events came to the fore during the height of the Second Party System in which two issues dominated political

⁴³ “An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories,” in *Public Statutes At Large of the United States Vol. III.*, 545-548.

discourse: expansion and the National Bank. The two major parties of the time were the Whigs, led by Henry Clay, and the Democrats modeled after Andrew Jackson. While the parties were not openly split north against south about slavery, this tension undercut party affiliation and, beginning with the Texas annexation debates eventually destroyed the Second Party System.

The Whig-Democrat division was built on an extension of the Jeffersonian-Hamiltonian conflicting visions on what the nation was supposed to be. Building on Hamiltonian ideas of manufacturing and internal commercial improvement, Whigs supported the reinstatement of the National Bank. The ideology was perhaps best stated by Charles Sumner's statement, "to enjoy it [the freedom of the Revolution] without transmitting it to the next generation, and without adding to it yourselves, this is the height of imbecility."⁴⁴ In this vision of the nation expansion was not only unnecessary, but could be threatening to the Republic because if unchecked, it would destroy the economic base of society.

Jacksonian Democrats built on Jefferson's idea of an "empire for liberty" to structure their platform around aggressive expansion and laissez-faire economics. Although not technically a member of the Democratic Party, John Tyler perhaps best embodied this philosophy. Tyler became president in 1841 after the unexpected death of President William Henry Harrison, but was excommunicated from the Whig Party when he vetoed the charter of the Third National Bank. Alienated from his party, Tyler instead based his Presidency on aggressive expansion. For instance, Tyler

⁴⁴ Charles Sumner, "The True Grandeur of Nations," in *Memoirs and Letters of Charles Sumner*, ed. Edward L. Pierce, 4 vols. (Boston, 1877-93), 1:347, in Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War*, (Chapel Hill: The University of North Carolina Press, 1997), 20.

thought that, “the inestimable principles of civil liberty will be enjoyed by millions yet unborn and the great benefits of our government be extended to now distant and uninhabited regions.”⁴⁵ The annexation of Texas, a sovereign republic beginning in 1836, became the focal point of this effort.

Support for annexation placed Tyler firmly in the Democratic camp. Whigs however, saw annexation as a southern conspiracy designed to give the South control of Congress and the ability to spread slavery across the continent. As a result, when annexation was first presented to the Senate in the form of a treaty on June 8, 1844, it was voted down 16 to 35. Yet President Tyler would not give up the fight. Tyler used the victory of Democrat James K. Polk in the 1844 Presidential election to force Congress to pass a Joint Resolution in support of annexation. Tyler argued that the Joint Resolution, requiring only a simple majority for passage not two-thirds like treaties, gave him authority to annex Texas, which he did on his last night in office.

The Joint Resolution ushered in a new vision for the expansion of slavery in new territories. Since the Texas Republic allowed slavery and was south of the thirty-six degree thirty minute latitude Congress allowed slavery in the new state. However, from this point on slavery would be determined in territories south of the thirty-six degree thirty minute line on the basis of popular sovereignty. The Resolution stated that territories south of the line “shall be admitted into the Union, with or without slavery, as the people of each State, asking admission shall desire.”⁴⁶

⁴⁵ James D. Richardson, comp., *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, 10 vols. (Washington, D.C., 1869-99), 4:336, in Morrison, 15.

⁴⁶ “Joint Resolution for Annexing Texas to the United States.” March 1, 1845. www.tsl.state.tx.us/ref/abouttx/annexation/march1845.html

The reaction to Tyler's annexation of Texas is especially striking because it reveals that annexation was seen as a victory for the white race. On March 11, 1845 the *Vicksburg Sentinel* wrote that annexation had "[settled] the question that the Anglo Saxon race...are destined to be finally united in one vast union."⁴⁷ The *New Orleans Daily Picayune* echoed this idea a few days earlier stating "this wonderful race is to end in the establishment of the mightiest empire the world has seen."⁴⁸ If annexation revealed the success of the Anglo-Saxon race, the Second Party System was equally responsible.

The Second Party System, in the words of Robert Cook, bolstered the "existence and expansion" of slavery for a number of reasons.⁴⁹ Since both Whigs and Democrats had to compete for the votes of the South both parties were unwilling to question slavery in any meaningful way. It was not simply the competition for votes, but even internal coalitions in each party meant that slavery was a taboo subject. This was especially the case in the Democratic Party in which even northern members were ardent expansionists even if that expansion meant the continuation of slavery. This situation was particularly evident during the initial debates of the Wilmot Proviso in 1846.

The Proviso is highlighted by both Michael Morrison and Thomas Hietala as the point that sectional divisions overtook party divisions in the United States, and ushered in the collapse of the Second Party System. The Proviso, introduced by Pennsylvania Democrat David Wilmot as part of appropriation legislation to Texas,

⁴⁷ *Vicksburg Sentinel*, Mar. 11, 1845, in Morrison, 38.

⁴⁸ *New Orleans Daily Picayune*, Mar. 8, 1845, in Morrison, 38.

⁴⁹ Robert Cook, *Civil War America Making a Nation 1848-1877*, (Edinburgh: Pearson Education Limited, 2003), 35.

was couched in the rhetoric of the Northwest Ordinance and later became the basis for the Thirteenth Amendment:

As an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the one by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.⁵⁰

Aware that expansion in land gained from Mexico was not yet governed by anything resembling the Missouri Compromise, Wilmot's Proviso attempted to regulate slavery in those lands by excluding it all together. The Proviso failed to pass both houses of Congress so it did not become law, yet its introduction "brought to a head the great question which is about to divide the American people."⁵¹ In the words of Michael Morrison, the Proviso "posited an immutable battle between North and South to control the government and thus to secure the fortunes of the one or the other section of the Union."⁵²

The reason why the Proviso proved so divisive was precisely because it would allow expansion to occur without slavery. This proposed situation was unacceptable to Jacksonian Democrats who Hietala characterizes as "preoccupied with attaining racial homogeneity in the United States."⁵³ For instance, Congressman William Wick stated, "I do not want any mixed races in our Union, nor men of any color except white, unless they be slaves."⁵⁴ The debate over the Proviso, indicative of larger

⁵⁰ *The Congressional Globe*, 29th Congress, 1st Session., (Aug. 8, 1846), pg. 1217.

⁵¹ *Boston Whig*, in Morrison, 41. No date given.

⁵² Morrison, 64.

⁵³ Thomas R. Heitala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America*, (Ithaca: Cornell University Press, 1985), 133.

⁵⁴ *The Congressional Globe*, 29th Congress, 1st Session, App. 201, in Hietala, 167.

beliefs of black inferiority, revealed that expansion would falter unless black slavery was preserved.

The sectionalism that was revealed by the annexation of Texas and Wilmot Proviso had stagnated the political process. The failure of the Wilmot Proviso to settle slavery in the land gained from Mexico demonstrates the vitality of the institution in the United States. With sectionalism overtaking political parties and the development of the free-soil movement in the North, political debate centered on how best to allow expansion given the conflicts over slavery.⁵⁵ In 1850, as new territories in the far west were ready to join the Union and the gold rush necessitated the formation of territorial governments, another compromise was forced in order for the preservation of the Union. The result was the Compromise of 1850 that provided for the admission of California as a free state, provided territorial governments in the Mexican cession without restrictions on slavery, assumed Texas's public debt, abolished the internal slave trade in Washington D.C., and enacted a more rigorous fugitive slave law.⁵⁶

Henry Clay introduced the Compromise on a lengthy January 29 speech to the Senate designed to “propose an amicable arrangement of all questions in controversy between the free and the slave States, growing out of the subject of slavery.”⁵⁷ Clay used the concept of popular sovereignty in order to appease both north and south. Alone, however, popular sovereignty was not sufficient for the north because it did not do away with the institution of slavery or for the south because it could have swung the balance in Congress in favor of the north. Consequently, while abolishing the internationally embarrassing internal slave trade in the capitol, the Compromise

⁵⁵ Cook, 58-59.

⁵⁶ Morrison, 105-108.

⁵⁷ *The Congressional Globe*, 31st Congress, 1st Session, 244.

ensured that slavery would remain a part of the nation by further restricting black slaves ability to gain freedom through the Fugitive Slave Act.

By the middle of the 1850s, it was becoming increasingly clear that the necessities of expansion and the institution of slavery had placed the nation on a sectional collision course. The sense of crisis was heightened in 1854 when Senator Stephen Douglas reported a bill to organize the Nebraska Territory on the basis “as their constitutions may prescribe at the time of their admission.”⁵⁸ Senator Douglas’s actions enraged Northerners who assumed that slavery would be prohibited in the territory since Nebraska was north of the thirty-six degree thirty minute line established in the Missouri Compromise. Consequently, Douglas refashioned the bill to create two territories, Kansas and Nebraska on the basis of popular sovereignty, therefore declaring the Missouri Compromise “inoperative and void.”⁵⁹

Northern reaction to the Act was fierce. Salmon Chase described the Act as “part and parcel of an atrocious plot,” and Charles Sumner wrote privately that “the North must be united, & take the control of [government] or we shall sink under the despotism of the Slave-Power.”⁶⁰ Nevertheless, Kansas and Nebraska were admitted on the basis of popular sovereignty. What followed was a precursor of the Civil War as Kansas erupted in violence between pro and anti-slavery factions demonstrating the inability of many in the United States to conceptualize a society in which territorial expansion did not include slavery.

⁵⁸ “An Act to Organize the Territories of Nebraska and Kansas.” in *Public Statutes At Large of the United States Vol. X.*, 277-290.

⁵⁹ Cook, 74-76.

⁶⁰ Cook, 77.

In 1857 the preservation of the Union was dealt another blow in the case of *Dred Scott v. Sanford*. While not directly about expansion, the case overturned the Missouri Compromise based on the claim that black slaves were property, not people. Since the Compromise prevented slavery north of thirty-six degrees thirty minutes, it violated what was once the essential component of republican virtue: private property. It could do precisely because by this time private property was no longer the basis for republican people. It had been fully replaced by whiteness. The case embodied of the racial ideology that had developed in the nineteenth century that saw Indians and savages and blacks as property. At this point in United States history, this decision was not an anomaly nor should it have been altogether surprising. As Reginald Horsman writes,

One did not have to read obscure books to know that the Caucasians were innately superior, and that they were responsible for civilization in the world, or to know that inferior races were destined to be overwhelmed or even to disappear. These ideas permeated the main American periodicals and in the second half of the century formed part of the accepted truth of America's schoolbooks.⁶¹

By the 1850s the discourse surrounding white superiority and nonwhite inferiority had permeated into all of American society. While some did not believe that slavery was justified or Indians were savages, there was nevertheless a fascination with the idea of superior and inferior races throughout the nation.

Horsman begins his book with the following statement that is appropriate given the preceding discussion:

By 1850 American expansion was viewed in the United States less as a victory for the principles of free democratic republicanism than as evidence of the innate superiority of the American Anglo-Saxon branch of the Caucasian

⁶¹ Horsman, 157.

race... a sense of racial destiny permeated discussions of American progress and of future American world destiny.⁶²

How this shift happened will be discussed in the later, but it could not have happened without westward expansion. Expansion made contact between whites and nonwhites unavoidable and forced the questions of land ownership and the extension of slavery to the center of political life in the United States. As individual states organized within this context and clamored for admission into the Union, the questions they had to confront were the same as those facing the Federal Government. Driven by westward expansion, land ownership and the status of blacks dictated the terms by which states could demonstrate that they had developed republican institutions and were therefore worthy of admission. It is within this context Florida and Iowa applied for statehood, and to this subject that we now turn.

⁶² Horsman, 1.

II: The Yoke of Vassalage: Florida from Territory to State

“Modern compassion is too often *black and yellow*, not *white*”
-- Thomas Hart Benton⁶³

For those of us living in the 21st century, westward expansion, the incorporation of states into the Union, and republican principles exist only as historical concepts. We are so far removed from the times when states joined the Union that it seems to many that these three concepts are completely unrelated. The state of political discourse in this era is hardly concerned with upholding republican principles. Yet we must remember that such was not always the case. In the antebellum United States, these concepts were in fact crucial to the development of the United States. As the United States rapidly acquired land in this period and it became clear that Jefferson’s “empire for liberty” would reach from Atlantic to Pacific, the questions of the day were about maintaining republican traditions in new lands. In this process Florida had an especially crucial role to play as it brought together republican discourse and territorial expansion.

The overarching concern for Floridians in the territorial period was the need to create republican institutions. Congress stipulated this as the requirement for statehood, mandating that Florida’s government be “republican, and in conformity to the principles contained in the constitution of the United States.”⁶⁴ Once the territory had demonstrated that it could sustain a vibrant republic, policymakers thought that they would be granted admission in the Union as a state. This idea was to dictate the policies pursued by the territorial government and the arguments advanced during the

⁶³ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 73.

⁶⁴ “An Enabling Bill,” H.R. 887, July 7, 1838, in Dorothy Dodd ed., *Florida Becomes A State*, (Tallahassee: Florida Centennial Commission, 1945), 126.

path to statehood. However, given that by the Jacksonian era republican institutions were by definition for whites only, the resulting policies that developed were designed to exclude all nonwhites from the polity. Consequently, Indians had to either be removed or killed and blacks had to either be enslaved, killed, or barred from entrance into the territory. Concurrently, white settlers were invited to the territory with their slaves. Despite agitation for two states from segments of the territorial population, the final push to statehood focused on preserving the balance of power between the north and the south in Congress so that slavery would continue to be sanctioned by the United States government.

Florida had captured the imaginations of Europeans since the Spanish first encountered it in the early 1520s. From this point on, La Florida, as the Spanish called the land, would pass between the hands of the European powers until the early 19th century. Florida was transferred from the Spanish Crown to Britain at the end of the Seven Years War in 1763, and was divided into East and West Florida. These lands that became the fourteenth and fifteenth British colonies in the future United States remained loyal to the Crown during the Revolutionary War of 1776. However, with the British defeat and the formation of the United States, Britain returned Florida to Spain in 1783. The restored Spanish authority in the colony brought a period of stability from the mid-1790s that lasted until 1807 when war again engulfed Europe. But by the time Spain regained La Florida, the newly formed United States had already developed eyes for the colony.⁶⁵

⁶⁵ A good history of Florida from “discovery” to statehood is Paul E. Hoffman, *Florida's Frontiers*, (Bloomington: Indiana University Press, 2002).

By 1793, immigrants from the United States had begun to enter Florida in increasingly large numbers. Between 1790 and 1793, 1,200 people immigrated to the territory from the United States. Eighty percent of those, roughly 950, were enslaved blacks.⁶⁶ With the influx of settlers from the United States and the fear of the Franco-Spanish War entering North America, the U.S. government declared its intentions to eventually gain official control over Florida in the Treaty of San Lorenzo in 1795 that set the boundary between Florida and Georgia and opened the Mississippi to United States explorers.⁶⁷

With the deepening of European hostilities, both United States citizens and the government became increasingly worried about Florida. As the last remaining territory on the eastern seaboard not in the possession of the United States, many policymakers felt that it threatened United States interests for a number of reasons. As long as Florida remained in European control, it could serve as a base to launch an attack against the fragile United States government. Additionally, Spanish Florida stretched past the Mississippi and therefore contained a number of key waterways that were essential if the United States was to move resources into territories acquired during the Louisiana Purchase. Equally as important, Spanish Florida was not only a haven for runaway slaves who joined with American Indian communities, most notably the Seminoles, but was also a staging ground for American Indians and blacks to attack the United States.⁶⁸

⁶⁶ Hoffman, 245.

⁶⁷ Hoffman, 252.

⁶⁸ Robert Taylor, "Prelude to Manifest Destiny: The United States and West Florida." *Gulf Coast Historical Review*, Vol. 7, No. 2 (1992): 47.

Consequently, beginning in 1808 the United States government encouraged its citizens to begin accumulating land in Spanish Florida with the hope of establishing governments that could eventually be annexed into the United States. The first of these attempts occurred in 1810 with a revolt in Spanish controlled West Florida that was eventually annexed by the United States in early 1811 with the overwhelming support of newly elected War Hawks in Congress.⁶⁹ East Florida proved more difficult for the United States. Eventually in 1812, with the help of the Navy a group of Georgians led by former Governor George Matthews, were able to establish the Republic of Florida in the east in a war known as The Patriot War.⁷⁰

By the time of the War of 1812, it seemed likely to almost all observers that the United States would gain control of Florida. The Spanish government had been unable to repel United States incursions or prevent American Indians from launching attacks against the United States from the territory. It was at this point in time that Andrew Jackson became especially significant in the history of Florida. With the United States government reeling from the British invasion and the Capitol about to be burned, General Jackson launched a vicious campaign against the British and their allies the Creek Indians. Perhaps correctly believing that Spanish Florida was arming American Indians and providing safety for British troops, Jackson decided that he had to launch a raid into Spanish Florida to conquer Pensacola and topple the Spanish Government. Despite his success - Jackson took Pensacola without a fight - Secretary

⁶⁹ Taylor's work provides an excellent account of the Republic of West Florida from its founding to annexation into the United States. His work also importantly locates the Republic in the tradition of manifest destiny, and thus provides an important contribution to our understanding of the origins of the doctrine.

