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CHAPTER 1

Introduction

EMPIRE CONSUMED AMERICANS in the nation's earliest years, as an idea, an aspiration, and a reality. The colonists declared their independence from Britain, were surrounded by France and Spain, and frequently spoke of the glory of Rome, as they looked north, south, and west at vast expanses of land. Although the word “*empire*” meant different things to different people, it was used widely and ambitiously. George Washington predicted “there will assuredly come a day, when this country will have some weight in the scale of Empires,” while Alexander Hamilton wrote in the first of the *Federalist Papers* of “the fate of an empire, in many respects, the most interesting in the world.” Some, like Thomas Jefferson, thought the United States would quickly expand over the northern and southern hemisphere, providing “an empire of liberty” of which “no constitution was ever before so well calculated as ours for extensive empire and self government.”¹

These aspirations were quickly acted upon. Political dynamism, population movement, land acquisition, and racial imperialism dominated the early development of the American nation. In the first half of the nineteenth century, the United States expanded from thirteen states along the Atlantic seaboard west to the Pacific Ocean and south to the Rio Grande. Most notably, with the Louisiana Purchase, the nation nearly doubled in size, acquiring land that stretched from New Orleans over the Great Plains to the Canadian border. Decades later, Texas Annexation and the Treaty of Guadalupe Hidalgo provided the United States with more than half of Mexico's existing territory, further stretching the nation west to the Pacific. By the mid-nineteenth century, after further transactions with British, Spanish, and Mexican officials, the United States had acquired more than

1 Alexander Hamilton, *The Federalist, No. 1*; “From George Washington to Lafayette,” (August 15, 1786), *Founders Online*, National Archives; Jefferson to James Madison, (27 April 1809). More generally on the ambitions of political leaders, see, for example, Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxons* (Cambridge, MA: Harvard University Press, 1981); Richard H. Immerman, *Empire for Liberty: A History of American Imperialism from Benjamin Franklin to Paul Wolfowitz* (Princeton, NJ: Princeton University Press, 2009); J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975), chapter 15; Ronald Takaki, *Iron Cages: Race and Culture in 19th Century America* (New York: Oxford University Press, 1980).



FIGURE 1.1. U.S. territorial expansion in the Antebellum Era. Adapted from http://nationalmap.gov/small_scale/printable/territorialacquisition.html#list. Map services and data available from U.S. Geological Survey, National Geospatial Program.

2.2 million square acres of land on which it eventually established twenty-two new states (figure 1.1).

From the perspective of the early twenty-first century, the representation of territorial expansion in figure 1.1 is both familiar and natural, a reflection of a long-established American nation-state seemingly destined to be situated between sea and shining sea. But the map is misleading. It truncates and flattens a lengthy, diverse, and contested project of national state formation, a project that evolved not so much linearly but rather in fits and starts, with successes and failures, and in quite varied geographic, demographic, political, and institutional contexts.

To get an initial sense of the contested and multifaceted nature of the expansionist project, compare the territorial boundary line in the middle of figure 1.1 that identifies the initial borders of the United States as set by the Treaty of Paris in 1783 with the map in figure 1.2 of U.S. incorporated counties in 1790. What immediately distinguishes the two figures is that

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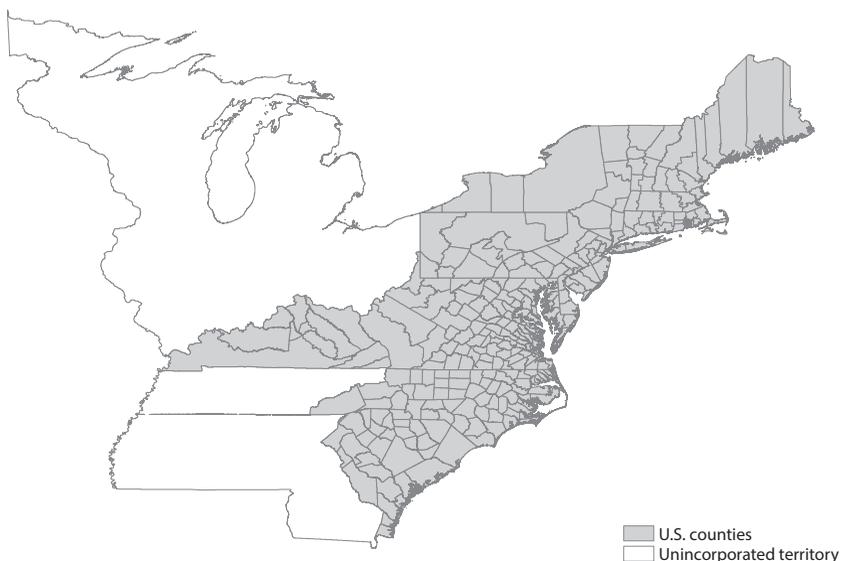


