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# United States Expansion and Incorporation in the Long Nineteenth-century

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## ABSTRACT

Historians of the United States are making increasing use of the term *empire* to describe and analyse U.S. expansion in the nineteenth century. But this process is better captured by the term *incorporation*, which is used by Antony Hopkins in his *American Empire*. Nineteenth-century U.S. statesmen strove to people outlying territories with white settler-colonies that could be incorporated into the American federal union as sovereign and equal republics. They avoided acquiring territories with large non-white populations due to their belief that these were not fit for incorporation in the Union but had to be ruled as imperial dependencies. The American mode of territorial expansion was ultimately shaped by the organisation of the United States as a federal union of republics that rejected imperial rule. Neither republican government nor federal union were compatible with the jurisdictional and ethnic heterogeneity typical of empires. For this reason, American territorial expansion tried to reproduce on a continental scale the white republics of the Atlantic seaboard. The dispossession and exploitation of ethnic 'others' that characterised nineteenth-century territorial expansion therefore originated in American republicanism and American federalism, principles that can be traced back to the nation's point of origin, rather than in imperial legacies or borrowings.

## KEYWORDS

American empire; Antony Hopkins; federal union; incorporation; republican form of government; territorial expansion; U.S. expansion

## Introduction

In *Boots and Saddles* Elizabeth Bacon Custer tells a spirited tale of the trials and tribulations of an officer's wife with the 7th U.S. Cavalry on the Northern Great Plains after the American Civil War. Custer accompanied her husband, Lieutenant-Colonel George Armstrong Custer, to Fort Abraham Lincoln in the Dakota Territory in the spring of 1873. Two years into his command, the colonel was granted leave and the couple returned to the East Coast. '[I]n the autumn we went into the States,' writes Custer, 'and spent most of the winter

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delightfully in New York'.<sup>1</sup> The idea of going from Dakota 'into the States,' as if crossing the border into another country, sounds strange to modern ears. Yet the juxtaposition of 'the territories' and 'the States,' which appears frequently in Custer's book, reminds us that nineteenth-century Americans saw their nation as divided into two very different kinds of political space. In popular literature, the territories were often portrayed as a place of adventure, as in Custer's *Boots and Saddles*, or as a refuge and a land of opportunity, as when the eponymous hero of Mark Twain's *Adventures of Huckleberry Finn* declares 'I reckon I got to light out for the Territory ahead of the rest, because Aunt Sally she's going to adopt me and sivilize [*sic*] me, and I can't stand it'.<sup>2</sup>

Colonel Custer went to the Dakota Territory to claim the Black Hills' gold deposits for the U.S. government and to drive away the resident Lakota Sioux. The colonel and most of his command met a violent end beside the Little Bighorn River, but the Lakota and their allies, the Arapaho and Cheyenne, soon succumbed to the army and were herded into reservations. Elizabeth Custer's presence in Dakota may seem more of a mystery. But she, too, had a role to play. In the Great Plains Wars, the United States did not just conquer space but 'civilized' it. Custer's story is full of examples of how in their crude and distant frontier post, the officers' wives staged the rituals of the refined life led by the middle and upper classes back in 'the States' or 'the East'.<sup>3</sup> Custer and her sisters-in-arms were America's *missionnaires civilisateurs* who ensured that when Huck reached the territories the likes of Aunt Sally would be there to meet him, working tirelessly to stop the frontier from backsliding into the kind of filthy, lawless, immoral and irreligious place where the Huck Finns of the world thrived.

When Custer and Twain published their books, the division of the United States into 'states' and 'territories' was a century old. In that century, 'territories' had metamorphosed into 'states' at often dizzying speed. The vast Northwest Territory, created in 1787, was the first territory organised by the federal government. In due course it would become no less than five states and contribute a sliver of land to a sixth. The first of the states to emerge was Ohio, admitted to the American union in 1803. Ohio was also the birthplace of George Custer. Born on the northern border in 1839, he was sent to school across the state line in Michigan, which had transitioned from territory to state only two years earlier. Here, in Monroe County, ten-year old George first laid eyes on Libby, three years his junior. Although Elizabeth Clift Bacon was born in Michigan Territory, her family was part of the great outmigration from New York State. Her grandfather, in turn, had gone to northern New York from Connecticut. George's family had a similar history of sojourning. Arriving from Germany in the late seventeenth century, the first three generations of the American Küster family remained in the vicinity of Philadelphia before George's grandfather upped sticks and crossed the Alleghany Mountains into western Maryland early in the nineteenth century. George's father moved on

from Maryland to northern Ohio and later to southern Michigan.<sup>4</sup> When Elizabeth and George Custer set out for the Dakota Territory in 1873 – a territory formed out of the vast Louisiana Purchase of 1803 – the erstwhile frontier societies of Ohio and Michigan had become the thriving heartland of the Midwest, their relatively recent histories as federal territories now a distant memory.

The family trajectories of the Bacons and the Custers were caught up in three interrelated trends that profoundly shaped the United States in the nineteenth century: A fluid and constantly shifting political geography, an explosive population growth, and the westward surge of the resulting population surplus. Territorial and demographic expansion have always been central themes in American historiography. But whereas expansion was once seen as natural and inevitable – the ‘manifest destiny’ of the American nation – more recently historians have taken an interest in how a broad swathe of the North American Continent came to be part of the United States and what that process entailed. Frequently, such investigations are framed as stories of an expanding *empire*. Gordon Wood’s synthetic *Empire of Liberty* takes its title from a celebratory term associated with Thomas Jefferson. More critical and analytical works addressing U.S. expansion are Fred Anderson and Andrew Cayton’s *The Dominion of War: Empire and Liberty in North America, 1500-2000*, Carroll Smith-Rosenberg’s *This Violent Empire*, Bethel Saler’s *The Settlers’ Empire*, Paul Frymer’s *Building an American Empire*, and Stefan Heumann’s dissertation on ‘The Tutelary Empire’. Examples abound. Yet if the term is in frequent use, its meaning is rarely addressed. Scholars have turned to empire for rhetorical effect rather than analytical insight. The only real exception to this rule is the attempt to apply the concept and theory of *settler colonialism* to North American history.<sup>5</sup>

Given their new interest in the U.S. empire, historians of nineteenth-century America will turn eagerly to Antony Hopkins’s magisterial *American Empire*. The timing is certainly right for Hopkins’s call to American historians to engage with their nation’s imperial past. But there is a risk that his call may fall on deaf ears. In his book, Hopkins refuses to see an American empire in the two periods that students of the U.S. have been accustomed to label *imperial*: The nineteenth-century conquest of the North American continent and the nation’s global dominance after World War II. *American Empire* instead concerns itself with the *insular empire* that the United States acquired mostly in the Spanish-American War and lost in the same worldwide process of decolonisation that ended European empires,<sup>6</sup> the remnants of which are today known as the ‘Territories of the United States’.

Faced with the disconnect between Hopkins’s work and American historiography, it is tempting to say that his unwillingness to equate contiguous expansion with imperial domination is simply a mistake. As Linda Colley, another renowned historian of the British Empire has remarked, not only was U.S.

expansion coeval with the expansion of the Russian Empire in Siberia and Central Asia and with British expansion overseas, but the United States came out a winner because it was better 'than these rival powers in devising ways of cementing together diverse peoples over a huge geographical expanse'. Hopkins is perhaps guilty of the common failure to recognise how 'successful, overland empires can segue into apparently uncontroversial nation states'.<sup>7</sup>

But this would be the wrong conclusion. Hopkins is correct that American territorial expansion did not create an empire and we need to pay attention to the qualitative differences between American contiguous expansion and overseas empire if we are to move beyond rhetorical slogans to reach a real understanding of either of these manifestations of U.S. power. *Incorporation*, the seemingly innocuous term Hopkins uses for contiguous expansion, captures the essence of the process better than *empire*. It also allows us to see why nineteenth-century territorial expansion could not serve as a model for the twentieth-century American Empire. In the following pages, I aim to add nuance to Hopkins's interpretation by arguing that the distinctive form that U.S. incorporation took was shaped more by the nation's commitment to republicanism and federalism, than by imperialism.

