we might demand admission.” Federalists thus urged the constitutional convention to declare the new state’s independence of Congress, and the “degrading,” “derogatory,” “burthensome,” and “oppressive” terms set forth in the enabling act. In doing so, they made claims for the new state’s independence and sovereignty outside the union. The Ohio Federalists’ argument against immediate statehood in Ohio therefore was an argument against the possibility of union itself as the Jeffersonians defined it.

The vast majority of delegates recognized, however, that Congress would not tolerate new state sovereignty pretensions that endangered federal property rights as well as the integrity of the union. If the Northwest Ordinance guaranteed statehood to the people of the Territory, it also stipulated that the new states “shall never interfere with the primary disposal of the Soil by the United States” and that they “shall forever remain a part of this Confederacy.” Most crucially, statehood proponents understood that their political existence was a function of their membership in the union. To remain outside the union meant continuing submission to Congress’s territorial government.

The admission of Ohio in 1803 set the pattern for the creation of new states in the national domain. Continuing federal control over the public lands after statehood secured the federal balance on the expanding periphery of the American union. With the completion of the Louisiana Purchase in the same year, the political and diplomatic options of would-be new states were still further circumscribed. Only by submitting to federal authority would the people of a territory complete their “apprenticeship to liberty” and, “by degrees... be raised to the enjoyment and practice of independence.” Membership in the union made territories into states, perfecting the claims of imperfect, embryonic political communities. The genius of the system was encapsulated in Samuel Mitchell’s definition of “territory, a word signifying a peculiar and mingled idea of a country and inhabitants in the inchoate or initial condition of a republic.”

The union was capable of expansion because new states were simultaneously “republicanized” and “federalized.” Just as the original American states depended on the federal alliance to guarantee their survival as self-governing republics, frontier people linked their political aspirations to membership in the union. They became self-governing polities under approved republican constitutions at precisely the moment they were incorporated into the union and so re-nounced the conventional prerogatives of independent sovereignties. But the sacrifice of sovereign powers was more apparent than real. As defenders of the new federal Constitution asserted during the ratification controversy, pretensions to sovereignty exaggerated the states’ distinctive corporate interests, fostered interstate conflict, and thus jeopardized the future of republican government in America. Union was the best guarantee of the rights legitimately retained by the states and therefore of their true interests.

The Republicans’ conception of an expanding union did not command universal assent. Federalists naturally resisted further accessions to the administration party; easterners feared the shifting balance of power within the union. “Instead of these new States being annexed to us,” Congressman Laban Wheaton of Massachusetts warned when Louisiana sought admission in 1811, “we shall be annexed to them, lose our independence, and become altogether subject to their control.”98 Federalists repeatedly questioned the motives of westerners as well as the ability of the federal system to absorb new members. Warnings that “a Southern and Western interest” would exploit its dominant power in the union thus alternated with predictions of the union’s imminent demise.

More dispassionate and disinterested observers endorsed the Federalist argument against an expanding union. A traveller in the Ohio Valley was convinced “[in 1805] “that before many years the people of that great tract of country would separate themselves from the Atlantic States and establish an independent empire.”99 Englishman Gould Francis Lecky agreed. “A great federal republic, in extent equal to all Europe can never hold together,” Lecky wrote in 1808. “The local interests of the states and the ambition of powerful individuals, will sow the seeds of division among them.”100 “The farther a state government is removed from the national centre,” a Kentucky writer explained, “the less it hears, and sees, and feels, of that government, and the less interest it takes in its concerns.”

The common premise of all these predictions was that the states were proto-sovereignties, eager to pull away from the union in pursuit of their “local interest.” Invoking conventional misgivings about the over-extended republic, Lecky identified America with Europe. Similarly, Federalist antiexpansionists invoked a European conception of the balance of power when they argued that the addition of new states would destroy “the political equipoise” of the union.103 This obsession with balance was in turn predicated on an expansive con-
ception of state sovereignty usually associated with the Jeffersonians, and apparently at odds with their centralizing tenets. But Federalists were "consolidationists" precisely because they continued to think in conventional, European terms: they feared the latent power of states and their inevitable tendency to promote their interests at each other's expense.¹⁰⁶ Robert Goodloe Harper set forth the guiding principles of the Federalist "system" in an 1801 letter to his constituents. A powerful central government that could protect the states against external threats was also essential for "maintaining our peace at home, by checking the ambition and repressing the passions of the several states, and balancing their forces so as to prevent the greater from overpowering and subduing the lesser."¹⁰⁷