⁷⁰ Hoffman, 264; David S. and Jeanne T. Heidler. *Old Hickory's War: Andrew Jackson and the Quest for Empire*, (Baton Rouge: Louisiana State University Press, 1996), 33-36.

of State James Monroe told Jackson to respect Spanish sovereignty, and Jackson left to fight the Battle of New Orleans that marked the end of the War of 1812.

Jackson, like many others, strongly believed that Spanish Florida should be in the possession of the United States, and got his chance to return to Florida during the First Seminole War in 1816. As fighting intensified in 1818, Jackson proposed to President Monroe a plan to invade Spanish Florida. Jackson told President Monroe to secretly send approval of the invasion through Congressman John Rhea of Tennessee. However, almost all scholars agree that no word came despite Rhea's speech in Congress in support of taking Florida. Nevertheless, Jackson claimed he had received the message and led his troops into Florida for a second time. Jackson's aims, according to Paul Hoffman, were threefold: "to remove all Indians from U.S. territory, destroy the Black villages associated with the Seminole, and drive the Spaniards from East Florida."⁷¹

While he quickly defeated the Spanish and took over the seat of government, his invasion caused a diplomatic crisis that threatened to derail negotiations about the cession of Florida to the United States between John Quincy Adams and Luis Onís. Despite his overwhelming victory, he was again forced by the government to leave. Yet by this time Spain was ready to cut its losses, and even though Jackson had invaded Spanish territory without the approval of the United States government, Spain publicly announced its intentions to cede Florida to the United States. This was concluded in 1819 with the "Treaty of Amity, Settlement, and Limits Between the United States of America and His Catholic Majesty," otherwise known as the Adams-Onís Treaty. While the United States Congress approved the Treaty two days later, it

⁷¹ Hoffman, 276.

took Spain until 1821 to ratify the agreement and officially transfer the land to the United States. It was at this point that Andrew Jackson returned for a third time, but this time in an official capacity as the first Governor of the newly formed Territory of Florida.⁷²

The process by which the United States acquired Florida provides a number of insights that are important when considering Florida's path to statehood. To begin, Florida was only attainable through military measures. While it was ceded ostensibly with good faith, it was only when Spain decided that they were militarily outmatched in the United States and threatened with revolutions in other colonies, that the United States was able to gain Florida. More than anything else, it was war that allowed settlers from the United States to legally enter Florida and begin the process of creating republican institutions. Importantly, it was not simply another war like those in Europe. This was the precursor to what would soon become a new type of war: a race war.

During the First Seminole War, a precursor to the Second Seminole War of 1835-1842 that was the most important issue in territorial Florida, a discourse emerged with profound implications for the process of attaining statehood through the development of republican citizenry. The 1816-1819 War pitted the white United States against the nonwhite "negroes" and Indians. As one white observer noted, "they [the Indians and blacks] immediately fired upon the whites...one of the whites

⁷² There are a number of good works about the fighting that led to the United States gaining control over Florida. Hoffman's account gives a more nuanced interpretation, while works such as Charlton W. Tebeau's *A History of Florida* (Coral Gables: University of Miami Press, 1971) provides a more standard history of the state. Heidler and Heidler's work on Andrew Jackson importantly contextualizes the seizure of Florida within the First Seminole War. Hebert J. Doherty Jr.'s work "The Governorship of Andrew Jackson." *Florida Historical Quarterly*, Vol. 33, No. 1 (Summer, 1954): 3-22, gives a good account of Jackson's short term as the first governor of the Territory.

was mortally wounded.”⁷³ The awareness of whiteness that emerged in this period predates the more often studied discourse of whiteness that begins in the 1830s. However, it should not be totally surprising that the conflict was framed as a war of whites against nonwhites, because it was crucial to the development of republican institutions in the United States.

Even though many Floridians were able to frame the conflict in this way, it did not mean that all nonwhites were destined to slavery. Preceding the Court cases in the 1820s and 1830s that began to systematically exclude American Indians from the political process, American Indians were still thought of in a paternalist manner. Andrew Jackson, a vociferous advocate of black slavery, believed that in regards to American Indians, “the arm of government is sufficient to protect them, and to carry into execution any measures called for by justice to them.”⁷⁴ The House of Representatives Committee on Indian Affairs echoed these sentiments in 1823:

Hitherto, the policy of this Government has been at war with its own professions. The Indian is called by the endearing name of brother, and he is told that we are religiously bound, by the most sacred injunction, to do unto others as we would that others should do unto us; at the same time we exclude them from any participation in the benefits of our civil and social institutions. We treat the whole race as if they were not the descendents of Adam.⁷⁵

In the 1810s and 1820s American Indians still retained the qualities of the “noble savage” that had made them so intriguing to the Revolutionaries. Even though the fighting was between whites and nonwhites, many people, including Jackson, still

⁷³ “Defeat of the Seminole Indians-Capture of Spanish Posts in Florida-And the Trial and Execution of Arbuthnot and Ambrister,” Document No. 164, *American State Papers*, 15th Congress, 2nd Session, Military Affairs: Volume 1, 681.

⁷⁴ Andrew Jackson to John C. Calhoun, September 17, 1821, Jackson Papers, Library of Congress, in Doherty Jr., 21.

⁷⁵ “Committee on Indian Affairs Report to the House of Representatives, February 21, 1823,” Document No. 195, *American State Papers*, House of Representatives, 17th Congress, 2nd Session, Indian Affairs: Volume 2, 408.

thought that if the Indians were cared for by the United States, they could eventually emerge out of what he believed to be their deprived existence. But by the middle of the 1830s, this belief was almost exclusively limited to Indian Agents and a few pious Christians. As it will be shown, the shift to viewing Indians as needing to be exterminated was in large part caused by the need to establish the republican institutions and civic character necessary for statehood.

The idea that Florida was gained in a battle of whites against nonwhites remained influential as Floridians began to agitate for statehood. While hostilities between the groups remained throughout the early territorial period, the governors of the period were mostly preoccupied with question of land ownership. Large numbers of United States citizens had continued to enter the territory throughout the fighting, and when the United States finally became the “owners” of the land, immigration only increased. The problem was that Spanish subjects still owned property on the land, and many were not willing to simply leave everything behind and immigrate to other Spanish lands in the Americas. Consequently, the Adams-Onís Treaty allowed Spanish subjects who received their land before January 24, 1818 to remain in Florida. In response to the increasing number of squatters on the land, in 1826 the United States Congress passed the Donation Act that provided a system by which squatters could claim rights to the land. The establishment of the proper offices for these competing land claims to be made was the dominant issue in the early territorial period. Land claims were not incidental to statehood. Devoted to the Jeffersonian vision of republican society as a collection of agrarian freeholders, reconciling

competing land ownership was of paramount importance for Floridians in the early territorial period.⁷⁶

Yet by the middle of the 1830s, white residents of the territory began to more seriously agitate for statehood. This process began by criticizing Florida's continued status as a territory. A February 13, 1834 report from the Committee on the State of the Territory voiced an argument that was to reoccur throughout the territorial period: status as a territory violated republican principles. The Committee stated:

The idea always prevails that in frontiers a *territory* the laws are weak & inefficient and the people demi-barbarous. Individuals possessed of wealth, are in many instances deterred from embarking their fortunes in a *Territory*. ... This impediment removed there can be no doubt, that wealth Enterprise, intelligence & talent will flow into our country.⁷⁷

Not only did status as a territory "[retard]...and [repress] enterprise and public spirit," but also it inhibited the education of Floridians and thus made them "fall short of the destiny which would seem to await us."⁷⁸

Governor Call continued this argument in January 1837: "But after passing through a period of fifteen years of Territorial Government, I am persuaded that the intelligence, the wealth and number, of our inhabitants, is now sufficient to enable us to assume a State Government." He continued, "it is a duty which we owe ourselves as American citizens, justly proud of our Republican Institutions, to claim the right of self Government in preference to remaining longer in a state of Territorial vassalage."⁷⁹ Integration into the Union as a state, however, was not this simple.

Even though Article Six of the Adams-Onís Treaty stipulated that the territories,

⁷⁶ See Sidney Walter Martin, "The Public Domain in Territorial Florida," *The Journal of Southern History*, Vol. 10, No. 2 (May, 1944): 174-187 for a good discussion of land rights in territorial Florida.

⁷⁷ "Report of the Committee on the State of the Territory," February 13, 1834, in Dodd, 105.

⁷⁸ "Report of the Committee on the State of the Territory," February 13, 1834, in Dodd, 103.

⁷⁹ "Extract from a Message of Governor Call," January 3, 1837, in Dodd, 107.

“shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution,” Florida did not yet meet the population requirements first established in the Northwest Ordinance.⁸⁰

Despite this uncertainty, later in 1837 Floridians called a Constitutional Convention to be convened in 1838. What was at stake in the development of the Constitution was nothing less than the creation of a republican government and with it the protection the domestic institution of the South: black slavery. Perhaps the most thorough study of Florida’s path to statehood, Dorothy Dodd’s *Florida Becomes A State*, frames the Convention in this way:

Although there is no direct evidence in the council Journal of a connection between the resolutions on abolitionism and statehood, clearly a change from a territorial to a state government would have obviated all danger of congressional legislation on the subject of slavery in Florida.⁸¹

As a territory, Florida was still subject to the will of Congress, but as a state, it could regulate blacks in any manner that the Assembly decided. The Convention, ostensibly a way for Floridians to demonstrate that they had reached the point where their territory was consistent with republican principles and therefore ready for statehood, was therefore also about the preservation of slavery.

As a result, it should come as no surprise that the Constitution that emerged from the 1838 Convention was especially harsh on blacks while excluding American Indians as well. The Convention was called by the Legislative Assembly on February 2, 1838 and began deliberations in St. Joseph in December that year. Only white male United States citizens over twenty-one were able to vote for or serve as delegates.

⁸⁰ “Treaty of Amity, Settlement, and Limits Between the United States of America and His Catholic Majesty, 1819.”

⁸¹ Dodd, 34.

The only qualification on universal white male enfranchisement was a short residency requirement; property was irrelevant. Left to decide citizenship for itself, Florida's interpretation was remarkably simple: white men.

For Floridians, two issues were deemed crucial to the formation of a republic: black slavery and banking. Although seemingly different, as Stephanie Moussalli observes, they were both linked to the power of Congress to regulate society.⁸² If Congress had the authority to regulate state banks, the argument went, it would be just as likely to prohibit slavery. The only reason that Congress had not already done so, many delegates believed, was because the Constitution did not grant them such a power. Despite the debilitating tension in the Convention between the pro and anti-bank segments, it was universally agreed that blacks only role in the territory would be slaves.

The status of blacks was made clear during the early stages of the Convention, when the text of the Northwest Ordinance was perhaps more honestly reinterpreted to read that "no new State could be formed with a population of less than 60,000 white inhabitants" instead of 60,000 free propertied inhabitants. With the understanding that statehood required a significant number of white people, the delegates responsible for the General Provisions on Slavery provided the Legislature with the ability to prohibit all free nonwhites from entering the territory. Despite this section, which was included in the final Constitution as well, the proposed General Provisions were also designed to ensure that while enslaved, blacks would still have the protection of the state. Therefore, the proposed provisions included trial by jury protection for slaves

⁸² Stephanie D. Moussalli, "Florida's Frontier Constitution: The Statehood, Banking & Slavery Controversies." *Florida Historical Quarterly*, Vol. 74, No. 4 (Spring, 1996): 431.

while stipulating that: “Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted, in case the like offence had been committed on a free white person, and on the like proof except in case of insurrection of such slave.”⁸³

These provisions, however, were not in the final Constitution. Instead, the General Provisions section included only three provisions on slavery whereas there were six proposed. The Constitutional provisions were as follows:

1. The General Assembly shall have no power to pass laws for the emancipation of slaves.
2. They shall have no power to prevent emigrants to this State, from bringing with them, such persons as may be deemed slaves, by the laws of any one of the United States: Provided, they shall have power to enact laws to prevent the introduction of any slaves, who may have committed crimes in other States.
3. The General Assembly shall have power to pass laws to prevent free negroes, mulattoes, and other persons of color, from immigrating to this State, or from being discharged from on board any vessel, in any of the ports of Florida.⁸⁴

Blacks were not even ensured trial by jury; nor could they be certain that crimes against them would be punished equally with crimes against whites. Instead, they would only be in the territory as long as they were less than human entities: slaves.

The reasoning was made clear in the United States Senate debate about admission in 1845 when Virginia Senator Archer stated:

In Charleston, or Richmond, can we allow ship-loads of persons calling themselves sailors from Massachusetts, to come into those ports for the very purpose of mixing with a certain character of our population, and stirring up the latent embers of the worst form of civil combustions; and because they allege that they have rights under the constitution of the United States, are we

⁸³ “*Journal of the Proceedings of a Convention of Delegates to form a Constitution for the People of Florid, Held at St. Joseph, December, 1838,*” in Dodd, 133-338.

⁸⁴ “1838 Constitution,” in Dodd, 340.

going to let the fire break out and conflagrate our cities and towns, in deference to what they call their constitutional rights. We would be no less enslaved than our own obnoxious population, if we failed to arrest the dissemination of such mischiefs as these.⁸⁵

Slave rebellions, like Nat Turner's 1831 rebellion and the revolution in St. Domingue, the later being most frequently noted in the Congressional debate as the reason for such provisions, helped to unify whites without regard to social standing. The concentrated presence of black people convinced whites that they needed to unite without regard to social standing in order to survive. As a result, white settlers' ability to bring black slaves was unfettered.

In addition, the presence of a three-fifths clause modeled after the Federal Constitution ensured that the plantation owners in Middle Florida, where there were both the most residents and the most slaves, would have control over lawmaking. Additionally, in an attempt to inhibit the ability of the black slaves to revolt, the Constitution stipulated that only free white men could own guns. It was not enough that voting and office holding were restricted to white men. The Florida Constitution of 1838, approved despite sectional differences between East, Middle, and West Florida with 2,065 votes for to 1,961 votes against, ensured that blacks would be relegated to a life barely worthy of second-class citizenship.⁸⁶

Yet it would be incorrect to think that the 1838 Constitution's provision limiting gun ownership to whites only was simply about prohibiting blacks from gun

⁸⁵ *Congressional Globe*, 28th Congress, 2nd Session, 380.

⁸⁶ The Text of the 1838 Constitution appears in Dodd immediately following the Convention proceedings on page 340; Vote on Constitution in Tebeau, 126. The sectional differences in the territory will be discussed later in the chapter in more detail. Florida had been divided into three zones, East, Middle, and West, when it was acquired by the United States. For the purposes of this portion it is enough to know that Middle Florida was the home to the majority of the population as well as the plantations. East and West Florida were substantially more destitute. East Florida was especially impoverished because the majority of the Indian Wars took place in that section of the territory.

ownership. An equally troubling group of nonwhites, the American Indians, had been using guns to fight the United States since the 18th century. As a Spanish colony, Florida had been a place where blacks and American Indians could mix relatively uninhibited. Even though the Seminoles in Florida enslaved many blacks, this type of slavery was nothing like the plantation setup that characterized slavery in the southern United States. As George Klos notes, “even a black of low status among the Seminoles felt it was an improvement over Anglo-American chattel slavery.”⁸⁷

Thus for almost all of the blacks in Florida, many of whom had escaped from plantations in the United States, the American Indians were essential for survival. White Floridians were acutely aware of this unwelcome union, as Governor DuVal told Indian Affairs Commissioner Elbert Herring in 1834 that in order to remove the Seminoles, they first “must [*break up*] *the runaway slaves and outlaw* Indians.”⁸⁸

DuVal had made a similar plea to the Seminoles eight years earlier, telling them:

You are not to mind, what the negroes say; they will lie, and lead you astray. . . rid your nation of a serious pest, and do what, as honest men, you should not hesitate to do; then your white brothers will say you have done them justice, like honest, good men.⁸⁹

This link between blacks and American Indians against whites was not a new concept for Floridians. They had already begun to think this way during the First Seminole War, and with the outbreak of the Second Seminole War in 1835 these arguments became increasingly prevalent.

⁸⁷ George Klos, “Blacks and the Seminole Removal Debate, 1821-1835.” *Florida Historical Quarterly*, Vol. 68, No. 1 (Summer, 1989): 59.

⁸⁸ DuVal to Elbert Herring, January 26, 1834, House Executive Doc. 271, 24th Congress, 1st Session, 18, in Klos, 66. Emphasis in original.

⁸⁹ House Exec. Doc. 17, 19th Congress, 2nd Session, 18, in Klos, 60.

Given that white and American Indian interactions had been plagued with violence, it is almost pointless to pinpoint an exact date for the beginning of the Second Seminole War. The Second Seminole War was, more than anything else, a reaction against the United States government's attempt to send the American Indians in Florida west of the Mississippi River. While many whites had advocated constraining American Indian movements since at least the eighteenth century, such a policy was first codified in Florida with the 1814 Treaty of Fort Jackson. The Treaty that emerged out of the fighting in the War of 1812 began with the claim that:

Whereas an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully, on the part of the said States, in conformity with principles of national justice and honorable warfare.⁹⁰

As the victors, the United States was able to frame the terms of the agreement.