In pursuing this line of inquiry, I also hope to highlight an important, if not necessarily intended, consequence of Hopkins's treatment of the American imperial past. As noted, in recent scholarship on the U.S., the term *empire* has served a rhetorical rather than analytical function. The term allows certain unpalatable features of the American past – its racially inscribed violence, its dispossession of American Indians, and its exploitation of captive Africans and African Americans – to be described as aberrations incompatible with the true identity of the United States as a federal union of republics. If only mistaken imperial ambitions can be shed, if only past imperial transgressions can be recognised and amends made, the United States may finally become true to its founding ideals. Such a reading of the American past and the American future has its uses and should not be dismissed out of hand. Yet we are forced to ask more searching and more pertinent questions about the identity of the American political project, and its possible maladies, once we accept that territorial expansion and the dispossession and exploitation of ethnic 'others' originated in American republicanism and American federalism, principles that can be traced back to the nation's point of origin, and not in imperial legacies or borrowings.

### **The Meaning of *Empire***

To Hopkins, the nineteenth-century United States falls short of an empire for reasons of definition. Imperialism, he explains, can have three different outcomes. *Formal empire* results when 'the dominant power annexes territory by force or negotiation and abolishes the constitutional independence of the

polity concerned. Subordination enables the dominant power to manage the internal and external policies of the dependency to ensure, as far as possible, that they reflect its own priorities'. *Informal influence* or *informal empire* is an outcome 'whereby the constitutional independence of the satellite is untouched but the dominant power is able to diminish or reshape other elements of sovereignty, again within limits, to suit its own interests'. The third possibility is that imperialism results in a *unitary state* or *nation-state*, whereby 'imperialist actions lead to the incorporation of territory and the assimilation of its people on a basis of equality'.<sup>8</sup>

In *American Empire*, continental expansion is treated in the fifth chapter, 'Wars of Incorporation'. The chapter begins with a succinct and insightful analysis of Indian removal, white settler migration, and state formation set against the backdrop of the 'Anglo expansion' that has been the subject of recent books by James Belich and John Weaver.<sup>9</sup> But Hopkins soon turns to the U.S. wars against Britain (1812-1815) and Mexico (1846-1848), and to the American Civil War (1861-1865). In his reading, the significance of the period lies much less in continental conquest than in the defeat of the South's distinctive socio-economic formation, which broke America's 'neocolonial relationship' with Britain and prepared the ground for the realisation of the North's vision of a self-contained and sovereign American nation-state. Although these developments did not create the American Empire, they were necessary prerequisites for the process that began in 1898.<sup>10</sup>

At the close of the chapter, Hopkins explains why labelling U.S. rule over the North American continent *imperial* would be a mistake. Partly it is a question of scale. Although Hopkins certainly has sympathy with the plight of American Indians, they were simply too few in number for the history of their subjugation to define nineteenth-century United States in any meaningful way: 'Characterizations of the polity need to take account not only of intent but also of scale, and Native Americans represented only a tiny fraction of the population'.<sup>11</sup> But most of all it is a question of outcomes. Before 1898, the United States contained no subordinate polities with circumscribed independence. And operating in a world dominated by the British Empire, the federal government was too weak to exert much informal influence beyond the North American borderlands. In the nineteenth century, the United States was busy conquering, purchasing and annexing territory. But the aim was always territorial incorporation, never formal empire. Hopkins notes that 'expansion had the potential to create an independent territorial empire on the North American continent'. Yet, 'in practice, the resulting structure reproduced states with broadly equal rights under a federal system of government, even though statehood generally followed a period of administration directed by Washington'.<sup>12</sup> It would therefore be an error to equate 'imperialist expansion on the North American continent with the type of territorial empire discussed in this study'.<sup>13</sup>

Hopkins follows in the footsteps of scholars who have interpreted the Northwest Ordinance and its plan for the organisation of the trans-Appalachian West as a rejection of empire. Whereas before U.S. independence an imperial centre governed thirteen colonial dependencies, after independence a different principle would apply. In Belich's words, 'the template of American expansion was to be cloning rather than extension' of existing states.<sup>14</sup> Wood notes that the Northwest Ordinance put an end to 'permanent second-class colonies' and 'set forth the unprecedented principle that new states of the American empire settled in the West would enter the Union "on an equal footing with the original States, in all respects whatsoever"'.<sup>15</sup> Rejection of Britain's imperial organisation did not mean a rejection of the language of empire, however. To most Americans, and to many Britons, in the late eighteenth-century, the word *empire* meant nothing more precise than a geographically extensive and jurisdictionally composite polity.

As a historian of the British Empire, Hopkins is of course well aware that the meaning of *empire* has shifted over time. John Pocock writes that 'the word "empire," as used by English-speakers in the eighteenth century, did not primarily denote a hegemonic central power and its dependent colonies'.<sup>16</sup> Instead, *empire* was often used as a synonym of *confederation* or *federal republic*. Montesquieu's *Spirit of the Laws*, which more than any other work provided American state-builders with their vocabulary of federalism, is a case in point. Montesquieu treated the Dutch and Swiss republics alongside *l'Allemagne* – the Holy Roman Empire of the German Nation – in his discussion of European perpetual unions, or *républiques éternelles*. 'It seems,' Pocock comments, that *empire*, *confederation*, and *republic* could all 'be used to denote political systems of indefinite extent and multiple structure, and to denote very little more: to denote a plurality of political entities, held together by a *confederatio*, which is no more than the sum of the arrangements, or *foedera*, which exist between them, and to which each entity, if it is sovereign, stands committed by the exercise of its sovereign power'.<sup>17</sup>

The vague and elastic meaning of *empire* in early modern political discourse explains why American statesmen and political writers saw no incongruity in calling the United States an *empire* despite embracing republicanism and federalism. In 1779, the *United States Magazine* referred to the new American republics as the 'several states in the union of the empire'.<sup>18</sup> Eight years later, Alexander Hamilton commented in *The Federalist* that the adoption of the U.S. Constitution would determine 'the fate of an empire, in many respects, the most interesting in the world'.<sup>19</sup> Praising the adoption of this constitution, Francis Hopkinson's 'Ode for the 4th of July, 1788' invited listeners to 'Behold! behold! an empire rise!'<sup>20</sup> A few years later, Hamilton's nemesis Thomas Jefferson described the Louisiana Purchase as the foundation of an 'empire of liberty',<sup>21</sup> and in the 1830s Henry Clay said the public domain was large enough 'to found an empire'.<sup>22</sup> Even as late as 1927, Oregon's official state

song celebrated the 'Land of the Empire Builders, Land of the Golden West; Conquered and held by free men, Fairest and the best'.<sup>23</sup>

Such rhetorical flourishes did not amount to an endorsement of either formal or informal empire. Nor did it signal a continuity with the imperial past. Despite this language, the American Revolution created a polity in important respects different from the British composite empire. Above all, the United States was much less tolerant of jurisdictional and status diversity than the British Empire had been. When English monarchs claimed dominion over land in the Americas, they also claimed lordship over native peoples who were neither conquered nor incorporated into the English nation. English, later British, kings ruled, sometimes in name only, their American dominions by forming alliances and agreements with American Indian nations that were autonomous polities with recognised territorial rights. With time, the British Empire also came to rule over French- and Spanish-speaking Catholic settlers in Florida, Grenada, and Quebec, Dutch-speaking Calvinist settlers in the Hudson River Valley, and a large and diverse enslaved population of West African origin. Like the inhabitants of Britain and transplanted Englishmen around the Atlantic basin, these people were all *subjects* of the Crown, a political status that was both inclusive and shallow.<sup>24</sup> In colonial North America, imperial policy tried to juggle the interests of very different ethnic groups of American subjects alongside the military and economic priorities of the British government and merchant class. The outcome was not always support for the interests of the English-speaking colonists, as is evidenced by the so-called Proclamation Line, the territorial extension of Quebec Province, and, of course, the attempts to regulate and tax the American colonies after the Seven Years' War.