FIGURE 1.2. U.S. incorporation in 1790 (map of U.S. counties). Adapted from Minnesota Population Center, National Historical Geographic Information System: Version 2.0 (Minneapolis: University of Minnesota, 2011), <http://www.nhgis.org>.

the first represents the sovereign authority the nation asserted over the land to the Mississippi River, while the second illuminates the considerable portion of the land that was unincorporated and largely unpopulated by American citizens. This land was not simply empty, of course, waiting invitingly for the arrival of American settlers. Rather, hundreds of thousands of people indigenous to the continent lived on and were recognized as having property rights in the land. Although the population of Native Americans east of the Mississippi was smaller than that of the early American nation, it was not exceedingly so; only by the middle of the eighteenth century—just a few decades prior to the Treaty of Paris—had the balance of populations shifted decisively between European colonizers and indigenous people, and this was certainly not the case the farther west one traveled.² Moreover, American statesmen at the time feared Indian nations with fighting forces thought to far outnumber those of the United States, militaries that were further empowered by the alliances many of these nations had with hovering European empires seeking to maintain their own political foundations on the continent. A “middle ground,” as Richard White has

² Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, MA: Harvard University Press, 2001), 7.

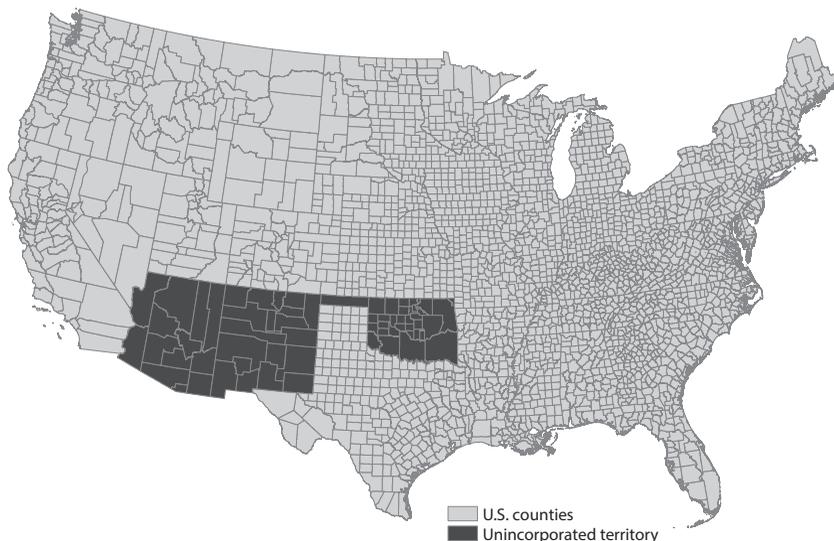


FIGURE 1.3. U.S. incorporation in 1900 (map of U.S. counties). Adapted from Minnesota Population Center, National Historical Geographic Information System: Version 2.0 (Minneapolis: University of Minnesota, 2011), <http://www.nhgis.org>.

famously termed the negotiated relationships between indigenous populations and colonizers at the time, stood in the way of American hegemony.³

Having not been parties to the Treaty of Paris, Native American nations contested the United States' assertion of sovereignty, necessitating that American political leaders engage in a second process of land acquisition in the western territories. American government officials at the time often referred to this process as a "quieting"; but it involved not just treaties and land purchases, but also consistent violence. The final years of the nation's incorporation of the land granted by the Treaty of Paris in particular were marked by what current-day international law defines as genocide, with the coerced resettlement of nearly one hundred thousand Native Americans in the 1830s and with deaths estimated in the many thousands. Only in the 1850s did the United States fully incorporate the lands within its 1783 borders with a series of settlements and the establishment of new states that covered all the land east of the Mississippi River.