Despite the Indians unprovoked violence, the United States, "from motives of humanity," pledged to "furnish gratuitously the necessaries of life" for the Creeks in exchange for land ownership rights.⁹¹ No longer entitled to live on their traditional land, many of the Creeks were forced into Florida to rebuild their way of life.⁹²

When the United States gained possession of Florida, policymakers were again forced to interact with the Creeks they had previously expelled from their land. In Florida, the Creek and Seminole Indians had made their homes in Middle Florida on the most fertile soil in the region. For United States citizens immigrating into the new territory, the lack of arable land posed a particularly large problem, especially for those bringing their black slaves. Consequently, in 1823, the same year as *Johnson v.*

⁹⁰ "Treaty with the Creeks Concluded at Fort Jackson," August 9, 1814.

⁹¹ "Treaty with the Creeks Concluded at Fort Jackson," August 9, 1814.

⁹² Heidler and Heidler, 27.

M'Intosh, the United States and the Indians negotiated the Treaty of Moultrie Creek that forced the Indians off the fertile land in the middle of north Florida into a tightly restricted zone of land that “promised little hope of self sufficiency for their occupants.”⁹³ In exchange for the United States pledge to “take the Florida Indians under their care and patronage,” five thousand dollars a year for twenty years, livestock worth six thousand dollars, food rations for twelve months, and moving costs, the Florida Indians agreed to “cede and relinquish all claim or title which they may have to the whole territory of Florida, with the exception of such district of country as shall herein be allotted to them.”⁹⁴

Removed from the livable land, American Indian communities in Florida were quickly decimated. With American Indians starving and the United States providing insufficient quantities of food, the Indians were forced to rely on raids of white residences as their only means of survival. Out of this predicament came more violence, and in 1832 in the Treaty of Payne’s Landing, the Indians agreed that they would send a party to survey lands west of the Mississippi with the understanding that if the lands were deemed acceptable, then the Indians would leave the territory. The Treaty’s language concealed the truth: “The Seminole Indians, regarding with just respect, the solicitude manifested by the President of the United States [for] the improvement of their condition, by recommending a removal to a county more suitable to their habits and wants.”⁹⁵

⁹³ Canter Brown Jr., “The Florida Crisis of 1826-1827 and the Second Seminole War,” *Florida Historical Quarterly*, Vol. 73, No. 4 (Spring, 1995): 421.

⁹⁴ “Treaty with the Florida Tribes of Indians Concluded at Moultrie Creek,” September 18, 1823.

⁹⁵ “Treaty with the Seminole Concluded at Payne’s Landing,” May 9, 1832.

In exchange for 15,400 dollars up front and an additional 3,000 a year for fifteen years and a blacksmith for ten, the Indians agreed. Article VI of the Treaty was explicitly concerned with the black slaves living with the American Indians:

The Seminoles being anxious to be relieved from repeated vexatious demands for slaves and other property, alleged to have been stolen and destroyed by them, so that they may remove unembarrassed to their new homes; the United States stipulate to have the same property investigated, and to liquidate such as may be satisfactorily established, provided the amount does not exceed seven thousand (7,000) dollars.⁹⁶

White Floridians were not uncertain about what to do with the blacks. Rather, they believed that they should all be put back in their rightful place as slaves. Incorrectly assuming that all blacks in the territory living with the Indians were runaway slaves, the treaty-makers had made explicit an issue that would continue to plague Indian policy in Florida.

Whether or not the United States negotiators coerced the American Indians who surveyed the lands in the West to give their approval has not been conclusively demonstrated by historians; it is, however, likely that they were. Nonetheless, in 1833 the Seminoles and Creeks both signed treaties with the United States pledging to move across the Mississippi. The Creeks still told the United States that they wished to remain “under [their] parental care and protection.”⁹⁷ Indian removal out of Florida was the only remaining choice for the American Indians and the perfect one for white Floridians. As Canter Brown Jr. writes, “the advent of plantation agriculture in Middle Florida and the location there of the territorial capital necessitated removal of

⁹⁶ “Treaty with the Seminole Concluded at Payne’s Landing,” May 9, 1832.

⁹⁷ “Treaty with the Creeks Concluded at Fort Gibson, February 14, 1833.

the region's Indian population."⁹⁸ Only when the Indians were gone could the slaves be brought in.

The treaties not only failed to remove all of the Indians, but also caused a severe backlash from many of Florida's indigenous inhabitants. As a result, brutal fighting broke out in 1835 between the Seminoles, Creeks, and their black partners and white Floridians. The Second Seminole War solidified white Floridians belief that they were under attack by the nonwhite segments of the population. Consistent with the development of proto-Darwinian sciences such as Craniotomy and Phrenology in the 1840s, white Floridians began to believe that paternalism was no longer an adequate approach to American Indians. With the exception of Federal Indian Agents, the brutal nature of the fighting coupled with new scientific theories demonstrating that American Indians could never become equal with the white Anglo-Saxon race, caused the overwhelming majority of Floridians to think that the American Indians were less than human.⁹⁹ Consequently, the proposed solution to the conflict was, for many Floridians, either statehood or massive white immigration into the territory. Thus, as Brown Jr. writes: "its violence reached into the fabric of society to exacerbate racial, ethnic, and regional divisions and to mark patterns of behavior and race relations. The struggle provided context for the clashes that characterized the

⁹⁸ Brown Jr., 425.

⁹⁹ The rise of proto-Darwinian science based on the study of skulls became enormously influential in the United States during the 1830s-1850s. Building on the classification schemes of Linnaeus scientists such as Samuel George Morton, Josiah Nott, and William Stanhope Smith began to argue that there were different species of humans based on intellectual capacities. These theories classified the white Anglo-Saxon as the pinnacle of humanity with all other races notably worse. A number of scholars, though perhaps not enough, have detailed this movement including Reginald Horsman's *Race and Manifest Destiny*, George Fredrickson's *Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914*, (New York: Harper & Row, 1971), and William Stanton *The Leopard's Spots: Scientific Attitudes toward Race in America 1815-59*. (Chicago: University of Chicago Press, 1960). These authors will be discussed in chapter four.

drive toward statehood.”¹⁰⁰ Not simply another Indian War, the Second Seminole War was also about bringing white settlers to the land so that Indians could be removed, blacks could be enslaved, and a state created.

White Floridians had been articulating these ideas before the Second Seminole War began in an effort to force the removal of the Florida Indians. In an 1832 “Memorial to Congress by Inhabitants of the Territory,” Floridians revealed many of the themes that would develop during the course of the War. Expressing distress with the Indians for wandering out of their reservation and into white property, the document advocated removal as the only solution: “We apprehend that unless the Indians are entirely removed from our Territory to some distant position, the evil in view, can not be effectfully remedied.”¹⁰¹ The “[wild] & unsettled character of the frontier,” had made the 1823 Treaty of Moultrie Creek an ineffective solution because Indians were naturally inclined to wander outside their limits.¹⁰²

It was not simply the Indians that bothered white Floridians. The Indians, in possession of at least fifty runaway blacks had proved incapable of fulfilling the provisions of Moultrie Creek that required the Indians to return runaway slaves. The reason this state of affairs was so detrimental to white Floridians was carefully articulated:

So long as a state of things thus dangerous to the interests of the inhabitants of Florida continues she cannot hope for prosperity or improvement: It cannot be

¹⁰⁰ Brown Jr., 419.

¹⁰¹ “Memorial to Congress by Inhabitants of the Territory,” March 26, 1832, in Clarence Edwin Carter, ed., *The Territorial Papers of the United States Volume XXIV: The Territory of Florida 1828-1834*, (Washington, DC: US Government Printing Office, 1959), 679.

¹⁰² “Memorial to Congress by Inhabitants of the Territory,” March 26, 1832 in Carter, *Volume XXIV*, 679.

expected that people of property will settle in a Country where there is so little security in relation to their property.¹⁰³

Thus the Indians and their black compatriots threatened the process by which Florida could become a state. The presence of American Indians and blacks not enslaved by whites was they key factor in prohibiting more propertied, that is slave owning, whites from entering the territory. The implied assumption of this argument is that once the Indians are gone and the whites enter with their black slaves, statehood could be realized.

In 1832, Acting Governor Westcott took a slightly different approach to the American Indians, declaring that, “the common Indians [sic] are however very drunken, lazy and worthless.”¹⁰⁴ Their problem was that they could not live up to the Jeffersonian principles required for statehood. Westcott made his explicitly clear: “they have not much land in cultivation, and they will not devote any great attention to agriculture. A more vagabond race does not exist on the face of the earth than the lower class of the Seminoles.”¹⁰⁵ In 1832 Floridians were aware that the Indians and blacks, the nonwhites, had prohibited whites from fulfilling the Jeffersonian vision of a republic. During the Second Seminole War, whites began to articulate this more clearly, arguing that statehood and white immigration would be the only solution to the fighting.

By 1835 these fears were articulated more clearly. Army officer Duncan L. Clinch wrote the Adjutant General in early 1835 that the Indians would only leave the

¹⁰³ “Memorial to Congress by Inhabitants of the Territory,” March 26, 1832 in Carter, Volume XXIV, 679.

¹⁰⁴ “Acting Governor Westcott to Abraham Bellamy,” February 2, 1832, in Carter, Volume XXIV, 668.

¹⁰⁵ “Acting Governor Westcott to Abraham Bellamy,” February 2, 1832, in Carter, Volume XXIV, 669.

territory under the influence of violent force. Without overwhelming military force, “they will not be removed, & the whole frontier may be laid waste by a combination of the Indians, Indian negroes, & the Negroes on the plantations.”¹⁰⁶ Clinch, labeling the Indians “incendiary and murderous wretches,” brought the argument to its conclusion later that year: “I will teach the, that altho’ the Government has been heretofore mild and indulgent to them, that it knows when and how to punish them for the treachery and bad faith.”¹⁰⁷

If, in 1835, whites were becoming increasingly unlikely to think paternalistically about the Indians in Florida, by 1840 it was clear that all Indians were unworthy of life in the United States. Governor Reid told the Legislative Council in February 1840 that:

Indeed, it would seem, that these *Wild Beasts*, for so they deserve to be considered; their cruelties and thirst for blood, place them beyond the pale of humanity—these wild beasts, are becoming more and more audacious, their deeds of horror are rather accumulating than diminishing... Shall we look upon our ruined dwellings—upon the murdered and mangled bodies of men, women, and children, and then meekly say, ‘the poor Indians have done this—we must be merciful and humane to them—we will not set our dogs upon them—oh! No, that would be more horrible than these butcheries.’¹⁰⁸

Governor Reid had proposed the solution to the violence caused by the less than human Indians a month earlier, “were Florida a State, this Indian War—our chiefest ill—would not be of long duration.”¹⁰⁹

Congress, however, was not yet ready to grant Florida statehood. Instead, the Seminole War would be dealt with by encouraging white settlers to enter the land

¹⁰⁶ “Duncan L. Clinch to the Adjutant General,” January 22, 1835, in Carter, Volume XXV, 99-100.

¹⁰⁷ “Duncan L. Clinch to the Adjutant General,” December 9, 1835, in Carter, Volume XXV, 209.

¹⁰⁸ “Message of Governor Reid to the Legislative Council,” February 28, 1840, in Clarence Edwin Carter ed. *The Territorial Papers of the United States Volume XXVI: The Territory of Florida 1839-1845*, (Washington, DC: US Government Printing Office, 1962), 110-112.

¹⁰⁹ “Extract from a Message of Governor Reid,” January 13, 1840, in Dodd, 343.

with their slaves to, in the words of Senator Strange of North Carolina, either “drive them [American Indians] out alive, or drag them out dead.”¹¹⁰ This proposal, “To provide for the armed occupation and settlement of that part of Florida which is now overrun and infested by marauding bands of hostile Indians,” was the work the arch-expansionist Senator from Missouri, Thomas Hart Benton. The bill was explicit in its aims, “that there shall be granted to the first white settlers, not exceeding ten thousand men...three hundred and twenty acres.”¹¹¹

Benton argued that armed occupation, by which he meant white settlers entering the territory with arms, was the only solution to the fighting:

The other remedies are to catch the Indians, and remove them; or, to negotiate with them, and induce them to go off. Both have been tried; both are exhausted. No human being now thinks that our soldiers can catch these Indians; no one now believes in the possibility of removing them by treaty. No other course remains to be tried, but the armed settlement.¹¹²

Even though the government had been relatively successful at repelling the Indians in the rest of the country, the Florida Indians were continuing to pollute the territory.

“There is scarcely a civilized Government in the world which has witnessed such an event,” Benton declared.¹¹³ “They [Floridians] are white people and Christians. They are of our own race; they have suffered every extremity and every horror known to Indian warfare.”¹¹⁴

For Benton, it was the responsibility of the Federal Government to come to the aid of the white Floridians. “Modern compassion is too often *black* and *yellow*, not *white*,” he continued. “The tears and sorrows of many are for the Indian that

¹¹⁰ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 78.

¹¹¹ S. 120, January 3, 1840, *Bills and Resolutions*, 26th Congress, 1st Session.

¹¹² *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 73.

¹¹³ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 73.

¹¹⁴ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 73.

massacres a family, and not for the victims of his cruelty.”¹¹⁵ The problem was not only Indian violence. Florida, Benton told the Senate, “is an asylum for runaway negroes; and do you propose to send a slave population there, who will have every inducement to join the Indians?”¹¹⁶ The only way to end the fighting and make Florida ready for statehood was white settlement.

Many Floridians agreed with Benton, but agitated for statehood more forcefully.

In response to Florida’s continued status as a territory, an 1840 Select Committee of the Florida House could not conceive, “how American freemen, alive to the principles which impelled our ancestors to throw off the yoke of Colonial vassalage to Great Britain should seek to effect the perpetuation of similar authority in Florida.”¹¹⁷ The solution was not simply armed occupation, but statehood: “Admit us as a State—encourage the emigration of permanent settlers, by liberal donations of land, and at three years and most, the war will be at an end.”¹¹⁸ Benton’s proposal, slightly amended, became law in 1842.

However, statehood was, by this time, outside the control of Floridians. Despite their best efforts, white Floridians could not escape the fact that the Missouri Compromise was the law governing state admission, and that they would therefore have to wait for a northern counterpart. While this was clear to Floridians as early as 1838, and even though they applied for admission multiple times before 1845, it was not until 1845 that Florida was admitted into the Union with Iowa. Yet this is not to

¹¹⁵ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 73.

¹¹⁶ *Appendix to the Congressional Globe*, 26th Congress, 1st Session, 75.

¹¹⁷ “Report of a Select Committee of the House of Representatives,” February 4, 1840, in Dodd, 349.

¹¹⁸ “Report of a Select Committee of the House of Representatives,” February 4, 1840, in Dodd, 350.

say that statehood was a foregone conclusion. Until Iowa officially petitioned Congress for statehood the east region of Florida was desperately attempting to enter the Union independent from the rest of Middle and West Florida. It was only when Iowa seemed certain to enter the Union as a free state did Floridians come together and accept admission in order to preserve the sectional balance in the Senate.

In 1838 Governor Call told Floridians that entrance would be an arduous process. In the first articulation of these concerns, Call stated:

We have no reason to believe that Florida will be permitted to become one of the [sovereign] States of the Union, without encountering all the delays, and opposition, which arise from a struggle for power, between the Northern and Southern States of our country.¹¹⁹

In 1839, the Legislative Council responded to the creation of the Iowa Territory in precisely these terms: “the necessity of keeping up the balance of power, renders this division extremely interesting to the whole South.”¹²⁰ However, not all Floridians agreed upon the best way to preserve this balance of power as East Florida residents desired to split from the rest of the territory.

Residents of Middle Florida had been the dominant faction of Florida politics since the Constitutional Convention. As the center of plantation life, it was also the most populated and closest to the ideal or republican statehood. With a population of 34,238, of which 19,382 were slaves, Middle Florida was the center of plantation life in the territory. The number of residents in East and West Florida combined was not equal to the number of slaves in Middle Florida.¹²¹ Middle Florida’s residents, in control of the legislative assembly in part because of the three-fifths clause, argued

¹¹⁹ “Extract from a Message of Governor Call,” January 2, 1838, in Dodd, 113.

¹²⁰ “Petition to Congress of Members of the Legislative Council,” January 31, 1839, in Dodd, 337.

¹²¹ Martin, 183. The 1840 Census listed West Florida population at 5,454 and East at 13, 651 of which there were 1,587 and 4,622 slaves respectively.

that statehood was the only way to ensure that the Federal Government would not end slavery in the territory.¹²²

This argument was best expressed in two 1840 documents. A report from a Select Committee of the House argued:

Florida is the only remaining Southern Territory. With her admission as a [Sovereign] State, the pretext that Congress have a Constitutional right to interfere with our domestic institutions while a Territory would be destroyed, and much of the excitement now growing out of this subject would cease.¹²³

The majority of the Territorial Senate Committee agreed. Expressing concern that two small states would bring “ruin and destruction” to the country, they argued that a single state would be best situated to defend the South from an assault on its “peculiar *Domestic Institutions*.”¹²⁴ East Florida, the Committee argued, would not be ready for statehood for some time because the Indian fighting prevented its residents from turning its “swords to plowshares.” Providing an insight into the process of statehood, the Report declared, “something more than mere *numerical* strength is to be sought for in a State and it must depend for its support upon that pecuniary fund created by, and arising from its agricultural and commercial resources.”¹²⁵

East Floridians, however, were not convinced. The unique circumstances of East Florida, more destitute and less populated than Middle Florida as a result of the Seminole Wars, allowed them to craft an argument for admission as a separate state. Yet their concerns were substantially more than their unique situation. More than any other argument, East Floridians claimed that two states would be the best approach to

¹²² Rivers, 10-14. Rivers additionally urges readers to consider the Seminole War as the largest slave rebellion in the United States.