The United States was a different story. It was the common government of the thirteen colonies, which represented no one else. And it was organised as a federal union of republics. Both its republicanism and its federalism would profoundly shape the template of American territorial expansion by cloning.

### **A Federal Union of Republics**

For present purposes, the outcome of the American Revolution can be summarised in three points. *Independence* turned thirteen British colonies on the North American mainland into sovereign states. All thirteen rejected monarchy and adopted a *republican form of government* that was founded on the principle of popular sovereignty and institutionalised relatively broad male suffrage, frequent elections, elective political offices, and rotation in office. Yet, despite such principles, an institutionalised racism made American republicanism *exclusive*. The British Empire could function, even thrive, with a multiethnic, multilingual, and multireligious subject population living in distinctive and distinctively different jurisdictions. The American federal union of republics could not.

Whereas monarchy and aristocracy are systems of rule based on the principle of social rank, republicanism is based on the principle of civic equality. In a republic, citizens partake in the adoption of the laws under which they live, and their law apply equally to all. It is a system of government that demands much from the citizenry and republican thinkers have always emphasized the need for the citizens of a republic to possess certain qualities in order to sustain their government, qualities often denominated *virtue*.<sup>25</sup> Nicholas Guyatt has traced American racial discrimination back to the Revolution's commitment to republican equality. Revolutionary North America was ethnically much more heterogenous than Britain. Guyatt argues that the American founders believed strongly in the equality of man but had an equally strong conviction that European men and their descendants in America were superior to Native American, African, and African American men. Such racial superiority was not perceived to be inherent but was rather seen as the function of social and cultural refinement. In principle, non-European Americans could therefore catch up with their betters, at which point they could be assimilated into the republic's body politic on terms of equality. However, when their uplift seemed hampered instead of promoted by cohabitation, American ideologues and policy makers concluded that successful assimilation was preconditioned on their removal from interaction with the 'white' population to surroundings where non-white peoples could develop at their own pace.<sup>26</sup> Less charitable readings of American founding principles are possible. But Guyatt is correct to argue that the refusal to incorporate non-whites as equal citizens in the American republics, in combination with the reluctance to turn these republics into societies of ranks, gave birth to the long-lived American dilemma of assimilation.

New work on the American founding has demonstrated how an American political identity was crafted by means of an aggressive othering of non-whites and non-Anglophones.<sup>27</sup> The craftsmanship is on display already in the nation's organic laws. Below a veneer of universal rights talk and references to 'one People', the Declaration of Independence imposed a logic of exclusion. George III was accused of having 'excited domestic Insurrections amongst us' and having 'endeavoured to bring on the Inhabitants our Frontiers, the merciless Indian Savages whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions'. In one place, the document speaks of 'all Men' being 'created equal'. In the next, it pits enslaved African American insurrectionists against a European American 'us', and American Indians against 'the Inhabitants of our Frontiers'.<sup>28</sup> Similar to the Declaration, both the Articles of Confederation and the U.S. Constitution excluded Indians nations from the 'firm league of friendship' and 'more perfect Union' binding the thirteen republics together. The Northwest Ordinance detailed the creation of three to five new white settler states but was silent on the place and role of indigenous peoples in the United States. The Shawnee, Wyandot, Delaware,

Miami, Sauk, Chippewa and other nations were *in*, but not, *of* the United States. Once subjects of the British Empire, they were now expelled beyond what Barbara Young Welke calls the American republics' 'borders of belonging'.<sup>29</sup>

African Americans, too, found themselves *in*, but not, *of* the American body politic. The first U.S. naturalisation law defined the U.S. as a 'white' nation.<sup>30</sup> The Northwest Ordinance banned slavery north of Ohio River, but the Constitution delegated the definition and realisation of civic rights, and the question of the legality of slavery, to the states. After independence, the northern republics put slavery on the road to extinction. After a brief period of emancipation, the southern states in contrast perpetuated their 'peculiar institution'. In the late eighteenth century, it was widely recognised that slavery concentrated wealth and perverted the morality of slaveowners, and thus was not conducive to a republican system of government by equal and 'virtuous' citizens. But at least enslaved individuals were civically dead and thus outside the pale of the political community. Emancipated slaves were more troublesome. Once freed, the question arose whether African Americans could and should also be citizens. In the South, North and West, the answer was no. The preferred solution was to let emancipation be followed by expulsion from the state to the western borderlands, the Caribbean, Mesoamerica, or West Africa, a project known as 'colonization'.<sup>31</sup> Few African Americans showed any interest in exile, however. Instead, the American republics reluctantly turned into multiethnic societies of ranks in which 'whiteness' was a precondition for full citizenship. Racial separation remained. But rather than a continental or trans-continental vision it became a principle for the ordering of local society and everyday life.

The republics' corruption into societies of rank can be observed in the evolution of voting rights. A process that past historians were too keen to label *democratization* saw the expansion of white male suffrage in combination with the introduction of explicit race and gender restrictions on the right to vote. In 1790, ten of the thirteen states in the American union had property requirements for voting. By 1855, restrictions existed in only three of thirty-one states. In contrast, in 1790 only three states excluded non-whites from voting. By 1855, twenty-five states did. In 1790, there were a few states in which adult unmarried women could vote. By 1855, voting was everywhere explicitly reserved for men only.<sup>32</sup>

As the United States grew by cloning, the exclusion of American Indians from the nation and the discrimination against non-whites were faithfully copied and implemented in the new republics of the West. Had the United States thought of itself as an early modern empire, it could have existed as a multiethnic composite polity that combined white republics with non-white jurisdictions. It is at least conceivable that an organisation like the eighteenth-century British Empire could have functioned as a system of alliances between the British Crown and a conglomeration of largely self-

governing white settler colonies, Indian nations and confederations, French- and Spanish-speaking conquered provinces, and even an African American Maroon state. Some U.S. 'colonization' projects included ideas about an African American self-governing polity in the western borderlands and the idea of an 'Indian state' was flouted on various occasions.<sup>33</sup> Yet American founding principles could ill cope with such diversity. The reason can be found in another commitment of the American founders. Not only did they turn colonies into republics, they also made their republics join together in a federal union.

As Pocock notes, early modern political taxonomists placed empires and federal unions in the same category of *républiques éternelles*. Federal union was a well-known institutional solution to external threat. American state-builders learnt about its benefits from Montesquieu's *Spirit of the Laws*. In the chapter 'How Republics Provide For Their Security', Montesquieu explained that, by joining in federal union, republics could combine 'all the internal advantages of a republican government' with 'the external force of monarchy'. Thanks to 'the force of the association', he continued, such 'a society of societies' had 'all the advantages of large monarchies' in its dealings with the outside world. In a federal union, the member-states delegated their powers over war, peace, and alliances to a common government to better secure their protection and independence. But if empires were compatible with heterogeneity in the forms of government of their composite parts, federal unions depended for their stability and longevity on the homogeneity of their member-states. For the union to be permanent and successful, it had to 'be composed of states of the same nature', Montesquieu wrote. This was true, 'above all' for 'republican states'. Because monarchies were prone to war and expansion it was against their spirit to confederate with others. Allowing monarchies to become part of a union was an invitation to disaster. Montesquieu warned that 'in Greece, all was lost when the Macedonian kings gained a place among the Amphictiones'.<sup>34</sup>

Union followed on independence by necessity. The American colonies were simply too small to survive on their own. The Articles of Confederation and Perpetual Union that created the first American union in 1781 were silent on the form of government of the confederating states. But when time came to form a more perfect union in 1787, the new Constitution stipulated that 'the United States shall guarantee to every State in this Union a Republican Form of Government' (Art. IV, §4). The Northwest Ordinance, adopted in the same year, said that all new states formed in the territories were to have a 'republican' constitution and a government that conformed 'to the principles contained in these articles' (Sect. 14, art. 5). The repeated sectional conflicts between slave states and free states in the antebellum era that culminated in the Civil War demonstrate how homogeneity of form remained an existential matter to the American union.