Similar issues with the incorporation of territorial peripheries took place west of the Mississippi. Figure 1.3 provides a map of U.S. incorporated counties at the turn of the twentieth century. By 1900, the United States had certainly advanced far beyond its 1783 borders, had fought a

³ Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (New York: Cambridge University Press, 1991).

civil war to end slavery and diminish regional antagonisms, and was in the process of building a massive industrial empire. Further, the nation had overcome the “middle grounds” of the latter half of the nineteenth century, such as its engagements with the Sioux on the Great Plains and the Comanche in the southwest.⁴ But even by the start of the twentieth century, a large swath of land remained unincorporated territory—specifically, the territory that became the state of Oklahoma in 1907, and that which became Arizona and New Mexico in 1912.

The state of Oklahoma’s borders were drawn from the remaining land of Indian Territory, first formed in the midst of Indian removal policies beginning in the 1820s in order to provide a long-term place for those indigenous populations forced from their homes east of the Mississippi. In subsequent years, many other Indian nations joined them, having been forcibly removed from their homes that stretched from the Dakotas to the Pacific Ocean. The size of Indian Territory shrunk rapidly over the course of the nineteenth century, with the establishment of states and railroad lines carving away Indian property from all sides.⁵ At the end of the century, the Dawes Act took yet more land away from Native Americans in the territory, land that the U.S. government quickly opened up to American settlement. More than one million people moved to Oklahoma in little more than a decade, and statehood was established shortly after. Arizona and New Mexico, meanwhile, had stalled in their move toward statehood because they too were home to large numbers of indigenous populations that remained stalwart in resisting the United States. They were also home to a significant Mexican population, most of whom dated their residence in the territory back to the days of the Spanish empire. Here again, the diversity of these territories created significant obstacles for American state builders, who were stymied both by guerilla warfare and by domestic opposition to the prospect of incorporating communities with different languages, races, and religions. After Congress repeatedly rejected statehood for the two territories, a surge of white settlers into the region at the turn of the century marked the completion of U.S. incorporation of the contiguous forty-eight states.

Finally, compare figure 1.1 with figure 1.4. Many political leaders spoke of extending national borders much farther, claiming a “manifest destiny”

4 See, for example, Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven, CT: Yale University Press, 2008); Pekka Hämäläinen, *The Comanche Empire* (New Haven, CT: Yale University Press, 2008); Kristin Hoganson, “Meat in the Middle: Converging Borderlands in the U.S. Midwest, 1865–1900,” *Journal of American History* 98 (March 2012), 1025–51.

5 See, for example, Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984); and William E. Unrau, *The Rise and Fall of Indian Country, 1825–1855* (Lawrence: University of Kansas Press, 2007).

that might someday eventuate in the nation's capital resting in Mexico City or even Rio de Janeiro. Figure 1.4 is a map of lands that the United States seriously debated annexing, but ultimately chose not to. By "seriously," I mean that the decision was made after significant and closely fought congressional and executive battles. By "chose not to do so," I mean that, regardless of whether these lands wished to join the United States, American political leaders thought they might, and legislators acted to prevent against the possibility of annexation. In short, these are lands that U.S. politicians believed were available for acquisition had there been a majority of legislators willing to say "yes" to expansion. But in critical moments when these lands were thought to be available, a majority of legislators ultimately said "no." These areas include the island of Cuba, so geographically close to the U.S. borders that many believed it a natural appendage to the continental empire. Thomas Jefferson referred to Cuba as "the most interesting addition which could ever be made to our system of States," and John Quincy Adams called the island "an object of transcendent importance," with its annexation "indispensable to the continuance and integrity of the Union itself."⁶ Many in the South viewed the annexation of Cuba as absolutely vital to maintaining the balance in Congress between slave and abolitionist interests and to maintaining their own economic interests in the Caribbean.⁷ Other areas rejected by national governing officials include the Dominican Republic, extensive swaths of land in Mexico, and other nations south of the U.S. border that at different times American statesmen believed were necessary to the nation for strategic, political, or economic reasons, or simply as fulfillments of grandeur.⁸

The imperial aspirations and geographic expansion of the United States over the long nineteenth century represent one of the nation's earliest and most foundational political projects. But few scholars interested in American state formation and political development have paid much attention to the process, leaving conventional explanations for why the United States expanded at the rate and scale that it did, where it expanded, as well

6 Both are quoted in "Report from Mr. Slidell to the Committee on Foreign Relations," 35th Congress, 2nd Session, Report Committee No. 351 (January 24, 1859).