¹²³ “Report of a Select Committee of the House of Representatives,” February 4, 1840, in Dodd, 352.

¹²⁴ “Majority Report of the Territorial Senate Committee,” February 24, 1840, in Carter, Volume XXVI, 72.

¹²⁵ “Majority Report of the Territorial Senate Committee,” February 24, 1840, in Carter, Volume XXVI, 74.

balance the abolitionists in the North. This argument was expressed most succinctly in an 1844 Resolution:

The necessity of preserving a just balance of power or influence between the Slaveholding and non-Slaveholding States, and make it most manifest that the true interest of the South generally, as well as of Florida, require that the Floridas should come into the Union as *two* States whenever they are admitted.¹²⁶

Despite these concerns, Iowa's application to enter the Union as a state made the admission of a southern state a necessity. The concern was well articulated in 1842 by the Leon County State Government Meeting: "Were Iowa received and Florida rejected...the non-slave-holding States of the North [would] be enabled to exclude Florida for many years to come."¹²⁷ As a result, when Florida and Iowa were jointly admitted as states in 1845, the majority of Floridians were more than happy to comply.

The territory of Florida had waited over twenty-five years to join the Union as a coequal member. The events during the territorial period, while unique to Florida, were not inconsistent with the rest of westward expansion in the United States. Floridians sought to demonstrate the vitality of their republican institutions by excluding nonwhites from the territory. American Indians, at first considered paternalistically by white policymakers, became defined as wild beasts incapable of humanity. If they would not leave the territory under the terms of removal treaties, they had to be killed. Blacks would only be allowed in the territory as slaves.

While the exact timing of statehood was in many respects outside of the control of Floridians, they demonstrated their readiness for statehood by establishing

¹²⁶ "Resolution of the Governor and Legislative Council," March 16, 1844, in Dodd, 405.

¹²⁷ "Address of the Committee of the Leon County State Government Meeting," May 26, 1842, in Dodd, 390.

republican institutions that excluded nonwhites. The exclusion and subjugation of nonwhites was therefore precisely what was necessary for Florida to become a state. Only with the immigration of white settlers and their black slaves on land previously inhabited by American Indians would the land be cultivated in a manner consistent with Jeffersonian and Jacksonian principles. Admission to the Union under the terms of the Missouri Compromise ensured that the domestic institutions of the South would remain sanctioned by the Federal Government. Florida's admission to the Union was hardly an anomaly; rather, it epitomized westward expansion in the Jacksonian era.

III: Entirely Southern in Our Feelings: The Organization of Iowa

“I want to live where men are free! Soon I will go to a new home. You will plant corn where my dead sleep...I know I must go far away, and you will be so glad when I am gone. You will soon forget the lodge fire, and the meat of the Indian has ever been free to the stranger and he has asked for, what he has fought for, the right to be free.”

-- Chief Poweshiek of the Meskwaki¹²⁸

As the free state joined with Florida under the terms of the Missouri Compromise, many would expect that Iowa would be remarkably different than its southern counterpart. However, even though it was widely known that Iowa was supposed to be free of slaves, the formation of Iowa nevertheless followed a very similar pattern to Florida. While Florida completely restricted free black immigration in the Constitution, Iowa did the same through laws forcing free blacks to show proof of freedom and pay a \$500 bond to enter the territory. Even more, many of Iowa's early settlers, including both of the state's first Senators, entered the territory with black slaves.

American Indians were also marginalized. While the territory was not gained through violent conflict like Florida, its boundaries and early settlement were decided on the basis of Indian Treaties. Perhaps the most important issue in territorial Iowa, the southern boundary, was defined not by natural features, but rather on the basis of land taken from the various American Indian nations that once called the land home. Additionally, white settlement in Iowa did not begin at a rapid pace until after the end of the Black Hawk War in 1832. It was only when it was clear to enough prospective settlers that the savage natives had been sufficiently pacified that whites began to

¹²⁸ Richard, Lord Acton and Patricia Nassif Acton, *To Go Free: A Treasury of Iowa's Legal Heritage* (Ames: Iowa State University Press, 1995), 6.

enter the territory. With the entrance of these white settlers republican institutions were finally deemed necessary after almost fifteen years as an unorganized entity.

There were, of course clear differences. Most notably, the Iowa Constitution borrowed the language of the Northwest Ordinance to declare slavery and involuntary servitude illegal. Free blacks were not all excluded from the territory and American Indian's were not removed through years of war. Yet what we should be most concerned about is not the discrepancies between the severity of the laws and statements of early Floridians and Iowans. Rather, a careful study of the origins of statehood in both locations reveals the extent to which the republican institutions of the United States at this time were organized on the basis of race. No matter north or south, in the pre-bellum United States only white people were though capable of preserving the Republic.

Although the land comprising what would become Iowa was in the possession of the United States beginning in 1803, Iowa was a relatively unimportant parcel of land until the early 1830s. Iowa was first placed under the auspices of the Louisiana Territory in 1805, and was then included in the newly formed Missouri Territory in 1812. When Missouri gained statehood in 1821, Iowa was simply forgotten about by policymakers who left the land devoid of institutions representing the United States government. This remained the case until 1834 when Iowa was finally included in the Michigan Territory.¹²⁹

¹²⁹ James Alton James, "Constitution and Admission of Iowa into the Union," *The Johns Hopkins University Studies in Historical and Political Science*, Vol. 18, No. 7 (1900): 7-9.

The reasons for the shifting territorial affiliations reveal a significant amount about the formation of the territory as well as westward expansion more generally. Iowa's status as unorganized land was unimportant precisely because there were yet to be any white settlers in Iowa until the early 1830s. The immediate cause that drew the Federal Government's attention to Iowa's status as an unorganized territory occurred when a number of white miners in Dubuque, one of the few white settled communities, attempted to hold a trial and execute a fellow worker. The difficulty was that there were no courts and no judges with jurisdiction to hear the case, and so the only solution was trial-by-posse. Finally aware that there were white settlers in need of republican institutions, Congress divided Iowa into to districts, Dubuque and Des Moines, and included them in the Territory of Michigan.¹³⁰

The Dubuque incident was symptomatic of the deeper reasons why Iowa became organized in the early 1830s, because it was precisely at this time that a wave of white settlers began to claim land that was recently opened following the Black Hawk Purchase in 1832. Similar to Florida, a substantial portion of what is now eastern Iowa was opened to white settlers as a result of an Indian War. However, the Black Hawk War was hardly a war like the Seminole conflicts in Florida. The War had its roots in the end of the War of 1812 when the Sauk Indians were forced to cede a substantial amount of land on the Illinois side of the Mississippi in exchange for land on the other bank in Iowa. Upset at the loss of his homeland, the Sauk chief Black Hawk led a number of followers back into Illinois to reclaim their ancestral homeland. Instead, Black Hawk discovered that the land had been taken over by

¹³⁰ James, 9.

white settlers and the United States Army, who proceeded to slaughter much of Black Hawk's party.¹³¹

As a result of the fighting, a "Treaty with the Sauk and Foxes" was concluded on September 21, 1832 that ensured that both banks of the Mississippi would be amenable to white settlers. In the mold of other Indian treaties, white settlers were defined as the perpetual victims of savage violence:

Whereas, under certain lawless and desperate leaders, a formidable band...commenced an unprovoked war upon unsuspecting and defen[s]eless citizens...the said States, partly as indemnity for the expense incurred, and partly to secure the future safety and tranquility of the invaded frontier, demand...a cession of a tract of the Sac and Fox country.¹³²

With the threat of violence sufficiently quelled and an alliance formed with the conciliator chief Keokuk, white settlers began to arrive in a repeat of the pattern that led Black Hawk to attempt to reclaim his homeland in Illinois.¹³³ From this point on, however, unlike Florida, Indian wars did not hinder Iowa's path to statehood.¹³⁴

While the entire state was not officially ceded to the United States from various Indian nations until 1851, the land of Iowa was beginning to rapidly fill with white settlers. The 1836 census revealed over 10,000 in Iowa, and by 1838 the population had more than doubled to 22,000.¹³⁵

¹³¹ Donald Jackson, "Prelude to Disaster: The Course of Indian-White Relations Which Led to the Black Hawk War of 1832" Wallace, Anthony F. C. 'The Black Hawk War, 1831-1832. Volume II: Letters and Papers, Part 1: April 30, 1831-June 23, 1832' Whitney, Ellen M. 'The Black Hawk War, 1831-1832. Volume II: Letters and Papers, Part 2: June 24, 1832-October 14, 1834' Whitney, Ellen M," *Ethnohistory*, Vol. 23, No. 1 (Winter, 1976): 80-82.

¹³² "Treaty with the Sauk and Foxes," September 21, 1832, <http://www.firstpeople.us>.

¹³³ Joseph Frazier Wall, *Iowa: A Bicentennial History*, (New York: W.W. Norton & Company Inc., 1978), 7-15.

¹³⁴ Franklin A. Doty, "Florida, Iowa, and the National 'Balance of Power,' 1845," *Florida Historical Quarterly*, Vol. 35, No. 1 (Summer, 1956): 33.

¹³⁵ Acton and Acton, *To Go Free*, 5.

Iowa's first settlers were almost entirely Southern, and as a result, the political character of the future territory reflected this until the Kansas-Nebraska Act in 1854. Joel Sibley's study on proslavery sentiments in early Iowa makes this point convincingly: "Iowa took on the characteristics of a Southern community... In the early period of Iowa's history there was widespread support among the people for the institution of Negro slavery."¹³⁶ Some of the early immigrants in fact owned slaves even though slavery was explicitly outlawed in the land. Residents Isaac R. Campbell and Colonel Stephen W. Kearney both recorded slaves in 1834, and three black slaves were reported as donating funds to the building of a Methodist church in Dubuque the same year.¹³⁷ As this tide of white settlement increased, agitation for an independent territory of Iowa began to gain momentum, and in 1837 a convention met in Burlington to discuss the creation of a separate territorial government and sent a memorial to Congress asking for such.¹³⁸

Now part of the Wisconsin Territory, notable Southern Congressmen met Iowa's memorial to Congress asking for the creation of another territory north of the Missouri Compromise line with disdain. Even though the Bill limited voting and office holding to free white male citizens, John C. Calhoun told Congress that he would not "consent to the formation of a new Territory which in a few years would become a powerful abolition State."¹³⁹ Mr. Waddy Thompson agreed, telling the House that he could never vote for new territories in the North, "when the fanatical

¹³⁶ Joel H. Silbey, "Proslavery Sentiment in Iowa, 1838-1861," *Iowa Journal of History*, Vol. 55 (Oct. 1957): 289-290.

¹³⁷ Ruth A. Gallaher, "Comment by the Editor: Slavery in Iowa," *Palimpsest*, Vol. 28, (May, 1947): 159.

¹³⁸ James, 9-12.

¹³⁹ John C. Parish, *George Wallace Jones*, (Iowa City, 1912), 127-130, in Silbey, 293; "An Act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa," in *Public Statutes at Large of the United States V*, 235-241.

spirit of the North, was pouring into the House memorials against the annexation of Texas, simply because it was cursed with the peculiar institution of the South.”¹⁴⁰

Another Southerner, Mr. Shepard of North Carolina took a more nuanced position. A devoted Whig, Mr. Shepard argued that internal improvements in existing lands were more pressing than continued westward expansion. He nevertheless found the time to warn his Southern brethren that the discussions about slavery and the balance of power could be ultimately counterproductive:

I regret the introduction of this topic [strength of non-slaveholding states], not that I differ from my honorable friend, for his sentiments bore the impress of truth, but the objections to the measure are so many and powerful, that it is needless to resort to one of an irritating nature. If we oppose the bill on sectional grounds, our enemies will support it for the same reason, and its passage will be quick and certain, as we are already in a minority.¹⁴¹

Despite his wholehearted support for black slavery, Mr. Shepard showed remarkable compassion for the American Indians: “I understand that all these Indian treaties are tainted with fraud, or the poor natives are forced into compliance with the wishes of our people; let us...henceforth, abstain from the purchase of Indian territory.”¹⁴²

Congressman Shepard’s advice was by this point in time outdated. Jefferson’s “empire for liberty” had now crossed the Mississippi in the north. As destiny would seem to have it, on June 12, 1838 Iowa became an independent territory.¹⁴³

Southern immigration continued into Iowa uninterrupted once Iowa became a sovereign territory. Iowa’s two future senators Augustus Caesar Dodge and George Wallace Jones, the later known as the largest slaveholder in the territory, both entered

¹⁴⁰ *Congressional Globe*, 25th Congress, 2nd Session, 428.

¹⁴¹ *Appendix to the Congressional Globe*, 25th Congress, 2nd Session, 512.

¹⁴² *Appendix to the Congressional Globe*, 25th Congress, 2nd Session, 512.

¹⁴³ “An Act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa,” in *Public Statutes At Large of the United States of America Vol. V*.

during this period with their slaves.¹⁴⁴ The sentiments of these settlers was expressed succinctly by the *Iowa Territorial Gazette*:

We are entirely Southern in our feelings, and hold that every attempt to agitate the abolition of slavery that does not come from the slaveholders themselves is an unwarrantable interference in their domestic concerns, should receive unqualified condemnation.¹⁴⁵

The rights of white settlers were unchallengeable even for those opposed to black slavery in Iowa. Iowa's first Chief Justice Charles Mason, notable for declaring in the case of *In re Ralph* that a former slave called Ralph who was living freely in Iowa could not be taken back into slavery, nevertheless echoed Floridians arguments that only whites would be able to civilize the frontier: "were we a community of trespassers, or were we to be regarded rather as occupying and improving the lands of the government by the invitation and for the benefit of the owner." Mason continued, praising white settlers for "leading the way in the introduction of wealth and civilization and happiness into the almost illimitable west."¹⁴⁶

Despite very real differences in the territory over the issue of slavery, almost all Iowans were in agreement that only white men were capable of bringing civilization to the territory. Robert Cook has characterized this sentiment as the "primary value" in the political culture of territorial Iowa. These "primary values" were those shared by all white Iowans, Whigs and Democrats alike, and included a devotion to republican government, meritocracy, and sovereignty of the people. The

¹⁴⁴ Silbey, 290; Robert R. Dykstra, "Dr. Emerson's Sam: Black Iowans before the Civil War," *Iowa Heritage Illustrated*, Vol. 85 (2004): 58.

¹⁴⁵ *Iowa Territorial Gazette*, June 29, 1839, in Silbey, 293.

¹⁴⁶ *Hill v. Smith*, 1 Morris 70, 77-78 (Iowa 1840), in Acton and Acton, *To Go Free*, 35.

debates in Iowa, as Cook argues, were not about these, but rather “secondary values,” that is the interpretations of what it meant to be republican.¹⁴⁷

It should come as no surprise that nonwhites were excluded from political participation in the territory. What is perhaps more unexpected is the degree to which nonwhites, especially blacks, were excluded from any participation in political life in the territory. Upon gaining status as a territory, Iowa inherited the black codes of Michigan that were to serve as the basis for Iowa’s own black codes.¹⁴⁸ Approved on January 21, 1839, Iowa’s “Act to Regulate Blacks and Mulattoes” mandated that:

No black or mulatto person shall be permitted to settle or reside in this Territory, unless he or she shall produce a fair certification...of his or her actual freedom...and give bond...in the penal sum of five hundred dollars...and a conviction of such negro or mulatto, of any crime or misdemeanor against the penal laws of this Territory, shall amount to a forfeiture of the condition of such bond.¹⁴⁹

Not only were free blacks essentially prohibited from entering the territory, but the Act also secured the right of “any person or persons to pass through this Territory with his, her, or their negroes or mulattoes [sic], servant or servants.”¹⁵⁰ Additionally, the Act reaffirmed Iowa’s commitment to returning fugitive slaves, stipulating that if any person “shall make satisfactory proof that such black or mulatto person or persons is or are the property of him or her who applies...the said judge or justice is

¹⁴⁷ Robert Cook, “The Political Culture of Antebellum Iowa: An Overview,” *Iowa History Reader*, (Ames: State Historical Society of Iowa, 1996), 92-93.

¹⁴⁸ Richard, Lord Acton and Patricia Nassif Acton “A Legal History of African-Americans: From the Iowa Territory to the State Sesquicentennial, 1838-1996,” in Bill Silag, ed. *Outside In: African-American History in Iowa 1838-2000*, (Des Moines: State Historical Society of Iowa, 2001), 61.

¹⁴⁹ “An Act to Regulate Blacks and Mulattoes,” from *The Statute Laws of the Territory of Iowa, enacted at the first session of the Legislative Assembly of said Territory, held at Burlington, A. D. 1838-9* (Dubuque: Russell & Reeves, 1839) in *Annals of Iowa*, Vol. 3 No. 2 (July, 1897): 145.