The American union expanded by incorporating additional republics. Homogeneity of form was a central question in this process. During Reconstruction, in the short window of opportunity when an alternative vision of the U.S. can be glimpsed, the concern with homogeneity served to banish race restrictions on citizenship from the constitutions of new and readmitted states. If civic rights were not equal and universal, American statesmen argued, that state did not have a republican form of government. In the words of Senator Charles Sumner, a constitution that restricted non-white suffrage 'is not republican, for the first principle of republican government is equality'.<sup>35</sup> But for most of the nineteenth century this logic was reversed. The belief in the superiority of whites and anglophones made U.S. politicians wary of incorporating racial 'others'. In 1811, some congressmen found Louisiana too 'foreign' to qualify as an American state. Its population had different 'habits, customs, manners, and language' from Americans and 'never have been, and ... never will be, citizens of the United States'.<sup>36</sup> Nine decades later, New Mexico was denied statehood because the 'great majority' of the population were of 'Spanish and mixed Spanish and Indian descent'. Only when the territory had acquired a sufficient number of white migrants could 'this mass of people unlike us in race, language, and social customs' be incorporated into the Union.<sup>37</sup> Homogeneity was not always about race. New states had to comply with American social and political norms. Although the population was white and therefore capable of self-government, the practice of polygamy, an alien church doctrine, and the political power of the priesthood kept the Mormons in Utah territory outside the American union for half a century.

### Organising Expansion

Born in a violent uprising against Britain's attempt to create a formal empire in America, the Articles of Confederation and perpetual Union jealously guarded the sovereignty of the new American republics. But jealousy made the union too weak to effectively protect the independence and promote the interests of the states. Three problems plagued the American union once independence had been secured in the 1783 Peace of Paris: Congress's default on the public debt, its failure to protect American international commerce, and its slow progress in organising and settling the trans-Appalachian west.<sup>38</sup> Overcoming these challenges, most of all the third, was a prerequisite for the launch of U.S. continental expansion.

The peace treaty recognised the independence of the Atlantic seaboard states and granted them dominion over a vast region in the continental interior, from the Appalachian Mountains to the Mississippi River. Several of the states held overlapping claims in the area, which were derived from their colonial charters. These claims were ceded to Congress in the mid-1780s, resulting in the creation of a 260,000-square mile public domain north of the Ohio River. Fruitful soils

made this a land of great potential. The successful incorporation of the West into the United States became possible only after a complete overhaul of the American union, however.<sup>39</sup> The Constitution of 1787 laid the foundations for a stronger central government that could raise taxes and an army and gave Congress the power to ‘make all needful Rules and Regulations’ respecting U.S. territories (Art. 3, sect. 3). The rules were spelled out in the Northwest Ordinance and the land ordinances preceding it. With occasional but relatively minor changes, the ordinance would serve as the blueprint for the incorporation of the territories that the United States conquered, annexed, and purchased over the century that followed.

Because the Constitution reconfirmed the Revolution’s commitment to republican government and federal union, the expanding United States came to be organised as two distinctive jurisdictional spaces. In the East was the union of American republics and the federal district. In the West was a complex and growing marchland of federal territories, unorganised lands, and Indian Territory. From this marchland was carved the new republics that completed the process of territorial expansion by incorporation or cloning. The process had run its course by 1912, when Arizona and New Mexico were granted statehood. Hopkins’s map of US territorial acquisitions and state-formation, found in chapter five, illustrates the political geography of continental expansion. Between 1783 and 1912, thirty-seven new states were added to the original thirteen on land acquired through seven cessions, purchases, and annexations ratified by international agreement.<sup>40</sup> A didactic tool typical of its kind, the map tries to capture a rapidly changing reality that is too complex for easy depiction, no matter the degree of cartographical detail.

Such maps invariably leave out American Indian land cessions. International agreements did not extinguish native land titles, which required an additional treaty. No official list of Indian Treaties exists but the National Archives holds 374 of these documents. Many but not all involved one or more territorial cessions. The Indigenous Digital Archives database of Indian Treaties records and maps a staggering 717 cessions by treaty between 1784 and 1894.<sup>41</sup> Nor did new states emerge organically out of geographically identical federal territories, as these maps typically suggest. The Northwest Ordinance stipulated the borders of three future states to be formed out of the Northwest Territory. But this practice was quickly abandoned. For much of the nineteenth century, the federal government instead organised territories of enormous extent: Indiana Territory (1800); the Territory of Louisiana (1805), which became the Missouri Territory (1812); the extended Michigan Territory (1834); Oregon Territory (1849); Utah Territory (1850); and New Mexico Territory (1850). These were subsequently carved up into smaller territories, which eventually became states. For a few years in the middle of the century, huge tracts of the national domain were simply left ‘unorganized’. Internally,

federal territories were often composite jurisdictions that included self-governing Indian nations with recognised territorial rights. In addition to such organic native polities, Congress created Indian Territory in 1824. It would exist in shifting geographic shapes to 1907 and serve as the receptor of American Indians forcibly removed from their homelands.<sup>42</sup>

All of this goes to show that incorporation was indeed a complicated affair. A semblance of order can be achieved by focusing on how early U.S. policy created two distinctive jurisdictional spaces in the western marches. When Congress adopted the Northwest Ordinance in the summer of 1787, successful incorporation of the West was anything but a certainty. U.S. surveyors had just laid out the so-called Seven Ranges, a six-mile-square pattern of townships west of the Ohio River. This land was to be sold in 640-acre plots, half plots or quarter plots to farming families migrating from the Atlantic states. The first inroad in the national domain, the Seven Ranges stretched a mere 42 miles into the vast Ohio country. Even so, surveying required army protection against Indian attack. In 1787, the only white residents north of the Ohio River were a few squatters, the sojourning surveyors, and a handful of miniscule army detachments. The organised West was no more than a prospect.<sup>43</sup>

Real power north of the Ohio River rested with an Indian confederacy of the Shawnee, Wyandot, Delaware, Miami and other nations. Further afield lived peoples like the Sauk and the Chippewa. From their homelands in upper New York, the Haudenosaunee Six Nations confederacy also had a long-standing interest in the region.<sup>44</sup> Remarkably, none of them were mentioned in the Northwest Ordinance. True, there were general stipulations regarding 'Indians'. There was the promise that future republics to be formed in the territory would treat resident American Indians with 'good faith' and the pledge that the United States would protect and preserve peace and friendship with them. The federal government would also guarantee 'their lands and property', which could only be alienated with the Indian nations' consent or following U.S. conquest 'in just and lawful wars authorized by Congress' (Section 14, article 3). Nevertheless, the most striking feature of the Northwest Ordinance is that the first U.S. plan for incorporating new territories did not outline a place for native peoples in the American union.

The Northwest Ordinance instead concentrated on the settler-migrant farming families from the Atlantic states that Congress hoped to attract to the region. The ordinance was both a form of government for the federal territories and a compact of union outlining the conditions territories had to fulfil to be incorporated into the United States. How a unilaterally adopted ordinance could be construed as a 'compact' between contracting parties is far from obvious. But it made sense if the act of settling in the territory could be interpreted as a tacit agreement to the compact. In any event, the 'articles of compact' were to 'forever remain unalterable' and thereby significantly

shaped the states that would emerge from the Northwest Territory. Unbridled settler sovereignty was never in the cards.