Jeffersonians insisted that they were the true "federalists," and not simply to gain rhetorical advantage over their partisan opponents. They were celebrating the triumph and progress of their conception of the union, which was now being realized in practice. Republicans welcomed the admission of new states, convinced that the expansion of the union—and the preservation of a balance of power among the states—did not depend on the corresponding expansion of federal power. Jeffersonian optimism reflected both a canny instinct for partisan advantage and a characteristically vaunting idealism. Most importantly, however, the Republican administrations that promoted expansion recognized that the tendency of new state political development was centripetal, not centrifugal.

The American states were not fully developed, "terminal" political communities. The state governments did not command the exclusive loyalties of a mobile, enterprising people who expected local governments to serve most of their immediate needs and who were equally prepared to look beyond the states toward the federal government when opportunities arose. This facility with manipulating multiple levels of government was particularly apparent in the public land states. Before admission, these states gained the political competence to govern themselves; they also gained practical experience in exploiting the federal government. Membership in the union enabled new state politicians to build on that experience. For them—and for their constituents—federalism was not simply or primarily a means of guaranteeing peace and stability in an expanding state system. It was above all a complex and rewarding structure of political and economic opportunity within which individual citizens could pursue their own advantage.

Federal politics offered extraordinary rewards and opportunities to ambitious politicians in the new states. New state representatives played a key role in distributing federal patronage in their home states; they could also serve the interests of their constituents by procuring federal charters, subsidies, and land grants. Far from seeking independence from the union, new state leaders were determined to exploit the federal connection for all it was worth. A strong federal military presence would not only secure vulnerable frontier regions but also pump up the local economy. The most important factor working to "federalize" new state politics, however, was the federal government's continuing ownership, administration, and sale of public lands. The route to individual success for most new state citizens was through the federal land office.¹⁰⁸

The Expanding Union

The land office "federalized" private interest and initiative and helped foster an embryonic national citizenship in frontier regions prior to the attainment of statehood. As proprietor of the public domain, the federal government acted as trustee both for the present members of the union with their interest in land sales revenue and for future private purchasers. According to the terms of their admission, the new states pledged not to interfere in this primary relationship. Recognition of the federal government's continuing jurisdiction over the federal lands thus constituted a fundamental limitation on new state sovereignty, reenforcing the guarantees of limited, republican government in federal and state constitutions.

Expansion would not endanger the union by "multiplying the parts of the Machine" because new states did not have distinctive, potentially conflicting corporate interests.¹⁰⁸ The limited scope of state authority in turn reflected the primacy of constitutionally-guaranteed private rights. The American states were peaceful and harmonious not simply because they were republics, but also because they lacked the usual incentives—or the capacity—to make war on each other. By instituting a complex federal system, the American founders thus created the conditions for the "natural" harmony of interests optimistic Revolutionaries such as Thomas Paine believed would emerge spontaneously with the destruction of the old
order. Wars were inconceivable not because the states were republics, but rather because state governments did not represent their citizens exclusively or authoritatively or promote distinct, fully articulated corporate interests. The American states were not "sovereignties" in the conventional, European sense of the word. Sovereignty instead remained with the people who delegated limited powers to various governments: the federal government would exercise exclusive jurisdiction over interstate and foreign relations.

"Among the several states of America," Joel Barlow wrote in 1792, shortly after the new federal regime was inaugurated, "the governments are all equal in their force, and the people are all equal in their rights." It was this equality, the foundation principle of the larger, inclusive federal republic, which guaranteed a harmonious union. "Were it possible for one state to conquer another state, without any expense of money, or of time, or of blood—neither of the states, nor an individual in either of them, would be richer or poorer for the event." Jurisdictional controversies that would have driven European states into belligerent frenzies had already been decided "in a few days, by amicable arbitration." The outcome of such disputes was, after all, "a matter of total indifference" to citizens whose rights were secure "whether the territory in which they live were called New-York or Massachusetts." For this reason, the state governments might eschew violent sanctions in their contests with one another. Just as republican state constitutions secured individual rights, the federal constitution secured the rights of states; these states—self-governing republics guaranteed against internal subversion and external assault—were much more comprehensively, substantially, and enduringly "equal" than the states of Europe could ever hope to be.