¹⁵⁰ “An Act to Regulate Blacks and Mulattoes,” in *Annals of Iowa*, 146.

hereby empowered and required, by his precept, to direct the sheriff or constable to arrest such black or mulatto.”¹⁵¹

As alluded to earlier, Iowa’s law was merely a continuation of other policies pursued throughout the north. When Iowa’s Assembly first met only four northern states, all in New England, had granted blacks suffrage. In New York blacks could only vote if they met a property qualification, and Connecticut, New Jersey, and Pennsylvania had all disenfranchised blacks after previously granting them the right to vote. Every northern state prohibited blacks from testifying in courts, and almost all had segregated schools and prohibited interracial marriage. The purpose of these black codes was simple: to discourage the northern migration of freed slaves.

The fear that free blacks would move north and undermine the perfect republican experiments originated in 1806 when Virginia, the state with the largest slave population, declared that all newly freed slaves had to leave the state within a year of manumission. Beginning in Ohio, states in the west and north of the United States began to pass laws that served as the basis for the Iowa black codes. While some states passed laws excluding black immigration altogether, Ohio modeled its laws after colonial New England by requiring blacks to produce a certificate of freedom and pay a \$500 bond.¹⁵² Blacks were presumed to be criminals, only able to infect the white population and destroy the republican institutions that the white settlers had worked so hard to create.

¹⁵¹ “An Act to Regulate Blacks and Mulattoes,” in *Annals of Iowa*, 146-147.

¹⁵² Robert R. Dykstra, “White Men, Black Laws: Territorial Iowans and Civil Rights, 1838-1843,” *Annals of Iowa*, Vol. 46, No. 6 (1982): 405-407; Robert R. Dykstra, *Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier*, (Cambridge: Harvard University Press, 1993), 25. These works combine to give a complete account of the origin of Iowa’s black codes.

Iowa's House Judiciary committee described the black code precisely in these terms as: "essential to the protection of the white population, against an influx of runaway slaves and out-cast blacks, from adjoining States."¹⁵³

Of course there were blacks within the territory as well. The 1840 census listed 172 "free colored persons" along with sixteen slaves in Dubuque.¹⁵⁴ Consequently, blacks were limited in a number of other ways. They could not vote, serve in the militia, serve on a jury, or received public assistance to relieve poverty.¹⁵⁵ Attendance at common schools was "free for every class of white citizens between the ages of five and twenty-one years."¹⁵⁶ Marriages of "white persons with negroes or mulattoes," were declared "illegal and void."¹⁵⁷ As late as 1855, the principle that blacks could not serve as witness in a case that involved a white person was upheld by the argument that blacks, "this unfortunate portion of our population" were a dependent class and thus a burden "upon white persons."¹⁵⁸

Slaves were not merely owned by a random collection of lawless Southerners. Rather, slaves were owned by the highest level of public servants including governor John Chambers of Kentucky who arrived in 1841 with slaves, as did the secretary O. H. W. Stull of Maryland. One observer from Illinois wrote that the Burlington offices of the Territorial Government contained, "'seven or eight colored people' who were flogged, otherwise treated as slaves, 'and kept in profound ignorance of the fact that,

¹⁵³ *Iowa House Journal* (1841/42), 224, in Dykstra, "White Men, Black Laws," 425.

¹⁵⁴ Acton and Acton in Silag, 65; The last recorded slave to enter the territory appears to be in 1852 when a man named L. P. Allen brought two slaves into Iowa for a year, Gallaher, 160.

¹⁵⁵ Acton and Acton in Silag, 62.

¹⁵⁶ *Laws of the Territory of Iowa 1838-1839*, 191-192, in Arnie Cooper, "A Stony Road: Black Education in Iowa, 1838-1860," *Annals of Iowa*, Vol. 48, No. 3-4 (1986): 114.

¹⁵⁷ *Revised Statutes of the Territory of Iowa, 1842-43*, (Iowa City: Hughes & Williams, 1843), 295, in Acton and Acton, 32.

¹⁵⁸ *Motts v. Usher*, 2 Clarke 82, 83-84 (Iowa 1855), in Acton and Acton, *To Go Free*, 75.

when they touched the soil of Iowa[,] they were *free*.”¹⁵⁹ In 1840, reports that a black man called Nat Morgan was lynched by a white mob circulated through the territory. The white perpetrators who accused Morgan of stealing a trunk were acquitted.¹⁶⁰ Yet given the attitudes of the population and the history of black codes throughout the north, these laws represented the natural order for most Iowans. Despite the existence of an abolitionist movement located mainly around the religious societies in eastern Iowa, territorial policymakers were almost united in their belief in the inferiority of the black person and the need to exclude blacks from all participation in republican institutions.¹⁶¹

Given the relative ease with which these black codes were adopted, it is hard to characterize them as the crucial issue in Iowa’s territorial politics. Instead, the only real disturbance during the territorial period involved a border dispute that almost turned into a war with Missouri. The conflict had its roots in the marking of the boundaries of the 1808 Treaty with the Osage. Like the 1832 Black Hawk Purchase, the Osage Treaty made it clear that the American Indians were responsible for the hardships of the white immigrants. The purpose was explicitly about allowing for the expansion of white settlements, as the Treaty was designed, “with a view to quiet the animosities which at present exist between the inhabitants of the territory of Louisiana, and the Osage nations, in consequence of the lawless depredations of the latter.”¹⁶²

¹⁵⁹ Dykstra, “Dr. Emerson’s Sam,” 54.

¹⁶⁰ Dykstra, “Dr. Emerson’s Sam,” 57.

¹⁶¹ Dykstra gives a detailed account of the activities of the abolitionist movement in Iowa in *Bright Radical Star* as well as “White Men, Black Laws.”

¹⁶² “Treaty with the Osage,” November 10, 1808, <http://www.firstpeople.us>

For a combination of reasons, mostly the War of 1812 and the immediate lack of white immigrants, the border stipulated in the Osage Treaty remained unmarked until 1816 when John C. Sullivan ran a line that he believed to be due east as the treaty called for, but was in fact two and a half degrees northeast.¹⁶³ The crooked nature of the Sullivan line was not an issue until after the influx of settlers following the Black Hawk War. Consequently, Missouri resurveyed the line under the direction of Joseph C. Brown. Brown, however, believed that the “rapids of the river Des Moines,” – a Northern corner of Missouri as defined in Missouri’s Constitution – were sixty-three miles farther north than Sullivan believed. According to the Brown line, Missouri was entitled to an extra 2,616 miles of land.¹⁶⁴ This was not a trivial matter. The extra land was both high quality soil and an area in which slaves could be sent. Consequently, on February 16, 1839 Missouri passed a law extending their northern border to the Brown line.¹⁶⁵

Iowans living near the disputed boundary met Missouri’s actions with disdain. The residents of Van Buren County informed Iowa’s Governor Lucas, “the [Missouri] authorities have, against the will and wishes of the *people*, assessed their property, and endeavored to ascertain their views in relation to slavery.”¹⁶⁶ The dispute reached its climax after Iowan’s arrested Missouri Tax Collector Uriah S. Gregory.¹⁶⁷ Governor Lucas reported to the Congress “the State of Missouri has, at present,

¹⁶³ “The State of Missouri Complainant v. The State of Iowa Respondent; The State of Iowa Complainant v. The State of Missouri Respondent,” The Supreme Court of the United States. 48 U.S. 660; 12 L. Ed. 861. Decided March 13, 1849; United States Serial Set. 26th Congress, 1st Session. House of Representatives Report No. 2. February 4, 1840; Caroll J. Kraus, “A Study in Border Confrontations: The Iowa-Missouri Boundary Dispute,” *Annals of Iowa*, Vol. 40, No. 2 (1969): 82.

¹⁶⁴ Kraus, 82-84.

¹⁶⁵ Kraus, 86.

¹⁶⁶ United States Serial Set. 26th Congress, 1st Session. Senate Document No. 4. December 21, 1839.

¹⁶⁷ Kraus, 91; Acton and Acton, *To Go Free*, 23-24.

assumed a truly menacing attitude.”¹⁶⁸ Although both Iowa and Missouri had called their militias to the border, fighting was averted despite rumors in parts of Iowa that Missourians had burned down a house and killed two children in the territory.¹⁶⁹ The dispute remained unsettled until 1851 when, under orders from the Supreme Court, the Sullivan line was officially remarked as the border between Iowa and Missouri.

Two conclusions can be drawn from the border controversy that reveal the extent to which nonwhites were both essential to and excluded from the origins of Iowa. First, although slavery is only mentioned once in the multitude of documents Governor Lucas submitted to the President and Congress, it is not an exaggeration to say that the fear that Iowa would become a slave territory was partially responsible for the animosity between Iowa and Missouri. Iowa’s Congressional delegate Augustus Dodge, himself an ardent supporter of slavery in the South, told Congress that Iowa’s citizens were upset precisely because “they were about to be brought within the jurisdiction and laws of a State in which they had not intended to settle, and in which, on account of their repugnance to the institution of domestic slavery.”¹⁷⁰

Even though territorial Iowans viewed the South with sympathy, all knew and most obeyed the laws that prohibited slavery in Iowa. Those southern immigrants to Iowa were not leaving the South for more slavery; instead, we can speculate that they went to Iowa precisely for the fertile land and in many cases to escape the presence of blacks altogether. Combined with the black codes that severely restricted

¹⁶⁸ United States Serial Set. 26th Congress, 1st Session. House of Representatives Document No. 97. February 12, 1840.

¹⁶⁹ Kraus, 91.

¹⁷⁰ *Appendix to the Congressional Globe*, 27th Congress, 2nd Session, 943.

the entrance of blacks into the territory, the white settlers in southern Iowa were partially motivated in their resistance to Missouri's incursions by the fear of living in a society in which blacks would constitute a substantial portion of the population.

Second, the border controversy reveals the extent to which the boundaries of Iowa, that is the very definition of the territory, were predicated on the removal of American Indians. Governor Lucas made this clear when he told the President that, "we consider ourselves bound to exercise jurisdiction to the line commonly known as the old Indian boundary line."¹⁷¹ When in 1849 the Supreme Court finally ruled that the boundary was the Sullivan line it did so on the basis of this argument. "There are, in all, fifteen Indian treaties referring to the Osage boundary of 1816, as run by Sullivan, each of which recognizes that boundary as the Missouri State line," the Court declared. "They must be taken as recognitions, on the part of the general government, that the Missouri boundary and the old Indian boundary are identical."¹⁷²

The boundary line between Iowa and Missouri remained an important issue in the territorial and early-statehood periods of Iowa. That it was fixed at the "old Indian boundary" reveals the extent to which the southern border of Iowa was based entirely on the removal of American Indian through treaties. Nevertheless, white Iowans were incapable of thinking that American Indians had a role in the civic life of the territory. Like blacks they were completely excluded from participation in political life. Until 1851 a substantial part of Iowa was still designated as Indian land, and was populated by American Indians who lacked the ability to participate in the institutions ostensibly designed to "protect" them. Even though the American Indian nations in the territory,

¹⁷¹ United States Serial Set. 26th Congress, 1st Session. Senate Document No. 35. January 3, 1840.

¹⁷² "The State of Missouri Complainant v. The State of Iowa Respondent; The State of Iowa Complainant v. The State of Missouri Respondent," 48 U.S. 660; 12 L. Ed. 861.

and later the state, were present throughout much of the land, many white policymakers thought of them as nothing more than “half-breeds” and “savages,” incapable of understanding or encapsulating the virtue inherent in the white man.¹⁷³

While in the midst of the border dispute, Governor Lucas repeatedly voiced the argument that since Iowa was still a territory, Missouri was actually involved in a dispute with the United States Federal Government. Although the argument failed to resonate with policymakers in Washington, Governor Lucas hoped to alleviate the situation in 1839 by proposing a Constitutional Convention to draft and submit a Constitution to Congress so that Iowa could join the Union as a state. Governor Lucas’s rhetoric mimicked that of Floridians:

When we consider the rapidly increasing population, and advancing prosperity of the Territory...when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs...the preponderance is much in favor of State Government.¹⁷⁴

While many arguments in favor of the Convention were voiced, including that if Iowans hesitated to form a state then Wisconsin would be joined with Florida and Iowa would have to wait for another slave state, Lucas perhaps overstated Iowans’ eagerness.¹⁷⁵ In 1839, Iowans’ overwhelmingly rejected the idea of a convention by a vote of 937 in favor and 2,907 against on the grounds that a state government would be forced to raise taxes in order to pay the salaries of public officials.¹⁷⁶

¹⁷³ United States Serial Set. 27th Congress, 2nd Session. House Report No. 791, May 26, 1842.

¹⁷⁴ “Governor Lucas: Second Annual Message,” November 5, 1839, in Acton and Acton, *To Go Free*, 52.

¹⁷⁵ James, 14-15.

¹⁷⁶ *Iowa City Standard*, Vol. I, Nov. 27, 1840, in James, 13-14; Federal Writers Projects Iowa, *Iowa: A Guide to the Hawkeye State*, (New York: The Viking Press, 1938), 50.

By 1844 however, Iowans' were ready for a Constitutional Convention. Iowa's population had continued its steady rise, now at 75,000 up from 43,000 in 1840 and therefore met the terms of the Northwest Ordinance.¹⁷⁷ The territory's political climate at the time of the Convention was reflective of the success of the Jacksonian Democrats. The Democrats were successful in Iowa on the basis of what Robert Cook has termed a policy of "negative government and free market economics." That is, Democrats were anti-bank while nevertheless supporting railroad development in a land that required railroads to transport agrarian commercial goods. The Whig Party, only in Iowa from 1840-1855, was never able to shed its national image of socially conservative elitists. Coupled with an economic platform that failed to resonate with the agrarian nature of the territory, the Whigs were unable to translate their ideas into electoral success.¹⁷⁸

Race was ever present in the debate between Whigs and Democrats. The Whigs, more paternalist than overtly "Negrophobic" in their views, were inclined to allow wider participation in republican institutions in the United States. Democrats were successful in Iowa because, as Cook argues,

Their emphasis on spatial rather than qualitative economic expansion, confident assertions of American nationalism, and glorification of white republic appealed more to pioneering folk than the Whigs' constant harping on the need for government-aided economic growth.¹⁷⁹

Given the conflict between Democrats and Whigs nationally, it should come as no surprise that in Iowa's 1844 Constitutional Convention these tensions, especially over racial mixing, nonwhite political participation, and banking, were central to debate.

¹⁷⁷ Acton and Acton, *To Go Free*, 24.

¹⁷⁸ Cook, 93-99.

¹⁷⁹ Cook, 101. Cook uses the terms paternalist and "Negrophobic" on 95-96 to explain the platforms of the political parties.

Out of the seventy-two delegates that met in Iowa City for the Convention, fifty-one were Democrats. The number of southern born men outnumbered Whigs twenty-six to twenty-one. Of the other forty-six delegates, forty-three were from either the Northeast or Midwest with one each from Scotland, Ireland, and Germany. Thus, as Arnie Cooper summarizes: “white men with southern, Democrat, and conservative sympathies had opportunities to dominate the convention.”¹⁸⁰ One delegate, Mr. Fletcher, made his devotion to the Democratic Party’s ideological father explicit telling the Convention “he was pledged to have engrafted on the Constitution true Democratic Jeffersonian principles.”¹⁸¹ The draft of the Constitution reflected the principles of the majority. However, it is nevertheless instructive to see precisely how a white republic was created through the debates of the Convention.

The debate over black suffrage and the rights of blacks in the territory was the most discussed and contentious issue in the Convention. While banking, direct election of judges, daily prayer, and boundaries were also controversial, none carried the same level of intensity as the debates over the rights of black people. Motions concerning black suffrage were constantly tabled throughout the Convention so that other issues could be decided prior to this debate. As a result, early in the Convention it was agreed that a committee of thirteen would be created to deal explicitly with the question of black suffrage. Not content that the committee would be limited in scope, Mr. Galbraith successfully offered a resolution instructing the committee to inquire

¹⁸⁰ Cooper, 117.

¹⁸¹ Benjamin F. Shambaugh ed., *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846 along with Press Comments and Other Materials on the Constitutions of 1844 and 1846*, (Iowa City: The State Historical Society of Iowa, 1900), 37.

into the expediency of excluding all persons of color from the state or admitting them only under sever restrictions.¹⁸²

Mr. Galbraith's resolution was not unique to northern states. Although delegates in both Michigan and Pennsylvania had debated a similar resolution, in Iowa the proposal garnered more attention than either of these states.¹⁸³ Of course, not all of the delegates supported Mr. Galbraith's proposal. Both Mr. Lucas and Mr. Bailey made it clear that they were not abolitionists, but that slavery was a "moral and political evil" that should be kept out of Iowa.¹⁸⁴ Nevertheless, the committee of thirteen released a report revealing the extent to which only white men would have a role in state government.

The report was premised on the notion that while God created all men the same in the abstract, once people interacted in society it was clear that some were destined to dominate. Those who had proven to be the most virtuous, the most republican, the white Anglo Saxon, would be the rulers.¹⁸⁵ Assuming "that the two races could not exist in the same government upon an equality without discord and violence," the report declared that only the white man was capable of preserving republican institutions.¹⁸⁶ "Tis the *white* population, who are about to form a government for themselves," the report declared. "No negro is represented in this convention and no one proposes to become a member of the compact... The negro,

¹⁸² Shambaugh, 33.