The ordinance stipulated that territories would initially be governed directly by Congress without popular participation. The territorial government would consist of a governor, a secretary, and three judges, who were all appointed by and answerable to Congress. This unelected government would give law to the inhabitants by adopting 'laws of the original States', subject to congressional approval. It also had the power to lay out townships and counties, and to appoint all local government officials. As a form of government, it was far removed from republican self-government. In fact, the first governor of the Northwest Territory referred to his province as a 'dependent colony' and insisted that migrants to the territory left behind their status as citizens in their home states to become 'subjects of the United States' in the territories.<sup>45</sup> An element of self-government was introduced as soon as the number of 'free male inhabitants of full age' reached 5,000, who were then allowed to elect a legislative assembly. The territorial assembly could send a delegate to Congress who had the right to debate but not to vote. But the federal government would continue to appoint the executive and the judiciary, and the governor had the right to veto legislation.<sup>46</sup>

The second stage in the incorporation process began when a 'state' in the territory had reached 60,000 free 'inhabitants'. The settlers could now write a constitution, form a government, and apply to join the American union as a sovereign state 'on an equal footing with the original States in all respects whatever' (Art. 5). Despite these words, settler sovereignty continued to be circumscribed in important ways. The transition from territory to state could only be initiated after Congress had passed an enabling act,<sup>47</sup> which meant that settler colonists had no absolute right to statehood and an end to their dependent status. Furthermore, the ordinance's 'articles of compact' meant that the constitution and form of government of new states had to conform to rules laid down by the federal government.

In the most literal sense, Congress shaped future states by determining their borders. The fifth article of the Northwest Ordinance specified the territorial borders of three states to be formed out of the Northwest Territory and left room for the creation of an additional two states. This provision was abandoned in 1800 and never resurrected. But the principle that the federal government rather than the settlers would decide the borders of new states remained. The article also required that the constitution and government of new states had to 'be republican' and conform to 'the principles contained in these articles'. The 'principles' referred to guaranteed to the citizens of the new republics rights that were considered integral to American republican government, for example freedom of religion, the right to habeas corpus and to jury and common law trials, and proportional representation in the legislature. Other principles guarded the sanctity of contracts, declared navigable rivers public

highways, and banned slavery from the Northwest Territory. The third article obliged new states to encourage 'religion, morality, and knowledge' and to treat American Indians with good faith. The fourth article's stipulation for perpetual union proscribed secession. It also made unsold public lands federal property exempt from state taxation. Finally, the fifth article of the ordinance gave Congress discretion to award statehood to a territory before it reached the threshold of 60,000 free inhabitants if this was 'consistent with the general interest of the confederacy'.

Historians have used the term *empire* to describe American territorial expansion from a wish to draw attention to U.S. violence and aggression against foreign nations and conquered peoples. But the United States in fact came closest to establishing a formal empire in the 'direct stage' of its government over the white settler population in the federal territories. Before statehood, the federal government actively shaped settlements into republics fit for incorporation in the Union. Settlers were never given 'constitutional independence' before Congress was convinced that their self-government would reflect the priorities of the American union. The federal government imposed conditions for statehood that went beyond the stipulations in the Northwest Ordinance on almost all territories seeking incorporation into the Union in the long nineteenth century. The approach was light touch in the period from 1821 to 1859, when the specific conditions on the ten states admitted to the Union were limited to regulating the status of federal land within their borders. Conditions were much more intrusive from the Civil War and onwards. This chronology confirms Hopkins's and others' interpretation that the most important outcome of the war was a northern dominated 'nation-state',<sup>48</sup> although it is perhaps more correct to say that increased congressional activity after the war reflects the realisation that a stable federal union could not permanently endure half slave, half free.

Both in the early decades of the republic and in the post-Civil War era, the purpose of statehood conditions was to ensure a homogeneous federal union. In James Biber's words, conditions addressed doubts that a territory could 'be assimilated as a loyal, democratic unit of government within the United States'. These doubts arose whenever settler territorial societies were 'perceived as fundamentally different from mainstream American politics and society'. Congress would then regulate civil liberties, marriage, religion, education, language, and qualification for office to make these societies conform to U.S. norms. The uncouth nature of frontier inhabitants was the impulse behind the original stipulations in the Northwest Ordinance. After the Louisiana Purchase, Louisianans had to reform their legal system and accept English as their language of government. In Utah Territory, Mormons had to abandon polygamy, promise to establish a non-sectarian public education system, and accept the division of church and state. Before incorporation, New Mexicans had to ensure English-language proficiency for all state officers and legislators,

freedom of religion, and guarantees that the public education system would be non-sectarian and the language of instruction English.<sup>49</sup>

### American Indian Nations

The Northwest Ordinance said little about the status and future of American Indians in the United States. Hopkins notes that estimates put the indigenous population at roughly 600,000 at the turn of the eighteenth century. This equals about a tenth of the total non-Indian U.S. population of 5.3 million. A century later, the U.S. Census recorded 230,000 Indians in a total U.S. population of 75.5 million.<sup>50</sup> By then, the American Indian population was less than a third of one percent. In the terminology of empire, the United States acted as a settler colonial state towards native peoples. It aimed to take indigenous land and eliminate the autonomy of indigenous peoples, and to people the land with white migrants as a prelude to incorporating settler colonies. North American historians have been reluctant to use the concept of *settler colonialism*, however. The term is a poor fit for post-contact North American history well into the nineteenth century. For centuries, European settlements were geographically limited, indigenous polities often stronger than settler colonies, and Indian nations more commonly perceived by imperial agents as allies and trading partners than impediments to European land grabs. Even after independence, the United States was for many decades ‘an archipelago of settler islands, strung on a weak web of roads and ... aqueous spaces’.<sup>51</sup> But at some point – at different times in different parts of the continent – the balance between the settler colonial state and Indian polities tipped. When the nineteenth century drew to a close, it was native spaces that had been reduced to little islands in a sea of white settlement, a sea that relentlessly crashed against and eroded the remnants of indigenous territorial rights.

Yet if the term *settler colonialism* correctly characterises the broad strokes of U.S. policy, it says little about the finer details. Indigenous dispossession was neither automatic nor homogeneous, but carefully managed and shifting. The U.S. policy of Indian displacement went through three stages in the long nineteenth century: enforced retreat behind a treaty line in the decades after independence, trans-Mississippi removal beginning in the 1820s, and confinement to reservations after the Civil War.

Immediately after the War of Independence, Congress made a brief attempt to treat American Indians as conquered peoples. Faced with Indian resistance, the U.S. soon reverted to the colonial-era practice of dealing with indigenous peoples through treaties. Bethel Saler explains how the U.S. created *treaty polities* to manage Indian-settler relations and territorial cessions.<sup>52</sup> As the term suggests, the policy involved the creation, at least on paper, of a body politic that could become the signatory of an agreement. If land cessions were to be legitimate, the territorial claims of these indigenous bodies politic had to be

recognised, or there would be no land to alienate. In addition to ratifying land cessions, early treaties established the physical separation of American Indians and European Americans by means of a treaty line, replaced commercial and political links with Britain and Spain with ties to the U.S., placed Indian nations under the protection of the United States and 'of no other sovereign' and formulated the route by which the Indians would be 'civilized' and made to conform to European-American norms of socioeconomic organisation.<sup>53</sup>

From the 1820s Congress moved to a policy of land exchanges, whereby Indian nations were pressed to give up their homelands for new territories west of the Mississippi River. The policy of Indian removal led Congress to create the so-called Indian Territory in 1822, located between Arkansas Territory and the Mexican state of Coahuila y Tejas, to harbour displaced peoples. Indian territory was significantly extended in 1834 to include all land between the Missouri River and the international border with Mexico and Britain, roughly the area that would become the states of Oklahoma, Kansas, Nebraska, Colorado, South and North Dakota, Montana, and Wyoming. Regardless of its size, Congress outlined neither a governmental structure for the territory nor a path for statehood. Indian nations continued to exist as autonomous polities that were self-governing with regards to their domestic affairs and beyond the pale of U.S. jurisdiction.<sup>54</sup>