Federal ownership of the public domain facilitated Congress's manipulation of the boundaries of embryonic new states before they joined the union. Jurisdictional changes had no impact on private titles derived from the federal government, and the corporate interests of future new states remained largely hypothetical. Once the new states were formed, boundaries were definitively established in order to preclude future controversy. At the same time, however, these boundaries were permeable: citizens could move freely from one state to another without jeopardizing their private rights.

Congressmen recognized that the careful management and distribution of federal property was crucial to the orderly expansion of the union. The rapid distribution of federal lands or their cession to the new state governments could subvert the bonds of common interest while promoting a retrograde conception of state sovereignty dangerous to the peace of the union. The end of federal land ownership and the resulting diminution of federal influence had to be coordinated with the emergence of a class of orderly and enterprising citizens who identified statehood and self-government with the opportunity to participate in national government. The interests and loyalties of such citizens tended to be cosmopolitan. Originally deriving their private property rights from the federal land office, settlers in the national domain could only lay claim to political rights through the interposition of Congress and "the benign influences of the federal constitution." Implicit in this development was a conception of a transcendent national citizenship; settlers could only exercise their full rights as American citizens through state governments recognized by Congress. But it was, as Joel Barlow suggested, "a matter of total indifference" which particular state this might be.

In the American federal system, the rights of republican citizens were inviolable while the claims of states on their citizens were contingent and derivative. This was the relationship between governors and governed that liberal theorists believed would be secured under republican constitutions and that in turn would guarantee peace among states. American federalists recognized, however, that the protection of private rights and the limitation of republican states to their proper sphere depended on the existence of a "more perfect"—and, when necessary, a coercive—federal union. But it did not follow that states were mere ciphers under the new dispensation. Anti-federalist warnings about the dangers of a despotic, consolidated regime notwithstanding. What is most remarkable about early American federalism is the extent of political decentralization. Emerging from their dependent, colonial condition, new states joined a union in which member states enjoyed extraordinary autonomy and exercised most governmental functions.

Union and Disunion

In late 1791 James Madison contributed an essay on "Consolidation" to the National Gazette that described the kind of union he and his
fellow founders hoped to perpetuate. “If a consolidation of the states into one government be an event so justly to be avoided,” he wrote, “it is not less to be desired . . . that a consolidation should prevail in their interests and affections.” The liberties of individuals and the rights of states were inextricably linked. But the states would only remain in their proper sphere if they were not drawn into conflict with each other by “local prejudices and mistaken rivalships.” Madison thus concluded that it was the duty of all Americans “to consolidate the affairs of the states into one harmonious interest.”

For Madison and his Republican colleagues, the federal union provided the means of extending a liberal, republican regime across the American continent. The federal republic was a model world order that guaranteed that states would serve the interests of citizens, not citizens—or, more accurately, subjects—the interests of states. Antebellum Americans believed that their union protected them from the arbitrary exactions of all governments. Certainly frontier settlers cherished responsible local self-government and resented the continuing interference of territorial governments once law and order and private rights were well established. At the same time, however, they wanted unfettered access to national markets as well as the opportunity to move freely from state to state in pursuit of their private interests. These were the decisive advantages of the federal republic, a system that guaranteed the legitimate claims of its member states while eliminating artificial barriers to private interest and threats to private rights.

The rapid spread of settlement led to the formation of new states and the growing prosperity of the entire union, evidently fulfilling the most expansive visions of the Revolutionary generation. By constructing an alternative to the balance of power and its never-ending cycle of horrors, the framers of the Constitution had saved the American republics from a European fate. By 1815 the new nation had triumphantly surmounted what contemporaries saw as the clearest and most present danger to the union, foreign manipulation of the “clashing jurisdictions and jarring interests” of widely dispersed and doubtfuly loyal frontier settlements. American independence was secured by the union of old states and new states, East and West.