7 Walter Johnson importantly observes, "For white people in the Mississippi Valley in the first half of the nineteenth century, a map of the United States was not complete without the Gulf of Mexico." *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Belknap Press of Harvard University Press, 2013), 304. See too, Robert E. May, *The Southern Dream of a Caribbean Empire, 1854-1861* (Baton Rouge: Louisiana State University Press, 1973).

8 Political leaders frequently brought up annexing parts or all of Canada as well, and sometimes acted on these goals with mixed success. However, there was never a moment where the United States turned down an opportunity for more Canadian land that it believed was in the offering. See, for instance, Donald William Meinig, *The Shaping of America: Atlantic America, 1492-1800* (New Haven, CT: Yale University Press, 1986), 203, 536-37.

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FIGURE 1.4. Alternative map of nineteenth-century U.S. expansion.

as where it ultimately did not expand, to remain rooted in exceptional and largely apolitical terms. The scale and speed of territorial acquisition suggests that the process of border establishment was easy, a result of fluid geography, germs, divinity, and luck more so than the authoritative assertion of a nation-state. As Alexis de Tocqueville famously wrote, “Fortune, which has showered so many peculiar favors on the inhabitants of the United States, has placed them in the midst of a wilderness where one can almost say that they have no neighbors. For them a few thousand soldiers are enough.”⁹

The preceding three figures illuminate something very different from Tocqueville’s sanguine vision. *First*, territorial expansion necessarily involved constant confrontations between the United States and the people who already lived on the land. Most notably, the United States confronted many hundreds of thousands of people indigenous to the land: roughly 600,000 by the federal government’s own estimation. The United States further confronted roughly 50,000 French and Caribbean settlers in Louisiana, as well as thousands of free blacks and far larger numbers of African slaves; more than 100,000 Mexican citizens and indigenous populations living in the Southwest; potentially more than half a million people in

⁹ Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer (New York: Perennial, 2000), 646. The use of the word “easy” is from Niall Ferguson, *Colossus: The Rise and Fall of the American Empire* (New York: Penguin, 2004), 35.

Cuba; millions in Mexico; and hundreds of thousands of others, many of mixed race and ancestry, in a multitude of locations.

All of these meetings of peoples—sometimes “engagements,” but more often “confrontations”—forced the nation to make decisions about how they imagined the evolving national community.¹⁰ The dynamic nature of expansion continually prompted debate in the United States regarding how various populations might or might not fit into broader questions of sovereignty, democracy, and community. Expansion forced everyone from aspiring empire builders, settlers, and people indigenous to the land to reevaluate and frequently adapt their own ideologies and identities.¹¹ The most common decision by the federal government was to maintain the project of territorial expansion and forcibly remove indigenous populations in the way. But removal policies were not the only option, and were contested in both the domestic and international context by those proposing a wide range of alternatives. In some moments and places, Americans supported incorporating as citizens the populations they confronted. Other Americans and many Native American leaders endorsed cohabitation on the land as separate national entities. At still other times, government officials opposed further expansion, especially when acquiring new lands meant having to incorporate nonwhite populations into the national polity, deciding instead to leave certain populations on the other side of the territorial border.

Second, the federal government played a critical role in weighing these choices about a national community and in manufacturing the establishment and incorporation of the nation’s final borders. The government signed hundreds of treaties with Native Americans and raised militia to win wars. But the government’s role was not just as a nation-state conquering territory through the familiar international process of war and treaty; federal officials were also domestic policy makers regulating the process of securing and incorporating disputed territory, people, and

10 Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (New York: Verso, 1991). See too, Paulina Ochoa Espejo, “Paradoxes of Popular Sovereignty: A View from Spanish America,” *Journal of Politics* 74 (2012), 1053–65; Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (New York: Cambridge University Press, 2003).

11 See, for example, Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History,” *American Historical Review* 104 (June 1999), 814–41; Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad, 1876–1917* (New York: Hill and Wang, 2000); Andrés Reséndez, *Changing National Identities at the Frontier: Texas and Mexico, 1800–1850* (New York: Cambridge University Press, 2004); Nancy Shoemaker, “How Indians Got to Be Red,” *American Historical Review* 102 (June 1997), 625–44; Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W. W. Norton, 2008); Ronald Takaki, *Iron Cages*.

property on the nation's frontier. In particular, 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.