In 1854, Indian Territory contracted to its 1822 borders when Congress laid out two new settler colonies in the territories of Kansas and Nebraska. This was part of a development that began when the Oregon Settlement in 1846 and the Mexican Cession in 1848 sparked U.S. colonisation of the Pacific coast. Frequent conflicts between migrants on the overland trails and Great Plains nations made the United States adopt the reservation system in the 1850s. In the decades after the Civil War, the federal government projected its overbearing military power onto the Great Plains in a series of 'savage wars of peace' that reduced Indian nations to captive peoples confined to reservations.<sup>55</sup> In contrast to the borderland region of the 1834–1854 Indian Territory, which abutted the external border of the United States, Indian reservations were located within states and territories, thereby sharply limiting indigenous autonomy.<sup>56</sup>

In the long nineteenth century, U.S. Indian policy can be said to have recognised indigenous nations as territorially demarcated autonomous political organisations. But whereas native peoples could be part of the loose alliance systems that made up the multiethnic composite empires of the early modern era, Indian nations were never invited to become members of the American union. This was despite the fact that the idea of an Indian state could and was imagined on repeated occasions. The very first U.S. Indian treaty, an agreement between Congress and the Delaware nation, held out the promise that the Delaware and other friendly 'tribes' could join the American union at a future date and 'form a state whereof the Delaware nation shall

be the head and have representation in Congress'.<sup>57</sup> Facing aggression from the State of Georgia in the 1820s, the Cherokee nation crafted itself as a recognizably 'civilized' and sovereign state with a capital city having all the trappings of a white republic: a legislative building, courthouse, and bilingual newspaper.<sup>58</sup> On 4 July 1827, the nation adopted a constitution that was so faithfully modelled on the American republics that it even took to exclude from the 'body politic' persons 'of negro or mulatto parentage'.<sup>59</sup> In 1905, the Cherokee and the other 'Civilized Tribes' joined in convention in Indian Territory to write a constitution and apply for statehood for the State of Sequoyah.<sup>60</sup> Yet in no case did an indigenous U.S. republic materialise.<sup>61</sup>

## Unwanted Peoples

The American template of growth by cloning also does much to explain the limits to expansion. The organisation of the United States as a homogeneous federal union of republics made it reluctant to acquire new territories encompassing large populations of ethnic 'others'. At various points in the nineteenth century, proposals to take over Mexico, Nicaragua, the Yucatan Peninsula, Cuba, Haiti, and Santo Domingo were aired.<sup>62</sup> A formal empire would have no problem with the principle of governing 'foreign' nations, although practical considerations may on occasion make it inadvisable. In contrast, extending rule over an alien people incapable of easy assimilation was very problematic for the United States. In 1836, in the course of a Senate debate over slavery, Senator Benjamin Leigh of Virginia made the dilemma clear. 'It is peculiar to the character of this Anglo-Saxon race of men to which we belong', said Leigh, 'that it has never been contented to live in the same country with any other distinct race, upon terms of equality; it has, invariably, 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'.<sup>63</sup> Extermination was not practicably possible in places like Mexico or Cuba. The alternatives were to rule such dominions as dependencies of non-citizens or leave them be. Some of Leigh's fellow southerners, men who had made their peace with slavery and begun to fear for its future from a northern-dominated Congress, did argue for the first option. As Hopkins notes, in the years leading up to the Civil War, the South entertained hopes of establishing 'a slave empire' in the Caribbean and Central America. 'Had the Confederacy won the war and realized its ambition, the resulting polity would have been imperial in substance as well as in intent'.<sup>64</sup> Instead, Lincoln rejected empire and saved the federal union.<sup>65</sup>

The dilemma of incorporation came to the fore in the congressional debate on the 'all-Mexico' proposal in 1848. Opponents to the proposal, such as the newly elected representative for Illinois, Abraham Lincoln, argued that the U.S. should content itself with 'the unsettled half' of Mexico, where it 'could establish land offices, sell the lands, and introduce an American population

into the country'. Floridian Edward Cabell, who represented a state created a mere three years previously on territory once held by the Seminoles, agreed. Taking all of Mexico meant taking 'the *population* along with it. And shall we, by an act of Congress, convert the black, white, red, mongrel, miserable population of Mexico – the Mexicans, Indians, Mulattoes, Mestizos, Chinos, Zambos, Quinteros – into free and enlightened American citizens, entitled to all the privileges which we enjoy?'<sup>66</sup> In the end, Congress voted against empire and for white republics and federal homogeneity.

But even the 'unsettled half' of Mexico that would eventually become part of the United States contained significant pockets of non-white population. The federal government's handling of such problematic places shed further light on the *modus operandi* of American expansion. California, part of the Mexican Cession of 1848, became a state in 1850. Oregon, to which the U.S. secured title in the Oregon Settlement of 1846, became a state in 1859. With 70,000 residents in 1848, New Mexico exceeded the population threshold of the Northwest Ordinance. Yet the territory was granted statehood only in 1912. This long delay was the result of the ethnicity, language, and religion of the *neomexicanos*. Congress deemed that New Mexicans 'are not now, and for a long time to come may not be, prepared for State government'. According to the newspapers, the people were 'aliens to us in blood and language'<sup>67</sup> and hence 'not of us'.<sup>68</sup> The official report on New Mexico's statehood application from 1902 declared that it was only when the Spanish-speaking population had been diluted by an influx of English-speakers, 'who have been citizens of other States', that the people of New Mexico could form 'a credible portion of American citizenship'.<sup>69</sup>

Unlike modern European empires, and the twentieth century American Empire, the expanding American federal union was repelled by racial 'others'. Its rapidly growing population and its agrarian economy created an unsatiable appetite for new land, but the federal government directed expansion into the sparsely populated regions of North America. It acquired land in the first step from European and neo-European powers and in the second step from indigenous nations. Next, the federal government actively employed land distribution policies – such as the Preemption Act (1841), the Florida Armed Occupation Act (1842), the Oregon Land Donation Act (1850), the Homestead Act (1862), and the Dawes Act (1887) – to 'manufacture white majorities' on this land. By such means the 'government regulated the task of settlement by controlling its direction, pace, and scale – moving preferred populations onto contested territory in order to engineer the demography of the region in a manner that both secured and consolidated their territorial control'.<sup>70</sup>

The racial qualifier is important. The policy aimed to secure *white* majorities. The Dawes Act invited white settlers to acquire homesteads on Native American soil. In contrast, the Southern Homestead Act (1866), which sought to give

emancipated slaves title to confiscated land in the seceding states, was repealed after a decade. Before the Civil War and after Reconstruction, Congress allowed racial discrimination and exclusion to stand in new state constitutions. Preparing for statehood Oregonians voted three to one to ban slavery, six to one to exclude blacks from their new republic. According to their state declaration of rights, 'white foreigners' were welcome to the rights of 'native-born citizens' (Sect. 32), whereas 'no free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside or be within this State' (Sect. 36). If they tried to, public officials would remove them.<sup>71</sup> To the extent that the United States was more successful than contemporary empires in holding on to and incorporating new territory, it was not because it was better at 'cementing together diverse peoples over a huge geographical expanse', as Colley suggested in the quotation above, but because it managed to move the 'right' bodies onto the land in vast numbers and gave them self-government in white supremacist republics.