¹⁸³ Dykstra, *Bright Radical Star*, 52.

¹⁸⁴ Shambaugh, 27-28.

¹⁸⁵ Francis Newton Thorpe, *Constitutional History of the American People*, Vol. II: 250-251, in James, 19-20.

¹⁸⁶ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*. Iowa City: Jessee Williams, 1845, 54, in Acton and Acton in Silag, 65.

not being a party to the government, has no right to partake of its privileges.”¹⁸⁷ To preserve public virtue, the report argued, only those who actively participated in the polity could have a say. Since only white men were deemed fit for such a task, their opinion was the only one that mattered.

In addition, black immigration to Iowa was linked directly with the question of republican institutions. Arguing for the necessity of immigration restrictions on blacks, the report argued:

The policy of other States would drive the whole black population of the Union upon us. The ballot-box would fall into their hands, and a train of evils would follow, that, in the opinion of your committee, would be incalculable...The injustice to the white population would be beyond computation.¹⁸⁸

Any black participation, the report suggested, would cause such great harm to the white people of Iowa that it had to be prevented. If black people had a say, the delegates argued, they would be unable to place the public good ahead of the interests of their “race.” This meant that nonwhites were not only unable to participate in the polity, but also had to be excluded from the land to the extent that it was Constitutionally possible.

Some attempts, however, were made to give blacks rights of citizenship. Mr. Ross consistently presented a resolution asking for blacks to be given rights of citizenship. His resolution, however, was repeatedly laid on the table.¹⁸⁹ In contrast to Mr. Ross, the most widely debated resolution of the Convention offered by Mr. Gehon stated: “Resolved that the Legislature shall never entertain petitions to allow

¹⁸⁷ Francis Newton Thorpe, *Constitutional History of the American People*, Vol. II: 250-251, in James, 19-20.

¹⁸⁸ Jesse Williams, ed., *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, (Iowa City, 1845), 54-55, in Dykstra, *Bright Radical Star*, 57.

¹⁸⁹ Shambaugh, 109.

negroes the rights of suffrage.”¹⁹⁰ Debate on Mr. Gehon’s resolution revealed a number of competing views about the rights of blacks in Iowa. Like Mr. Gehon, Mr. Langworthy argued that his constituents wanted blacks excluded from the state. “They said –Slave, or no negro [sic]... We were upon the borders of a slave state, and if we had not something to keep them out, we should have all the broken-down negroes [sic] of Missouri overrunning us,” Langworthy argued.¹⁹¹

Consistent with his anti-abolitionist but anti-slavery views, Mr. Lucas argued that the Convention should say nothing about black immigration into Iowa.¹⁹² Mr. Bailey, however, differed. He argued in support of the resolution, stating, “the people of Iowa did not want negroes swarming among them.”¹⁹³ The most persuasive argument was voiced by Mr. Grant, who argued that if the Convention included a provision excluding blacks from the state Congress would not admit Iowa into the Union. Mr. Grant’s argument had enough force to sway the majority of delegates who rejected Mr. Gehon’s resolution by a vote of thirty-five to thirty-two.¹⁹⁴

Like the nation more generally, Iowa’s politicians viewed blacks in three competing ways. The southern portion of the delegates, such as Mr. Langworthy, thought blacks only role in the country should be that of slaves. The anti-slavery advocates, like politicians throughout the north, were split. One side, advanced by Mr. Ross argued that blacks should have the same rights as whites throughout. The other argument, personified in Mr. Lucas argued that slavery was simply the domestic institution of the south that as long as it remained in the south, was no problem for the

¹⁹⁰ Shambaugh, 123.

¹⁹¹ Shambaugh, 155.

¹⁹² Shambaugh, 155.

¹⁹³ Shambaugh, 155.

¹⁹⁴ Shambaugh, 155.

United States. These positions, all seemingly irreconcilable, found their resolution in the political expediency represented by Mr. Grant's argument that what mattered most was continued westward expansion and the admission of new states. Not surprisingly, these arguments were the same as those advanced on the floors of Congress when the admission of Iowa and Florida were debated.

Admission to the Union was not, however, so simple. While the delegates approved the Constitution and sent it to Congress along with a memorial asking to be admitted as a state, the people of Iowa had not yet voted on the merits of the Constitution. Without the approval of the people Iowa would remain a territory, even if Congress admitted Iowa into the Union as a state. Despite the prudent warnings of *The Iowa Capital Reporter* that if Iowan's were to reject the Constitution Wisconsin would enter with Florida and Iowa would be forced to wait in "colonial servitude," Iowan's rejected the Constitution.¹⁹⁵ The reason was not anything in the Constitution itself, but that Congress had significantly shrunk the borders of the state in order to make room for more northern free states that could be paired with the potential slave states to be carved out of soon to be annexed Texas. It was clear to Congressional delegate Augustus C. Dodge that the north was to blame for reducing Iowa's borders. Dodge told Iowan's that northern Congressmen had a "fixed determination" to reduce the size of the state, whereas southern Congressmen were entirely in favor of the borders as proposed.¹⁹⁶ Dodge's argument was clear to territorial Iowans; the South best protected Iowa's interests.

¹⁹⁵ *The Iowa Capital Reporter*, Vol. IV., No. 8, March 29, 1845, in Shambaugh, 230-231.

¹⁹⁶ Silbey, 296.

Within a year, however, Congress was willing to reconsider the location of Iowa's borders. With Congress willing to increase the size of the state, another Convention was held in Iowa City in May 1846. This time, however, only thirty-two delegates were chosen. Like 1844, two-thirds were Democrats. The Convention lasted on sixteen days and produced a document that was, with the exception of different borders and more hostility to banks, "generally speaking, a copy of the Constitution of 1844."¹⁹⁷ Despite some attempts in Congress to again decrease the borders, the people of Iowa accepted the Constitution by a 456-vote margin, 9,492 in favor and 9,036 against.¹⁹⁸ All that was left was for President Polk to sign the bill admitting Iowa as the twenty-ninth state, which he did on December 28, 1846.¹⁹⁹

Iowa's path to statehood was rather straightforward. With the exception of the voters rejecting the 1844 Constitution, there were very few bumps in the road. Iowa's policymakers understood that in order to become a state, a white republic would have to be formed. Even if slavery had to be outlawed, blacks would be unable to participate in any way in the territory. The boundaries, defined explicitly by the removal of Indians, were set in a way to ensure that Iowa would forever have enough fertile soil to continue in the Jeffersonian vision of a white agrarian republic. Not until the introduction of the Kansas-Nebraska Act, ardently supported by now Senator Dodge who argued that, "the idea of amalgamation of those two races in the United States of America is utopian in the extreme, and I think wicked and disgraceful," did the Democrats lose power in Iowa.²⁰⁰ Until 1854, it was not an exaggeration for John

¹⁹⁷ James, 33.

¹⁹⁸ Acton and Acton, *To Go Free*, 24.

¹⁹⁹ Acton and Acton, *To Go Free*, 24.

²⁰⁰ Silbey, 304

Greenleaf Whittier of the *National Era* to declare “Iowa is now, and has been from the outset...to all intents and purposes, a slave state.”²⁰¹ Even in 1857, Iowa’s voters approved a Republican drafted Constitution by slim margins but overwhelmingly rejected black suffrage by a vote of 49,267 to 8,489.²⁰² A “free” state in name only, but a state nonetheless.

²⁰¹ Washington *National Era*, July 27, 1854, in Silbey, 309.

²⁰² Carl Erbe, “Constitutional Provision for the Suffrage in Iowa,” *Iowa Journal of History and Politics* Vol. 22 (April, 1924): 206, in Silbey, 314.

IV: The Development of a Racial Republic

“There is an opposition of us against them with multiple overlapping dimensions: European versus non-Europeans (geography), civilized versus wild/savage/barbarians (culture), Christian versus heathens (religion). But they all eventually coalesced into the *basic* opposition of white versus nonwhite.”²⁰³

-- Charles W. Mills

“Your fathers and my fathers built this government on two ideas: the first is that the white race is the citizen, and the master race, and the white man is the equal of every other white man. The second idea is that the Negro is the inferior race.”²⁰⁴

-- William L. Yancey

So how did republican institutions come to be organized on the basis of race? To answer such a question first requires acceptance of the fact that republican political theory in the United States never claimed to uphold universal equality. When Jefferson wrote, “all men are created equal,” he meant equal only in the sense that they were all created by God. Nevertheless, with these words he ordained distinctly modern idea: sovereignty rests in the people. Who such people were, however, was a matter of interpretation; and for the revolutionaries, the people were a collection of property owning free people, almost exclusively white men. From its outset, therefore, the people never meant everyone. As a result, the revolutionaries designed a government so that only a select few would participate. Nevertheless, the understanding of who these few were had to be revolutionized because for the people to be sovereign meant that the right to rule could no longer be based on nobility or aristocracy by birth, but on the basis of the individual’s virtue.

For the modern observer, these problems seem far removed. We look at the United States as the most powerful nation on earth with limitless capabilities, and

²⁰³ Charles W. Mills, *The Racial Contract*, (Ithaca: Cornell University Press, 1997), 21.

²⁰⁴ Extracts from a speech by Yancey in Boston, October 12, 1860, in the *Liberator*, October 26, 1860, in Fredrickson, 61.

many of us like to think that our past wrongs of race and gender discrimination have disappeared. Yet we fail to understand that the very institutions that define us are built on the basis of discrimination. In fact, it was only through discrimination, the founders believed, that popular sovereignty could be maintained. Whiteness, the most powerful form of exclusion in the United States, evolved to become the basis for this “positive” (essential to the existence of the polity) discrimination. The first three chapters of this work have attempted to trace both generally and specifically the way in which westward expansion and state creation was premised on the settlement of white people. That is, race became the way in which participation in the United States of America was defined.²⁰⁵ Thus, this chapter will attempt to answer two questions: how was it that race became the dominant organizing principle of the United States and why?²⁰⁶

The answer lies in the intersection of racial theory, republican ideology, the rise of democratic discourse among all classes of white men, contact with nonwhite peoples, and westward expansion. Given that republics were defined by exclusion of the corrupt, the generations following the Revolution would have to determine the

²⁰⁵ More accurately, it was the accumulation of white men that would form the basis for states. Thus, it is important to remember that women were also excluded from participation in civic life. The distinction to keep in mind, however, is that white women were seen as essential to civic life because they would help prevent male vices from overpowering society – thus emerged a notion of Republican Motherhood. It was only nonwhites that were excluded on the basis of a physical trait. Whereas white women were an integral part to the formation of proper society, nonwhites were seen as dangerous, capable of causing the entire experiment to fail. See the work of Linda Kerber, “The Republican Mother: Women and the Enlightenment-An American Perspective,” *American Quarterly*, Vol. 28, No. 2 (Summer, 1976): 187-205.

²⁰⁶ This thesis has avoided using the term American in any context that does not refer to the Americas writ large. While almost all literature refers to the 1776 Revolution as the American Revolution, we should keep in mind that the phrase is hardly neutral. John Murrin voices this argument more thoroughly, noting that Canadians explicitly rejected the label American in the post-revolutionary period. Murrin, 2.

basis for citizenship.²⁰⁷ The Whig republican tradition in England from which the revolutionary generation garnered many of their ideas, known in historiography as the country in opposition to the court, taught that virtue was a direct reflection of property. To hold property became the standard for a virtuous, and therefore republican, person. In the United States, however, this standard for assigning virtue underwent a change away from property and to an innate characteristic that we now know as race. The previous chapters have explained how the process of westward expansion largely initiated this shift, but did not explain the intellectual grounds that allowed this shift to take place. That is the goal of this chapter.

The Revolution against the Crown required the revolutionary generation to formulate an entirely new identity. Thomas Paine made this clear in 1782, when he told Abbé Raynal, “we are now really another people.”²⁰⁸ A revolution really had occurred. Instead of a government in which power was legitimized through heredity, it was now based on the sovereignty of a select group of people. They were no longer British subjects, but United States citizens. As Gordon Wood argues:

The Americans had come to believe that the Revolution would mean nothing less than a reordering of eighteenth-century society and politics as they had known and despised them—a reordering that was summed up by the conception of republicanism.²⁰⁹

²⁰⁷ Linda Kerber’s defines citizenship in the following way: “Citizenship involves claims of rights, notably suffrage but also the right to pursue happiness and to be free of constraints. It involves a wide range of civic obligations, among them patriotic loyalty, the payment of taxes, and service on juries and the military.” See Linda K. Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” *The American Historical Review*, Vol. 97, No. 2 (Apr., 1992): 350. Importantly, she notes that women were citizens in this sense, and some single women even paid taxes.

²⁰⁸ Thomas Paine, *Letter to the Abbé Raynal* in Philip S. Foner, ed., *the Complete Writings of Thomas Paine* (New York, 1945) II, 244, in Gordon S. Wood, *The Creation of the American Republic 1776-1787*, (Chapel Hill: The University of North Carolina Press, 1969), 48.

²⁰⁹ Wood, 48.

A revolution for republicanism was, in many senses, a conservative idea. In part, this had to do with the revolutionary's fear of democracy, an idea they equated to mob rule. But more importantly they believed that in order to sustain a republic they would have to remain free from the very lifestyle of the British political system. Therefore, to remain republican, the United States and its citizens would have to avoid historical progress that ended the decadence and corruption of the British monarchy.

Scottish Enlightenment theories had taught the revolutionary leaders that social transformation went through four distinct phases, delineated by economic systems, that corresponded to higher forms of civilization: hunting, pasturage, agriculture, and commerce.²¹⁰ As societies changed in this theory, so did the morals of the people ranging from savage to civilized. Britain best embodied such a commercial society. Commerce, however, was a mixed blessing. While it represented the highest stage of development, it was also most prone to slip into decay as a result of luxury and excess. According to George Mason:

If virtue is the vital principle of a republic, and it cannot long exist, without frugality, probity and strictness of morals, will the manner of populous commercial cities be favorable to the principles of our free government? Or will not the vice, the depravity of morals, the luxury, venality, and corruption, which invariably prevail in great commercial cities, be utterly subversive of them?²¹¹

The answer hardly needs to be stated. It was luxury that begot corruption and dependence, the very things that the revolutionary generation believed would doom

²¹⁰ McCoy, 19, taken from Ronald L. Meek, *Social Science and the Ignoble Savage*, (Cambridge: Cambridge University Press, 1976).

²¹¹ Robert A. Rutland, ed., *The Papers of George Mason, 1725-1792*, (Chapel Hill: The University of North Carolina Press, 1970) II, 862, in McCoy, 16.

their republic. The solution was to avoid commerce completely. As Dorothy Ross writes,

Americans assumed a position somewhere between the agrarian and commercial stages of development and concluded that republican institutions and their huge reservoir of land insured an agrarian basis and republican progress virtually in perpetuity. American would progress, but unlike the nations of the past, it would not grow old. American republicans turned Smith's historicist account of stages of progress into a vision of how America could escape historical change.²¹²

For the United States to remain a republic it would have to avoid the corruption of commerce and remain a virtuous agrarian society so that "an extraordinary society of distinctively moral people," could flourish.²¹³

How, then, to construct the republic? If all people were allowed to participate, including those who were dependent on others, then corruption would set in.

According to Benjamin Franklin, it was only by remaining in the "youthful stage of agriculture" that the "poverty, inequality, dependence, and misery" would be prevented.²¹⁴ The United States would be revolutionary precisely because it would not advance into commerce, but would remain agricultural.²¹⁵ If every person owned a farm and could work the land without interference, then commercial luxury would never reach the United States and the country would remain virtuous enough for a republic to succeed. It is precisely for this reason that Jefferson defined "those who [labor] the earth [as] the chosen people of God."²¹⁶

²¹² Dorothy Ross, *The Origins of American Social Science*, (New York: Cambridge University Press, 1991), 23.

²¹³ McCoy, 49, 5.

²¹⁴ McCoy, 51.

²¹⁵ McCoy, 237.

²¹⁶ McCoy, 13.

Republics were therefore tricky institutions. To succeed they would require not only the utmost attention from all members, but those members would also have to live a virtuous lifestyle. “It is the manners and spirit of a people which preserve a republic in vigour,” Jefferson wrote.²¹⁷ Unlike democracies in which all people participated and the public good would be corrupted by the participation of the non-virtuous in the form of factions and special interests, republics were exclusive bodies. A republic would stave off factions because it would pass public opinion “through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”²¹⁸ As Harry Watson explains, “republican government would thus have democratic features, but the possible excesses of direct democracy would be firmly limited by the power of a stable and enlightened gentry.”²¹⁹ Only a select number could exercise the rights of a citizen, those who were capable of allowing their individual passions to be trumped in the name of the public good (*res publica*). This was what it truly meant to be virtuous, to be able to place individual interest to the will of the public.

At the time of the revolution these select few were determined primarily on the basis of property. Enhanced by a theory of progress that was based on economic development, the majority of the revolutionary thinkers believed that individual land ownership was the requirement for a person to be virtuous. Land ownership was what ensured that each individual would be self sufficient enough to recognize that his or

²¹⁷ Thomas Jefferson, *Notes on the State of Virginia*, “Query XIX,” in J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, (Princeton: Princeton University Press, 1975), 533.

²¹⁸ Publius, “No. 10: The Same Subject Continued,” in Rossiter, 77.