But Madison’s “one harmonious interest,” the necessary condition for an enduring union of free republics, could not be sustained. Suspicious of westerners’ motives, Federalist antiexpansionists ex-
ity and profitability of slavery instead fostered a growing awareness of distinctive corporate interests that was incompatible with the kind of union Republican orators celebrated at the time of the Louisiana Purchase. The conflict over slavery obstructed the free movement of people, property, and ideas; republican state constitutions could not guarantee the comity and compatibility that the Revolutionary generation assumed would preserve the federal republic. Increasingly conscious that there was no true "union of interests," Jefferson's heirs would invoke states' rights ideas to protect their "peculiar institution" against "foreign" interference and influence, and ultimately to justify the destruction of the union itself.

In the first great surge of national expansion, Jeffersonian Republicans conceived and constructed an ever-expanding "empire of liberty." Yet the same vast spaces that offered such scope to the American experiment also precipitated the final crisis of the union. The union may have been preserved and redeemed in the war between the states, but it was no more Jefferson's union than it was Calhoun's. Americans might still imagine themselves a peculiarly free and fortunate people, destined to lead the way toward progress and civilization. But, as a solution to the perennial problems of international politics, the federal union was a tragic failure. Americans could no longer offer their new world order as a model to the world.

Land and Liberty on the Post-Revolutionary Frontier
ALAN TAYLOR

The relationship between frontier land and freedom in the early republic raises two questions: whose land, whose freedom? For Frederick Jackson Turner, writing at the close of the last century, the answers were easy because the story was simple. It began before the advent of white men with a rich but unpossessed land. Indians were a negligible presence in Turner's conception: a part of the wilderness backdrop, obstacles, like the wolves and bears, for the white settlers to conquer. The struggle to master the frontier remade Europeans into Americans: materialistic, individualistic, libertarian, and resourceful. Because no rulers could command such people, only a democracy, dependent on their support, could govern them. In sum, the occupation of a wilderness made America uniquely democratic. By obtaining the land, America's white settlers became free.

Subsequent historians have challenged virtually every tenet of Turner's story. First, the land was not empty, but belonged to diverse Indian peoples with complex cultures and a tenacious determination to defend their homelands. Second, the values of Americans owed at least as much to their European cultural heritage as to their encounter with the wilderness. Determined to Europeanize the landscape to make it more familiar and profitable, the settlers changed the land more than it changed them. Third, countries without a legacy of frontier expansion have become democracies [for example, Western Europe] while some countries with such a legacy have been slow to do so [South Africa].

This chapter attempts a more complicated story involving the struggle of three parties: natives, white settlers, and their national elite. Each group had a differing concept of freedom, each of which depended on possession of western land. Indians needed to retain


107. Again, the Report on Manufactures, PAH 10:230–340, is the major text.


112. Nelson, Liberty and Property, 10, 93.

113. Ibid., 90–96; Murrin, “The Great Inversion,” 412, 410–21, and sources cited by both.

114. Here, without accepting their interpretive positions, I draw especially on Appleby, Capitalism and a New Social Order; Steven Watts, The Republic Reborn: War and the Making of Liberal America, 1790–1820 (Baltimore, 1987); and Michael Durey, “Thomas Paine’s Apostles: Radical Emigres and the Triumph of Jeffersonian Republicanism,” WMQ 44 (1987): 661–86. Years ago, in Tom Paine and Revolutionary America [New York, 1976], Eric Foner suggested that the author of “Common Sense” and many of the artisans to whom he most appealed were sympathetic to both of the great transformations of the age: popular participation in political affairs, and the advent of an advanced market economy. The influence of this thinking, both democratic and profoundly pro-developmental, has only recently become a subject of close inquiry.


116. For the debates on the carrying trade, see McCoy, The Elusive Republic, 174–78, 212–16.

117. Ibid., chap. 10; Stagg, “James Madison and the Coercion of Great Britain.” Madison, who had been willing in 1790 to protect manufactories which had already emerged, though not to foster new ones, now specifically endorsed protection for some “manufacturing establishments...of the more complicated kind” (quoted in McCoy, Elusive Republic, 245). Jefferson was more reluctant. See his letter to Benjamin Austin, 9 Jan. 1816, Works 11:502–5; and Merrill Peterson, Thomas Jefferson and the New Nation [New York, 1970], 940–41.