Concern over the impossibility of incorporating ethnic 'others' in the federal union, indigenous dispossession, and racial exclusion all came together in the history of Oklahoma statehood, which transformed Indian Territory from a native reserve to 'a white settler state in the center of the nation'.<sup>72</sup> From the War of 1812 to the end of the Great Plains Wars, Indian Territory served as a dumping ground for unwanted indigenous population elements from all corners of the United States. After the Civil War, around thirty nations, with a combined population of 85,000 people, resided there. Despite exceeding the population threshold for statehood, the creation of an Indian republic and its incorporation into the American union was never an alternative; nor was the continued existence of this native enclave. Congress undermined Indian autonomy and communal land ownership by adopting the Dawes General Allotment Act in 1887. Three years later it lopped off the western half of Indian Territory to create Oklahoma Territory, which was immediately opened up for white settlers in a series of land runs and lotteries. In 1900, Oklahoma Territory had 400,000 inhabitants of whom only 32,000 were classed as Indian. Meanwhile Indian Territory had also been overrun by white settlers. Of a total population of 392,000 in 1900, a minority of 90,000 were Indian.

This demographic sea-change made statehood feasible for Oklahoma Territory in the early years of the twentieth century. The five 'civilized nations' – the Cherokee, Choctaw, Chickasaw, Creek, and Seminole – left in Indian Territory petitioned Congress for separate statehood and admission to the United States as the State of Sequoyah. Named in honour of the inventor of the Cherokee syllabary, Sequoyah would have been a polity with an explicit indigenous identity. But in conformity with over a century of racially guided incorporation policies, Congress denied the application. Instead, Oklahoma Territory absorbed Indian Territory to become the State of Oklahoma in 1907.<sup>73</sup>

Perhaps the most important contribution of settler colonial studies lies in drawing attention to the stories settler states tell about themselves to justify indigenous dispossession.<sup>74</sup> Oklahoma illustrates such-story telling perfectly. On achieving statehood, the American Indian history of Oklahoma was quickly eradicated in a celebration of plucky “Boomers” and “Sooners” who brought the territory into modernity by an instant and dramatic transformation of a *terra nullius* into a flourishing agricultural economy and a white republic. The first official state song, written in 1905, described Oklahoma as ‘a land whose story has just begun’.<sup>75</sup> It was replaced after World War II by the title song from the Rodgers and Hammerstein musical *Oklahoma!* – a quintessentially American work and one of the most popular shows ever produced in the United States. Set on the eve of statehood, *Oklahoma!* celebrates settler colonialism. In the words of the title song, ‘we know we belong to the land, And the land we belong to is grand!’<sup>76</sup> It should come as no surprise that there are no American Indians on the role list. When the plot demands an exotic ‘other’, it is filled by a Persian peddler named Ali Hakim, an unlikely traveller on the North American prairie in 1907. But Indians were not the only non-whites excluded from the body politic of the new republic. In its first act as an independent republic, the Oklahoma legislature adopted Jim Crow laws. Soon after, it took away black voting rights.<sup>77</sup>

### Empire and Internal Decolonisation

The burst of state-making in 1889–1896 when seven new republics joined the American union coincided with the declaration by the U.S. Census that the ‘frontier line’ between settler colonists and the indigenous population had vanished. Only two years after the admission of the State of Utah, the United States entered a new phase of territorial expansion. No longer focused on contiguous regions in North America, the federal government for the first time acquired overseas dominions. The novelty of this development lay less in their overseas location than in the formal status of the new acquisitions. National borders are the product of historical contingencies. At various points in the nineteenth-century, American expansionists had cast their eyes on Cuba and other Caribbean islands, just as others had dreamed of settling Willamette Valley and securing San Francisco Bay. For most of the century, transportation technology made the islands of the Caribbean and the rim of the Mexican Gulf far more accessible than the Pacific Coast. Rather than geographic location, the striking thing about the territories acquired after the War of 1898 is their demographic composition. Unlike the Mississippi Valley, the Midwest, and the Pacific Coast, the new territories were generally not seen as promising sites for settler colonies, but as places already densely populated by people that nineteenth-century statesmen for religious and racial reasons viewed as impossible to merge with the American nation. The unwillingness to incorporate the new

dominions into the American union made overseas expansion qualitatively different from western expansion.

The Insular Cases decided in 1901 are to the American Empire of the twentieth century what the Northwest Ordinance is to nineteenth-century American expansion. The latter formulated a principle and a plan for the incorporation of new possessions on terms of full equality. It focused on a prospective population of white settler-migrants from the Eastern seaboard and tellingly skirted the question of the status of the resident indigenous population. The former, in contrast, directly addressed the status of the indigenous population in new possessions to formulate a principle of subjection and exclusion. Puerto Ricans and Filipinos were denied the 'constitutional rights' of US citizens. Their homelands were *unincorporated territories*, 'subject to the jurisdiction of the United States' but 'not of the United States'.<sup>78</sup> Unlike the inhabitants of the federal territories on the North American mainland, no prospect for a transition to statehood was ever held out to the subjects of America's insular empire.

Hawai'i was the exception that proves the rule. As Hopkins's analysis makes clear, the island group had a demographic resemblance to the contiguous federal territories. The rapid decline of the native population made it possible for white American settlers to overrun and dominate the islands. Admittedly, Hawai'i had a different history of engagement with the U.S. from the other conquests of 1898, but the most significant difference was that the conditions for a settler colony were in place. In contrast to Puerto Rico, the Philippines, Guam and Samoa, Hawai'i became an incorporated territory and was governed in the manner of mainland federal territories. Statehood took almost sixty years to materialise, however. Although the relative size of the indigenous population was constant, so was the 'white' population. Both, in fact, became minorities. Instead, the population majority consisted of Asian and Pacific Island immigrants, who for many decades were denied voting rights. Hawai'i never become the New Mexico of the Pacific as no white majority was ever manufactured there. Its admission to the United States in 1959 was instead preconditioned on the changing nature of American social and political ideals. Domestic reform movements and the international rivalry of the Cold War forced Congress to reconsider the legitimacy of the racial order of the American republics. Hawai'i statehood was thus part of a broader trend of an increasingly assertive federal government imposing a new kind of homogeneity on the member states of the Union, this time in favour of racial equality rather than white supremacy. In Hopkins's words, 'the admission of Hawai'i in 1959 created an irreparable hole in the wall enclosing segregation on the mainland. The succeeding Civil Rights Act, passed in 1964, took down the defenses, even if the rearguard action that followed was bitter and prolonged'.<sup>79</sup>

The *arrière-garde* is still fighting and the interpretation in this essay suggests why. From its inception the political organisation of the United States has been

intimately bound up with racial inequality. The American republics realised principles of popular sovereignty, constitutional government, and representative democracy. But they and their union were also founded as a project to secure white supremacy and to extend white dominion over the North American continent. The distinction between empire and incorporation, on which Hopkins's analysis of nineteenth-century American expansion rests, helps us see that this project was not a perversion of, but central to, American founding principles. This may be a hard pill to swallow for a nation accustomed to venerating its founding and where even the struggle for inclusion has historically been organized around the unfulfilled promise issued by the pen of Thomas Jefferson in 1776. Yet if the refashioning of the American union that began in the 1950s and 1960s is to be brought to a successful conclusion, it requires that the thoughtless celebration of the founders be replaced by a critical investigation into the nation's founding ideals. Going forward, Americans should take strength from the words of Amanda Gorman, that 'being American is more than a pride we inherit. It's the past we step into and how we repair it.'<sup>80</sup>

## Notes

1. Custer, *Boots and Saddles*, 295.
2. Twain, *Adventures of Huckleberry Finn*, 366.
3. Custer, *Boots and Saddles*, 94–114, 138–48, 216–24.
4. On the Custers, see Connell, *Son of the Morning Star* and Wert, *Custer*.
5. On settler colonialism, Ostler and Shoemaker, "Settler Colonialism."
6. Hopkins, *American Empire*, 13–15.
7. Colley, "Difficulties of Empire," 371, 382.
8. Hopkins, *American Empire*, 27.
9. *Ibid.*, 191–207.
10. *Ibid.*, 238.
11. *Ibid.*, 237.
12. *Ibid.*, 236–37.
13. *Ibid.*, 237.
14. Belich, *Replenishing the Earth*, 166.
15. Wood, *Empire of Liberty*, 122. Wood is quoting the Northwest Ordinance, sect. 14, art. 5.
16. Pocock, "States, Republics, and Empires," 715.
17. *Ibid.*
18. *United States Magazine*, March 1779, cited in Onuf, *Jefferson's Empire*, 58.
19. Hamilton, "The Federalist 1," 3.
20. Hopkinson, "An Ode, Philadelphia, 4 July," 246–47.
21. Thomas Jefferson to Benjamin Chambers, 28 December 1805, in *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/99-01-02-2910>. [This is an Early Access document from The Papers of Thomas Jefferson <https://founders.archives.gov/?q=%20Author%3A%22Jefferson%2C%20Thomas%22%20empire&s=1111311111&r=133>].
22. Clay quoted in Frymer, *Building an American Empire*, 128.
23. Buchanan and Murtagh. *Oregon, My Oregon*.