²¹⁹ Watson, 6.

her individual position would be enhanced if the common good were constantly improved. This was the great contribution to republican theory made by the Whig country opposition in England. Embodied in the work of James Harrington, this theory of republicanism based civic participation on property. J.G.A. Pocock argues that was the Anglo-American contribution to the idea of republican theory. He writes, “this declared that the individual as citizen might be known by the autonomy of his participation in politics, but it was peculiarly concerned with the material basis of that autonomy.”²²⁰ In this way, the land to the west was crucial to the success of the nation. As Pocock writes,

An infinite supply of land, ready for occupation by an armed and self-directing yeomanry, meant an infinite supply of virtue, and it could even be argued that no agrarian law was necessary; the safety valve was open, and all pressures making for dependence and corruption would right themselves.²²¹

Property was the key to ensuring that the “ethos of extreme personal autonomy” required for a virtuous citizenry would be maintained.²²² To quote Pocock again, “the function of property is to guarantee the citizen his independence. The dependence from which it must save him is the political dependence upon others which constitutes corruption.”²²³ Sir William Blackstone best enunciated such a theory: “the *true* reason of requiring any qualification, with regard to property, in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own.”²²⁴ Given the theory of historical change, it was thought that only property owning people could truly make society progress. The west was central to

²²⁰ J.G.A. Pocock, *Politics, Language, and Time: Essays on Political Thought and History*, (New York: Atheneum, 1973), 90-91.

²²¹ Pocock, *Machiavellian Moment*, 535.

²²² Pocock, *Politics, Language, and Time*, 90.

²²³ Pocock, *Politics, Language, and Time*, 92.

²²⁴ Sir William Blackstone, *Commentaries on the Laws of England*, facsimile of the first edition of 1765-1769, vol. 1 (Chicago and London, 1765), 165, in Keyssar, 10.

this understanding from the outset as it provided a place that ostensibly all people could attain the property required for civic participation.

But grounded in popular sovereignty, participation in the polity was to be based on merit. The idea of an aristocracy had been fundamentally restructured away from inherited wealth because inherited wealth said nothing about the virtues of the inheritor. In order to accommodate this shift to merit, a new understanding of the origins of virtue had to be developed. It is from this paradigm that race became significant in the ordering of the polity. Race emerged as the central way in which republican citizens would be set apart from the rest. As we have seen, by the Jacksonian period, whiteness was the innate characteristic on which republican people would be distinguished as expansion, war, science, and myth indicated to white policymakers that it was only their race that could be republicans.

At the time of the Revolution of 1776, however, race was not understood in the same way that it is following the rise of the biological sciences. To fully comprehend the magnitude of the shift from virtue based in property to virtue as an innate characteristic requires an understanding of the emergence of race as an intellectual theory. Ivan Hannaford's work *Race: The History of an Idea in the West* has made perhaps the largest contribution to this field of inquiry. Hannaford's thesis is that race came to replace the political as a way of conceptualizing society in the West. That is, race, in the modern sense, did not have to be an organizing principle, but came to be considered legitimate over the course of an evolution in intellectual thought beginning in the thirteenth century and lasting until the twentieth.

As Hannaford demonstrates, modern authors have written race into their understandings of Greco-Roman society. Rather, when the idea of a republic was first formulated, the idea of race was largely irrelevant. The ancient Greeks and Romans made the distinction between citizens and non-citizens on the basis of political participation, what Hannaford and others have termed politics *qua* politics. The citizens were those who used their intellect and reason to participate in associations with others to make decisions through the polis. Citizens, to borrow the phrase of Pocock, “had mastered the politics of time.”²²⁵ That is, they had made the choice to participate in temporal affairs to advance the public good.

In contrast to the citizens were the barbarians, in Greek *barbaroi*, a person who did not speak Greek. Barbarians were therefore those who did not participate in politics. Instead, they were content to let their passions dictate their decisions. As a result, barbarous people were defined as only interested in their own pursuits, unable to live for the benefit of the public good. As Hannaford writes:

The barbarous state and the political state are distinguished on the basis of their capacity to exercise reason in the pursuit of human excellence beyond the limitations set by the declared judgments of the forebears (*themis*) or the customs and laws of primitive society.²²⁶

Citizenship, then, was not conditioned by the belief system of race. Hannaford continues, “the political idea involved a disposition to see people not in terms of where they came from and what they looked like but in terms of membership of a public arena.”²²⁷ Conceptions of racial identity existed, but they were only important

²²⁵ Pocock, *Politics, Language, and Time*, 86.

²²⁶ Ivan Hannaford, *Race: The History of an Idea in the West*, (Baltimore: The Johns Hopkins University Press, 1996), 21.

²²⁷ Hannaford, 12.

on an individual level. Instead, the distinction could be better placed as free against servile. As a result, barbarians were not a racial category.²²⁸

Hannaford identifies the origins of modern racial identity in the interactions in Spain between Jews, Christians, and Muslims. The three major monotheistic religions present in the West during the Middle Ages certainly had differing conceptions of proper behavior. Nevertheless, until around 1200 when Maimonides began to adopt Aristotelian ideas in a religious framework, societies were organized religiously. Spain, Hannaford argues, was the best example of this as it brought together the three religions in a society organized on the basis of religious affiliation, not race. However, the interaction between the religious groups, sometimes tolerant other times violent, required each group to construct a narrative rationalizing the exclusion of the nondominant groups. While this narrative was constructed along religious lines, it was grounded in ideas of conversion and descent.

The emergence of a class of people who had *no* legitimate genealogy—the *converses* and the *marranos*—raised very real questions about their place in the order of things and their relationship one to another... The ancient genealogies based upon exegesis from religious texts were becoming factionalized, and the search began for new accounts of descent and generation and for more convenient recipes for the right ordering of human affairs.²²⁹

Thus emerged a discourse of *limpieza de sangre*. Based on the thinking of Maimonides who was the first to define unreligious people as beyond rationality, the Inquisition codified the idea that the cleanliness of one's blood marked one's social status.²³⁰ Combined with Cabalist and Hermetic interpretations of Jewish genealogy

²²⁸ Hannaford, 47.

²²⁹ Hannaford, 121.

²³⁰ Hannaford, 112.

that studied physical traits and demonic influences, it became possible to divide humans on the terms of blood and physical appearance.²³¹

More than anything else, however, the voyages of “discovery” and encounter that required interactions between white European and nonwhite indigenous peoples, initiated the shift away to race. As Hannaford writes,

Above all, what astonished the discoverers and reformers was the contrast between known public ways of governance and what appeared to be the barbarity, brutishness, and viciousness of private existence in realms bereft of all recognizable and legitimate public dimensions and showing few familiar signs of civility and letters.²³²

Along with the Reformation that allowed people to search for alternatives to Catholicism, contact with nonwhite peoples who were observed as less civilized raised a series of questions for European thinkers. Race consciousness thus first emerged as a result attempts by thinkers such as Jean Bodin, Francois Hotman, and Raphael Holinshed, “to connect a conception of a noble and ecclesiastical society with notions of purity of blood and race.”²³³ For these thinkers, humans were divided and the origins of the civilized human had to be traced along with the relationships between such humans. While anatomical, physiological, geographical, and astrological relationships were investigated, race was still not yet a salient idea because biological and anthropological explanations had to be developed.²³⁴

Importantly, these biological and anthropological theories were developed by many of the same thinkers that influenced republicanism during the Enlightenment. This is not to say that race became advocated as an organizing principle in this time,

²³¹ See Hannaford chapter four and five for a more full discussion.

²³² Hannaford, 148.

²³³ Hannaford, 155.

²³⁴ Hannaford, 183.

but simply that the ideas converged in such a way to make race a relevant category for republican thought. For example, Descartes, Hobbes, and Locke all wrote extensively about Aristotle's notions of genus and species and came to explain them on the basis of observable traits not metaphysical schemes.²³⁵ Montesquieu is especially important in this regard as he began to voice a theory of historical development based entirely on races. As Hannaford makes clear, Montesquieu developed a "new theory of 'racial' origins for the legitimization of politics *qua* politics."²³⁶ Political people, the old Greco-Roman standard, could now be seen in terms of race. That is, republicans could only be from a certain race.

These giants of the Enlightenment would not have been able to form such ideas had it not been for the anthropological work of Johann Blumenbach. Based on theories of men such as Carolus Linnaeus who in 1735 developed classification schemes within which humans could be organized, Blumenbach articulated that there were four varieties of the human species: European, Asian, African, and American. Blumenbach rejected any notion that humans were more than one species, instead defining humans on the basis of their ability to speak. Through his ideas, the "beginnings of a more systematic approach to understanding species and monstrous production by the logical analysis of place, climate, legal capitularies (races), and language."²³⁷

With these core principles articulated, it was only a matter of time before race theory became fully articulated. Johann Gottfried von Herder, writing in the decades preceding the 1776 Revolution, combined these ideas such that culture became an

²³⁵ Hannaford, 187.

²³⁶ Hannaford, 202.

²³⁷ Hannaford, 202.

expression of race. In this sense, “Herder perceived the differences between the social and political institutions of different races as derived from innate psychological qualities, not from the experience of history.”²³⁸ Thus, Herder initiated the idea of the *Volk*, “a people bound together organically by language, religion, education, inherited tradition, folk songs, ritual and speech.” History, in this paradigm, became about the progress of the each *Volk*. Hannaford concludes: “Civilization was perceived to advance not through the public debate...but through the genius and character of the *Völker* naturally and biologically working as an energetic and formative force in the blood of races.”²³⁹ The history of each race was no longer a fluid idea, but seen as the fulfillment of a predestined end ordained as a result of race. History became the teleological fulfillment of racial destiny.

All that was left was for history to be rewritten under the guise of racial and ethnic understandings. German historian Barthold G. Neibuhr provided just this in 1813 when he refashioned the history of Rome on the basis of “kindred blood and [color]” not political ideas.²⁴⁰ From this point on, society would be viewed in this way:

As a natural entity in a state of war in the classic Hobbesian sense, in which power and force in the hands of the classes or the races, scientifically applied, would lead inevitably to the progressive ends of something termed “industrial civilization.”²⁴¹

Prior to the nineteenth century, politics had very little to do with race. Instead,

It had something to do with the extremely difficult task of ... bringing of the great disagreements between public and private interest to a skillful settlement

²³⁸ Hannaford, 230.

²³⁹ Hannaford, 233.

²⁴⁰ Hannaford, 238.

²⁴¹ Hannaford, 276.

through the exercise of political acumen in public places before assembled gatherings of citizens.²⁴²

Ostensibly, the United States as a part of the republican tradition would continue such a paradigm. Instead, what we have seen is that when Neibuhr rewrote the history of Rome, the United States was becoming organized principally on the basis of race.

However, these thinkers were all European. With the exception of a few voyagers, very few of them had significant contact with nonwhites. In the United States, both before and after the Revolution, contact with nonwhites was unavoidable. Consequently, the interactions with nonwhites had much to do with shaping the development of race theory in the United States. Edmund Morgan's work *American Slavery American Freedom* is instructive in this regard as it demonstrates the intersection of these ideas with practice. Morgan reveals that during the seventeenth century servitude existed for both poor whites as well as nonwhites. For instance, the largest uprising of bound labor in the colonial period, Bacon's Rebellion in 1676, combined lower class blacks and whites against the propertied and wealth interests in the colony. In large part as a response to this rebellion, the landowners developed a new method on which to organize the labor force. However, they did not have to look far since by this time white Europeans had been transporting enslaved blacks into the Americas for some time. By 1700, the easiest solution was also the economically most viable: the importation of black slaves.²⁴³

Nevertheless, even though racial slavery existed before the ideas of race had coalesced intellectually, Morgan correctly argues that such a thing as race

²⁴² Hannaford, 400.

²⁴³ Edmund S. Morgan, *American Slavery American Freedom: The Ordeal of Colonial Virginia*, (New York: W. W. Norton & Company, Inc., 1975), 307-309.

consciousness existed in this period and thus had much to do with slavery. Slavery, however, was still primarily seen in economic terms:

If slavery might have come to Virginia without racism, it did not. The only slaves in Virginia belonged to alien races from the English. And the new social order that Virginians created after they changed to slave labor was determined as much by race as by slavery.²⁴⁴

Like Hannaford, Morgan notes that the emergence of race theory arose out of an understanding premised on class. Still, in colonial Virginia the initial steps to organize a white republic were underway. American Indians were purchased as slaves along with blacks creating a unified class of nonwhite slaves.²⁴⁵ At the same time, the social standing of poor whites was increased through the gradual emancipation of bound white labor based on a fear of racially organized slave rebellions and the continued development of ideas that labeled blacks as inferior humans.²⁴⁶

Morgan importantly locates the emergence of race theory as part of the emergence of republicanism. In “Slavery and Freedom: the American Paradox,” Morgan argues that the emergence of black slavery was what made republican ideas possible. He writes,

It was slavery, I suggest, more than any other single factor that had made the difference...slavery that made the Virginians dare to speak a political language that magnified the rights of freemen, and slavery, therefore that brought Virginians into the same commonwealth political tradition with New Englanders.²⁴⁷

Nonwhite slavery was certainly a result of race prejudice, but also had much to do with an understanding of class and property. Servants, white or black, could not

²⁴⁴ Morgan, 315.

²⁴⁵ Morgan, 330.

²⁴⁶ Morgan, 344.

²⁴⁷ Edmund S. Morgan, “Slavery and Freedom: The American Paradox.” *The Journal of American History*, Vol. 59, No. 1 (June, 1972): 29.

participate in civic affairs in imperial England. Given the emphasis that property ownership defined virtue this makes sense. Morgan's great contribution, however, is to demonstrate how property become eroded as a class of people, slaves, became definable by their skin color.

Still, even after the Revolution of 1776, it was not evident that race would be removed from its class underpinnings. Only with the 1790 Naturalization Act were the first indications that citizenship would become explicitly racialized. Yet even under the Naturalization Act there was another possible independent distinction drawn on the basis of good moral character. Whiteness and moral character were considered distinct enough so that one could be white and still lack good moral character. Only with the further hostile interaction between whites and nonwhites, the gradual enfranchisement of all whites, and scientific theories of polygenesis, would moral character and race be united so that good morals became equivalent to whiteness.

What happened in practice in the United States reflect this changing intellectual paradigm. As the revolutionaries and their descendants' understandings of virtue evolved away from property, and to a lesser extent religion, the innate characteristic called race became the basis on which virtue would be assigned. An instructive example of both the implementation of property qualifications and their removal during the Jacksonian era is New York State. The 1777 Constitution of New York based suffrage exclusively on property. Only men with at least \$50 could vote, and \$250 was required for the most important elections.²⁴⁸ Beginning in 1804, the

²⁴⁸ Harvey Strum, "Property Qualifications and Voting Behavior in New York, 1807-1816," *Journal of the Early Republic*, Vol. 1, No. 4 (Winter, 1981): 348.

amount of property was lowered to \$25, and in 1811 suffrage became racialized when the legislature required all free blacks to carry certificates of freedom in order to vote. Finally, after the 1821 Constitutional Convention, blacks were required to have property to vote while all taxpaying whites were enfranchised.²⁴⁹

The arguments made in favor of removing property had much to do with the idea of virtue. Throughout the country, from New York to Virginia, white men that could not meet property requirements argued that virtue had nothing to do with property. “Regard for country did not depend upon property, but upon institutions, laws, habits and associations,” claimed Bostonian J.T. Austin in 1820.²⁵⁰

Nonfreeholders in Richmond, Virginia echoed these sentiments, “to ascribe to a landed possession, moral or intellectual endowments, would truly be regarded as ludicrous, were it not for the gravity with which the proposition is maintained.”²⁵¹ If not property, then what? Andrew Jackson and his Democratic Party followers did not abandon virtue as necessary for republicanism, as Jackson made clear in his 1837

Farewell Address:

No free government can stand without virtue in the people and a lofty spirit of patriotism. If the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages.²⁵²

What changed was a tendency to see virtue as a component of individual character.

Habits and associations, things that could be defined by race, became the mark of virtue. As a delegate to the 1821 New York Constitutional Convention stated, “they

²⁴⁹ Strum, 358-360.

²⁵⁰ *Massachusetts Convention of Delegates, Journals of Debates and Proceedings in the Convention of Delegates, 1821*, (Boston, 1853), 252, in Keyssar, 43.

²⁵¹ Nonfreeholders of Richmond, VA, in Merrill D. Peterson, ed., *Democracy, Liberty and Property—The State Constitutional Conventions of the 1820s*, (Indianapolis, 1966), 381-382, in Keyssar, 43.

²⁵² Andrew Jackson, “1837 Farwell Address,” no citation given, in Watson, 45.

[blacks] are a peculiar people, incapable...of exercising [the right to vote]...They have no just conceptions of civil liberty...and are consequently indifferent to its preservation.”²⁵³ As Judith Shklar concludes, “while the victorious democrats rejected wealth as a sign of virtue, they instantly replaced it with race...It imputed a lack of virtue to all blacks as such, though the worst white scoundrel was declared fit to vote.”²⁵⁴

Under a property based concept of citizenship nonwhites were not excluded simply because they were not white. This is not to say that nonwhites were equal. Blacks and American Indians were certainly proportionally more likely to have less property than whites, but there were still many whites that could not meet property qualifications. But, as Harry Watson writes,

When wealth and status no longer distinguished between those who were full members of the republican community and those who were not, republicans looked for other means to mark these differences. Enfranchised citizens defined who they *were* by emphasizing who they were *not*.²⁵⁵

By the Jacksonian period, as New York demonstrates, these property qualifications had been removed so that legislation that enfranchised all whites while explicitly prohibiting all nonwhites from participation could be enacted.²⁵⁶

²⁵³ Unnamed delegate to 1821 New York Constitutional Convention, no citation given, in Watson, 52.