CHAPTER 2


13. James Ross [PA], speech of 14 Feb. 1803, ibid., 87. The Ross resolutions (16 Feb.) would have authorized Jefferson “to take immediate possession” of New Orleans and to augment “the military and naval forces of the Union” with up to 50,000 militiamen from neighboring states; they were defeated (25 Feb.), by a straight partisan vote, 15–11. Ibid., 95–96, 155.
23. Ramsay, Oration on the Cession, 16.
32. David Augustus Leonard, An Oration, Delivered at Raynham, Friday, May 11th, 1804, on the Late Acquisition of Louisiana (Newport, RI, 1804), 20.
34. Chapman Johnson, An Oration on the Late Treaty with France, by which Louisiana was Acquired (Staunton, VA, 1804), 14.

Felix Gilbert, To the Farewell Address: Ideas of Early American Foreign Policy (Princeton, NJ, 1961) and James H. Hutson, John Adams and the Diplomacy of the American Revolution (Lexington, KY, 1980).
37. Stiles, United States Elevated, 85, 84–85, 60. The population in 1880 was 50,156,783.
38. Thomas Pownall, A Memorial Addressed to the Sovereigns of America (London, 1783), 138. See also [Anon.], A Translation of the Memorial to the Sovereigns of Europe upon the Present State of Affairs, Between the Old and the New World. Into Common Sense and Intelligible English (London, 1781).
40. Stiles, United States Elevated, 86.
41. Thomas Paine, Letter Addressed to the Abbe Raynal, on the Affairs of North-America (Philadelphia, 1782), postscript, 72. For similar thinking see John Brown Cutting to Thomas Jefferson, 16 Sept. 1788, in PPT 13:608–13, at 609–10: "the mildness of our laws and the wisdom of our political institutions... might tempt the subjects of any arbitrary potentates in our vicinity to voluntarily commute themselves into free citizens and thus become attached to the first empire that mankind has ever erected on the solid foundation of truth, reason or common sense."


61. [Granger], *Vindication of the Present Administration*, 22.


71. Rep. Marmaduke Williams [NC], 26 Feb. ibid., 502–4, at 503, explaining to his constituents why the Burr Conspiracy was so easily suppressed.


73. Ramsay, *Oration on the Cession of Louisiana*, 18. As long as Governor William Claiborne treated them as "vassals," disgruntled Louisianans would offer no guarantee of their loyalty. But "how different it would be, if liberty, if self government was given to them." *Reflections on the Cause of the Louisiana, Carefully Submitted by their Agents* [Washington, 1804], 9, 11. See George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions* [Cambridge, 1975], esp. 25–30.

74. Magruder, *Reflections on the Late Cession of Louisiana*, 73.


77. Magruder, *Reflections on the Late Cession of Louisiana*, 72, 74.


82. Magruder, *Reflections on the Late Cession of Louisiana*, 38.


86. On the territorial system see Robert F. Berkhofer, Jr., "The Northwest


88. "An Address of New Market Township to their fellow citizens," *Western Spy* [Cincinnati], 21 Aug. 1802.


96. If Congress refused to accept the new state on its own terms, St. Clair told the constitutional convention, it could follow the example of Vermont which had remained outside the union "eight years after" the people "had formed their government." St. Clair's speech [3 Nov. 1802], in William Henry Smith, ed., *The St. Clair Papers: The Life and Public Services of Arthur St. Clair*, 2 vols. [Cincinnati, 1882], 2:592–97, at 594.


102. [Joseph Hamilton Daviss], *An Essay on Federalism* [Frankfort, KY, 1810], 46.


104. For the "consolidationist" charge and an interesting discussion of Federalist efforts "to annihilate the sovereignty of the respective States," see Benjamin Austin, Jr., *Constitutional Republicanism, in Opposition to Falacious Federalism* [Boston, 1803], 54, and passim.


112. [Charles Brockden Brown], *An Address to the Government of the United States, on the Cession of Louisiana to the French*, rev. ed. [Philadelphia, 1801], 37. The quotation is from a translation of a French document urging French colonization of Louisiana and emphasizing American vulnerability.


4. Jeremiah Crabb, 5 Apr. 1796, Annales of Congress, 4th Congress, 1st Session, 861. Gregory Stiverson has shown that penurious farmers who had to rent land composed almost half of Maryland’s population—a larger proportion than any other state—and that thousands of those tenants sought a refuge in the West during the 1790s. Poor migrants sought “independence” by emigrating west. See Gregory Stiverson, Poverty in a Land of Plenty: Tenancy in Eighteenth-Century Maryland (Baltimore, 1977), 140–42.