24. Muller, "Bonds of Belonging"; Marshall, *Making and Unmaking of Empires*. See also Greene *Evaluating Empire* on contemporary British perceptions of the ethnic diversity of the Empire.
25. For example Montesquieu, *The Spirit of the Laws*, ed. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone. Cambridge: Cambridge University Press, 1989, 22–24. On republican thought, see Pocock, *Machiavellian Moment* and Pocock, *Virtue, Commerce and History*.
26. Guyatt, *Bind Us Apart*.
27. For example, Smith-Rosenberg, *This Violent Empire*; Parkinson, *Common Cause*.
28. Parkinson, "Friends and Enemies in the Declaration of Independence."
29. Welke, *Law and the Borders of Belonging*.
30. Act to Establish a Uniform Rule of Naturalization, March 26, 1790, ch. IV, *U.S. Statutes at Large* II, 103–4.
31. Guyatt, *Bind Us Apart*; Frymer, *Building an American Empire*, 220–62. Meinig, *Shaping of America, II: Continental America*, 296–311.
32. Keyssar, *Right to Vote*.
33. Abel, "Proposals for an Indian State"; Guyat, *Bind Us Apart*, 281–305.
34. Montesquieu, *Spirit of the Laws*, 131–33.
35. Biber, "Price of Admission," 140–50, quotation at 143 n8.
36. Josiah Quincy quoted in Biber, "Price of Admission," 135 n48.
37. Albert J. Beveridge, quoted in Frymer, *Building an American Empire*, 203–4.
38. On the post-war period, see Matson and Onuf, *Union of Interests* and Van Cleve, *We Have Not a Government*.
39. Edling, *Revolution in Favor of Government*; Edling, *Hercules in the Cradle*, 17–49; Edling, *Perfecting the Union*.
40. Hopkins, *American Empire*, 204.
41. Indigenous Digital Archives: Cessions, <https://digitreaties.org/treaties/cessions/>.
42. Hubbard, *American Boundaries*, 123–79, carefully accounts for the evolution of US territories and states in the long nineteenth century in no less than 38 maps. He makes no attempt to map Indian territories or land cessions, however.
43. The land ordinances and land sale policies are discussed in Berkhofer, Jr., 'Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System'; Onuf, *Statehood and Union*; Saler, *Settlers' Empire*, 13–82.
44. Calloway, *Victory with No Name*.
45. Arthur St. Clair quoted in Onuf, *Statehood and Union*, 74.
46. The establishment of territorial government is discussed in Eblen, *First and Second United States Empires*, 51–171; Onuf, *Statehood and Union*, 67–87; and Saler, *Settlers' Empire*, 41–82.
47. Biber, "Price of Admission," 128.
48. Hopkins, *American Empire*, 238.
49. Biber, "Price of Admission," 120 (quotation), 132–40, 150–68.
50. Hopkins, *American Empire*, 197.
51. Truett, "Settler Colonialism," 438. A nuanced treatment of colonial expansion is Greer, *Property and Dispossession*.
52. Saler, *Settlers' Empire*, 83–120.
53. There is an extensive literature on Indian treaties and dispossession, see Sheehan, *Seeds of Extinction*; Prucha, *Great Father*; Horsman, *Expansion and American Indian Policy*; Prucha, *American Indian Treaties*; Sheehan, 'Indian Problem in the Northwest'; Deloria and Wilkins, *Tribes, Treaties, and Constitutional Tribulations*; Onuf, *Jefferson's Empire*; Banner, *How the Indians Lost Their Land*; Bergmann,

- American National State*; Jeffrey Ostler, “Just and Lawful War”; Witgen, “Nation of Settlers.”
54. Gittinger, *Formation of the State of Oklahoma*, 3–56. On Indian removal in this period, see Prucha, *American Indian Policy in Formative Years*, 156–207; Prucha, *Great Father*, 179–69; Wallace, *Long Bitter Trail*; Wallace, *Jefferson and the Indians*; Banner, *How the Indians Lost Their Land*, 191–227; Ostler, *Surviving Genocide*, 247–373; Saunt, *Unworthy Republic*.
  55. On the Great Plains Wars and the reservation system, see Gittinger, *Formation of the State of Oklahoma*, 96–117; Utley, *Indian Frontier*; Banner, *How the Indians Lost Their Land*, 228–56; Wooster, *American Military Frontiers*.
  56. Adelman and Aron, “From Borderlands to Borders.”
  57. Treaty with the Delawares, Sept. 17, 1778, in Richard Peters, ed., “Treaties between the United States and the Indian Tribes”, U.S. *Statutes at Large* VII (1778–1842), 13–15.
  58. Young, “The Cherokee Nation”; McLoughlin, *Cherokee Renaissance*.
  59. Constitution of the Cherokee Nation, art. III, sect. 4, in *Cherokee Phoenix*, 21 February 1828.
  60. Maxwell, “Sequoyah Convention,” parts 1 and 2.
  61. Abel, “Proposals for an Indian State”, 89–104 and Guyatt, *Bind Us Apart*, 281–305, discuss statements and plans by U.S. politicians and reformers indicating a wish to see an indigenous state.
  62. Meinig, *Shaping of America, II: Continental America*, 197–218.
  63. Leigh quoted in Frymer, *Building an American Empire*, 220.
  64. Hopkins, *American Empire*, 238.
  65. Frymer, *Building an American Empire*, 278.
  66. Lincoln and Cabell quoted in *ibid.*, 195, 196.
  67. *Cincinnati Commercial*, 3 March 1875, quoted in Larson, *New Mexico’s Quest for Statehood*, 124.
  68. *New York Times*, 28 October 1876, quoted in Frymer, *Building an American Empire*, 203.
  69. Senator Albert J. Beveridge quoted in *ibid.*, 204.
  70. Frymer, *Building an American Empire*, 9.
  71. Constitution of Oregon (1857), in Francis Newton Thorpe, ed. *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States and Territories Now or Heretofore Forming the United States of America*, 7 vols. Washington, DC: Government Printing Office, 1909, V: 3000.
  72. Frymer, *Building an American Empire*, 171.
  73. Gittinger, *Formation of the State of Oklahoma*, 96–260; Frymer, *Building an American Empire*, 155–71.
  74. Ostler and Shoemaker, “Introduction.”
  75. Camden, *Oklahoma, A Toast*.
  76. *Rodgers and Hammerstein’s Oklahoma!*, 45.
  77. Frymer, *Building an American Empire*, 171.
  78. ‘Opinion by Judge Brown in *Downes v. Bidwell*’, in *Opinions Delivered in the Insular Tariff Cases in the Supreme Court of the United States May 27, 1901*. Washington, DC: Government Printing Office, 1901, 66.
  79. Hopkins, *American Empire*, 418, 429–30, 499, 515, 592–98, 649–52, 669–71, quotation at 671.
  80. Gorman, “The Hill We Climb.”

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