²⁵⁴ Shklar, 51-52.

²⁵⁵ Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America*, (New York: Hill and Wang, 1990), 52.

²⁵⁶ Cheryl I. Harris has importantly observed that from the outset of the republic property rights were “contingent on, intertwined with, and conflated with race.” Under a Lockean framework of property in which property was defined by land and labor, it is important to understand that the land was that of the American Indian and the labor provided in the south at least, was almost exclusively that of blacks. Thus, property ownership had much to do with race. Nevertheless, what we must keep in mind is not this modern contribution, which is important, but that property, in terms of ownership of land and free labor, was not an exclusive realm of whites. Some blacks, though not many, in a conception of society ordered by property would have the right to, and in practice did, participate. See Cheryl I. Harris, “Whiteness as Property,” in Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas eds., *Critical Race Theory: The Key Writings that Formed the Movement*, (New York: The New Press, 1995): 276-291.

Like property, religion was another possible method for organizing republican society that was eventually abandoned in favor of race. Colonial Virginia, for instance, in 1682 defined slavery on the basis of the importation of non-Christian servants.²⁵⁷ The law was functionally meaningless since the only non-Christians were blacks and American Indians. More valuable is Jason K. Duncan's work on Catholics in New York that details the way in which Catholics became full citizens in the republic. Duncan observes that the eventual inclusion of Catholics in the polity through the removal of public education and oath taking laws was primarily religious in nature. Nevertheless, by the early Jacksonian period, he concludes, "Catholics, themselves were by 1821 well on their way to becoming 'the most Democratic class' in a strictly partisan sense, a political identity that did have a racial aspect to it."²⁵⁸ Religion, then, was overtaken by a racial notion of the polity, which allowed European Irish Catholics to become full members.

The purpose of this discussion is twofold. First, it better explains the way in which republicanism was understood by the revolutionary generation. Second, and more importantly, it reveals that race became the way in which republicans were distinguished from the rest of the population through a historical process; it was not inevitable. Race was invented by white men, in and influenced by the Enlightenment, as a means to explain the proper ordering of society. The next question to address is why did it become the most powerful.

²⁵⁷ Morgan, 329.

²⁵⁸ Jason K. Duncan, *Citizens or Papists? The Politics of Anti-Catholicism in New York, 1685-1821*. (New York: Fordham University Press, 2005), 194.

Racial prejudice, akin to our modern understanding of racism, alone is not a sufficient explanation.²⁵⁹ As George M. Fredrickson observes, it is almost impossible to speak of racism as a factor in 1776 since there was almost no scientific basis for race theory. Fredrickson's definition of racism as, "a rationalized ideology grounded in what were thought to be the facts of nature," not simply racial prejudice, indicates that it is necessary to distinguish between racist and racialist thinking.²⁶⁰ Certainly at the beginning of the republic a racialist organizing principle was adopted, the 1790 Naturalization Act being the best example, but as we have seen it was not the only one. Enhanced by the increasing significance of slavery and the strengthening of the south through the Missouri Compromise, three inter-related factors that all coalesced in the Jacksonian era contributed to this emergence of a racist system: the interactions between whites and nonwhites, the idea that it was the Anglo-Saxon destiny to carry civilization westward, and finally the development of biological racism embodied in the theories of "polygenesis."

These ideas, while distinct in theory, are difficult to differentiate in practice because they were both articulated during similar times and mutually reinforcing. Contact between whites and nonwhites drove these theories, but alone, it does not explain the evolution in virtue. Jack Greene's work on American exceptionalism is a good place to start. He argues that the Europeans saw the American Indians as inferior projections of themselves. Thus, they were the class of savages and/or

²⁵⁹ See also Morgan, "Slavery and Freedom: The American Paradox," 7.

²⁶⁰ Fredrickson, 2.

barbarians that occupied the lowest rungs in a history defined by material progress.²⁶¹

The question, however, remains. Why?

To fully understand why the republic became organized racially, that is how virtue changed from based in property to an innate characteristic, two intellectual frameworks need to be analyzed. The first is the idea among the European settlers of Anglo-Saxon heritage and destiny. The second, which has already been partially considered, was the rise of race theories that resulted in nonwhites being explained as sub-human. These ideas intersected in the United States primarily as a result of the unavoidable interaction between whites and nonwhites, but were also grounded in larger historical patterns.

Bishop Berkeley's now infamous statement in the early eighteenth century typifies the narrative of progress and myth of the west that came to define the Anglo-Saxon peoples in the future United States:

Westward the course of empire takes its way;
The first four Acts already past,
A fifth shall close the Drama with the day;
Time's noblest offspring is the last.²⁶²

North America, the fifth act, is where the culmination, the last act, of western civilization will occur. On this land, vast and unoccupied, the Anglo-Saxon people would provide the world with the greatest empire known to man. In Berkeley's mind, the United States would not give way like Greece did to Rome. Instead, it would sustain itself as the greatest empire the world had ever seen.

²⁶¹ Jack P. Greene, *The Intellectual Construction of America: Exceptionalism and Identity from 1492 to 1800*, (Chapel Hill: University of North Carolina Press, 1993), 15-17.

²⁶² Bishop George Berkeley, *Verses on the Prospect of the Arts and Learning in America*, in Pocock, *Machiavellian Moment*, 511.

Berkeley's idea was the best enunciation of a longstanding myth about the westward spread of civilization. Richard Waswo has traced the myth of the west back to Virgil's *Aeneid* and argues that more than anything else it is this legend that has defined Western civilization. The story, he argues:

Narrates the journeys and the successive settlements of frontiers by culture-bringers (sons of Troy Christianized as sons of Noah) who assimilate or destroy the indigenous people and ways of life they find there. For two thousand years this story was popularly regarded as actual history.²⁶³

Civilization in this paradigm is "that which comes from somewhere else." He continues, "it is borne by exiles from the east to the west. There it is imposed by force on the indigenous population."²⁶⁴ This legend, he argues, is central to the very ways in which we define ourselves as well as others:

Our legend...thus defines them as some sub-,pre-, or proto-humanity not *quite* entitled to whatever full measure of compassion we are presumably obliged to bestow on others more like ourselves.²⁶⁵

Within this thinking, civilization is reserved for only those who come from elsewhere. As Waswo writes, "we have not *produced* civilization; we have *been* civilized."

Waswo masterfully traces the narrative established by Virgil, "a journey toward an historical destiny that is already fulfilled," through the Middle Ages to England.²⁶⁶ Geoffrey of Monmouth's *History of the Kings of Britain* is the best example of this idea in which the kings lineage is traced first to Rome and then as far back as Troy.²⁶⁷ Formally written into the history of England by Geoffrey of Monmouth in the twelfth century, the legend defines the terms of English imperial

²⁶³ Waswo, xi.

²⁶⁴ Waswo, 3.

²⁶⁵ Waswo, 9.

²⁶⁶ Waswo, 21.

²⁶⁷ Waswo, chapter seven.

expansion. For English settlers in North America, it was the American Indian who seemed to be incapable of proper agricultural production and was therefore marked as a savage incapable of civilization.²⁶⁸

Perhaps inevitably, the mindset of the North American settlers, and later the colonial subjects, was shaped by this understanding. Richard Slotkin's pioneering work on the myth of the west in the United States reveals the extent to which this legend, articulated by Waswo, has defined Anglo-Saxon identity. Beginning with the Puritan settlements, Slotkin argues, the Indians were the metaphor used to explain life in America. It was successful, he argues, precisely because it was based on racial identities. Consequently, "it made reconciliation between white and Indian virtually impossible, since racial opposition presupposed no common ground between the groups."²⁶⁹ The groundwork for an explicitly racialized society was therefore present from the beginning of Anglo life in America. While it would be a few hundred years before such a society would emerge, the origins of the racial republic lie in this understanding of civilization.

The Anglo-Saxon settlers who arrived after the Puritan's were in part defined by this idea. During the sixteenth and seventeenth centuries, concurrent with the emergence of racial theories, the English began to trace their heritage to the Germanic Saxon tribes. These Germans were not barbaric, but rather they were the epitome of developed civilization.²⁷⁰ The emergence of race theory was crucial to this idea. As scientific theories ordering humans began to develop, and the Anglo-Saxon or

²⁶⁸ Waswo, chapter ten.

²⁶⁹ Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860*, (Middletown: Wesleyan University Press, 1973), 69.

²⁷⁰ Horsman, chapter one.

Caucasian was given the highest rank, civilization became defined as unique to the Anglo-Saxon peoples. By the time of Herder and Neibuhr, virtue could be understood as exclusive to the Anglo-Saxon race.

It was with this understanding of themselves that Anglo-Saxon settlers expanded westward. They did so, as we have seen, in the only way in which they knew how, violently. As Reginald Horsman explains:

In moving west American [sic] pioneers were perceived, both in Europe and America, as continuing a movement of civilization that had been continuous since the earliest times. Throughout European history the West was thought of as the region in which lay the land of eternal youth and happiness and as an arena for the destiny of nations.²⁷¹

The United States marked the intersection of Benjamin Disraeli's statement "all is race," and Thomas Hart Benton's understanding that "all obey the same impulse-*that of going to the West.*"²⁷²

Through westward expansion and the cross-racial interaction that it required, American Indians and blacks were constantly the thorn in the side of the Anglo-Saxon's. For Caleb Cushing looking back on westward expansion in the early 1800s, westward expansion and history in general was explicitly about race: "*Race is the key to much that seems obscure in the history of nations. Throughout the world, the spectacle is everywhere the same, of the whiter race ruling the less white, through all gradations of color.*"²⁷³ Florida is a perfect illustration of precisely this understanding as during the Seminole and Creek Wars, American Indians and blacks became the

²⁷¹ Horsman, 83.

²⁷² Benjamin Disraeli, *Tancred*, (New York: M. W. Dunne, 1904), chap. 20, in Horsman, 70; Thomas Hart Benton, *Selections of Editorial Articles from the St. Louis Enquirer on the Subject of Oregon and Texas, as Originally Published in That Paper in the Years 1818-1819*, (St. Louis, 1844), 5, in Horsman, 90.

²⁷³ Caleb Cushing, "Mexico," *Democratic Review*, 18 (June, 1846): 434, in Hietala, 171.

property-less savages whose only perceived way of life was violence. Through this contact especially, virtue became the explicit realm of whites.

Historically, however, there had yet to emerge an idea of biologically based inferiority akin to our modern understandings of racism. While the idea of expanding civilization west was certainly racialized, nonwhites were still overwhelmingly thought to be capable of being civilized. To change this idea, to truly establish a society based exclusively on the presence of whites, would require an understanding that nonwhites were physically incapable of reaching civilization. In the United States this took two forms: in the south, and to a lesser extent the north, through theories of “polygenesis” and in the north, a more intense version of the Anglo-Saxon myth.

For much of this knowledge we are again indebted to Reginald Horsman. However, the work of William Stanton and George Fredrickson is also crucial. Fredrickson argues that until 1830 “black subordination was the practice of white Americans, and the inferiority of the Negro [American Indian as well] was undoubtedly a common assumption, but open assertions of *permanent* inferiority were exceedingly rare.”²⁷⁴ For instance, the premise of the American Colonization Society was that blacks were not inferior biologically, but were so as a result of the circumstances that they lived in.²⁷⁵ Whites and nonwhites were thought to be inherently different, but not to the extent that virtue was only possible for whites. Especially in the south, however, by 1830 this assumption was coming under increasing scrutiny intellectually although in practice it was rejected much earlier.

²⁷⁴ Fredrickson, 43.

²⁷⁵ Frerickson, 12.

Beginning in 1811, but not popularized until 1830, Dr. Charles Caldwell articulated a theory of “polygenesis,” that is humans originated from multiple sources, not just Adam. Caldwell and others such as R.W. Haskins consequently argued that civilization was something that was in the blood. Either you had it, or you did not. Therefore, for the uncivilized such as the American Indians, “the only efficient scheme to civilize the Indians is to *cross the breed*.”²⁷⁶ By the 1830s these ideas had become popular throughout the south. In 1833 Richard Colfax challenged the assumption that black inferiority was a product of their social condition:

[The black man’s] want of capacity to receive a complicated education renders it improper and impolitic that he should be allowed the privileges of citizenship in an enlightened country...no alteration of their present social condition would be productive of the least benefit to them.²⁷⁷

Education was the crucial factor because it was education that was seen as essential to inculcate virtue. Without education, it was thought that no person could learn the proper way to be virtuous. Since nonwhites in general, though Colfax only mentions black people, were unable to receive an education they would not be allowed to participate in the republic. Combined with an understanding that civilization, and therefore virtue, was transmitted by blood, virtue became exclusive to white people.

The precise explanation of the cause of this inferiority was given by scientists such as Samuel Morton, Josiah Nott and Louis Agassiz who argued, as a way to validate slavery, that blacks were an inherently inferior species.²⁷⁸ Nott, for instance,

²⁷⁶ R.W. Haskins, *History and Progress of Phrenology*, (Buffalo, 1839), 110-111, in Horsman, 118.

²⁷⁷ Richard H. Colfax, *Evidence Against the Views of the Abolitionists...*(New York, 1833), 25-26, in Fredrickson, 49-50.

²⁷⁸ Fredrickson, 76-77. Fredrickson’s important contribution is to demonstrate that these theories were developed precisely in order to lend scientific basis to black slavery.

argued, “whites and Negroes had literally been *created* unequal.”²⁷⁹ By the 1860s it was possible for *De Bow’s Review*, a leading southern journal, to publish the statement that “Negroes are not *men*, in the sense in which that term is used by the Declaration of Independence.”²⁸⁰

What allowed these theories to become popularized was the Jacksonian extension of the franchise to all whites. The emergence of biological racism, Fredrickson argues, was “reinforced...by the rise of democratic and egalitarian aspirations among whites.”²⁸¹ While these theories were not as popular in the north, they did have many adherents, notably Dr. John H. Van Evrie. More important in the north were the romantic theories that reached similar conclusions but were based on an understanding of Anglo-Saxon destiny. Through the writings of William H. Prescott, Francis Parkman, and others, northerners began to articulate “a nationalistic glorification of the dominant stock, a tendency to make America’s virtue racial rather than historical or environmental in origin.”²⁸² These romantic theories alone were not necessarily racist, but rather reinforced the tendency to view society in explicitly racial terms, and when combined with emerging biological theories it became increasingly easy to understand virtue as a racial characteristic.

These were not simply obscure ideas. As Fredrickson concludes,

No longer were Americans in general being characterized primarily by their adherence to a set of political and social ideals allegedly representing the universal aspirations of all humanity, but democracy itself was beginning to

²⁷⁹ Fredrickson, 82. Emphasis in original..

²⁸⁰ Moncure Daniel Conway, *Testimonies Concerning Slavery*, (London, 1864), 28-30, in Fredrickson, 86. Emphasis in original..

²⁸¹ Fredrickson, 90.

²⁸² Fredrickson, 99.

be defined as racial in origin and thus realizable perhaps only be people with certain hereditary traits.²⁸³

Virtue, the essential component of republican life, had become racialized as well. Property no longer mattered as a determinant of virtue. Instead, in the Jacksonian period when expansion happened both geographically and in the franchise, it occurred on the basis of race. The ideas of Anglo-Saxon superiority and the westward spread of civilization fit into the emergence of racial thinking to ensconce race as the major organizing principle of the republic.

In 1860 when William Yancey expressed the historically inaccurate but widely held belief he was reflecting an understanding of history that had been distorted as a result of these intellectual ideas:

Your fathers and my fathers built this government on two ideas: the first is that the white race is the citizen, and the master race, and the white man is the equal of every other white man. The second idea is that the Negro is the inferior race.²⁸⁴

Historically speaking, all whites were not equal and black biological inferiority had been articulated for less than fifty years. Nevertheless, Yancey spoke as though these were the two eternal maxims of republican society in the United States. He could do so precisely because the political institutions reflected this understanding. Statehood was the political manifestation of this intellectual paradigm. States, as the way in which the republic at large would be organized, existed only through of the genius of the white Anglo-Saxon.

Intellectually, race had been codified as the key determinant of republican people, and the process of forming states revealed the extent to which such thinking

²⁸³ Fredrickson, 100-101.

²⁸⁴ See citation 2.

dominated in the antebellum United States. While immediately following the revolution it was possible to limit citizenship to those with property, by the early nineteenth century such a scheme was no longer feasible. The need to maintain a virtuous citizenry coupled with the demands of westward expansion forced policymakers, all white men, to reevaluate the basis for such “positive” exclusion. When state policymakers, responsible for defining precisely who would have the rights of citizenship in their respective states made such a determination, they turned to race. Race replaced property as the standard for people who could place the public good ahead of their individual interests, and in 1845, when Iowa and Florida were admitted into the Union, it was on such a basis.

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