Very early on in the nation's history, the federal government asserted legal title over all the land that it acquired in its treaties with other sovereign nations. This was not an obvious power of the government at the time—individual states, people who had settled on the land, economic entrepreneurs, and rival peoples and nations all contested U.S. rights to ownership. In declaring a monopoly over the land, the federal government asserted the authority to regulate the sale and distribution of property over the vast geographic territory that was larger than that of the existing thirteen states. This gave the government a potential economic resource through land sales. It also allowed the government to control the movement of people and settlement patterns. The government regulated the public land so as to lure immigrants to the United States, to control the pace and direction with which settlers moved west, and to maintain strategic proximity with which settlers were able to confront or avoid confrontation with non-American populations. By alternatively restricting and incentivizing population movement and funneling such populations into specific geographic places at specific times and in specific numbers, government officials calculated that the strategic planting of peoples could aid in expanding borders and securing territory without overtaxing an early American state that otherwise lacked important financial, regulatory, and military capacities.

In this book, I examine the concerns and actions of federal policy makers in promoting the formation of national borders through the process of territorial expansion, and the ultimate settlement and incorporation of lands on the frontier. In particular, I highlight the use and importance of federal land policies designed to regulate population movements across the territory. Beginning in 1784, when Virginia ceded its unincorporated western territory to the United States, the national government asserted legal and constitutional authority over all lands not already incorporated as states. Subsequent land laws, such as the Northwest Ordinance of 1787, further detailed the method of national regulation over the distribution of property and its use for settlement, industry, and education. During the nation's earliest years, when Americans vied with European empires and Indian nations for control of lands east of the Mississippi River, regulating land acquisition and distribution helped the government restrain population movements that could potentially lead to conflicts that could unduly stress the nation's limited institutional resources. But as the nation continued to expand both territorially and in terms of population, and as legisla-

tures turned over and political agendas and partisan alignments changed, the reasons, goals, and methods for regulating the public land changed as well. By the early nineteenth century, land policies were designed to allow the nation to expand compactly with an eye toward security through “density,” settling and securing contested frontiers by being “full on this side” before forging farther into vast geographic spaces. In the latter half of the century, as the nation acquired more land and population and developed greater institutional capacities, the government continued to use land policy as a tool to manufacture demographic patterns that better served their interest in incorporating territories that were sparsely populated with American citizens.

Land policies were also critical to the nation’s racial formation. These policies provided government officials an institutional mechanism for taking territory by manufacturing new racial demographics, a white “tipping point” that eased the politics of declaring the land part of the American state. In doing so, policy makers achieved the violent expropriation of land from the people who owned it with a means that was less legible as state action, enabling the government to maintain at least the appearance of fidelity to national ideals. Cognizant that land expropriation could be perceived as abjectly violating national democratic norms and mobilizing significant opposition (as the deeply controversial policy of Indian removal reflected), the federal government preferred land policies that obscured the violence of land taking and the removal of entire populations from specific geographic spaces.

The building of an American empire, therefore, was a project of population control and settlement with the use of land policy very much at the center. These land policies had four notable elements. First, the federal government asserted sole authority over the mass of nonincorporated land that extended across the continent. This was not an obvious or self-evident outcome—in fact, the government’s initial assertion was made prior to its successfully attaining a “monopoly of the legitimate use of physical force within a given territory.” Second, the government frequently offered free or subsidized land to white settlers, often immigrants from Europe, so as to engineer a surplus population of whites to settle the land. Third, and most critically, the government directed the movements of this surplus population strategically across the continent at different moments to settle and secure contested lands. Fourth, the government moved populations in a manner that enabled the nation to simultaneously claim fidelity to democratic principles while maintaining racial hierarchies that promoted white supremacy. Sometimes land policies prohibited movement of some or coerced the movement of others outright, but more often, they incentivized movements and celebrated ideological commitments to property rights, cultivation, and individual

enterprise. That the government was able to effectively regulate a process that continues to be perceived by so many as individually organic in a sense reflects its great success.¹²

UNDERSTANDING EXPANSION AS A PROJECT
OF RACIAL AND STATE FORMATION

In this book, I argue that the United States' use of land policy to pursue the project of territorial expansion illuminates novel understandings of the workings of both state and racial formation over the course of the long nineteenth century. With regard to state formation, the federal government's effort to regulate population movements complicates long-standing narratives of the "weak" antebellum American state. In contrast to the view that the federal government was either absent or unable to stem the tide of a populist settler movement, the evidence of federal activism presented here further confirms a revisionist account of state authority and activism promoted by scholars interested in American political development. These scholars have highlighted the integral role of federal policy in subsidizing and fueling economic development, regulating infrastructure, and securing territory with the use of military manpower on the western frontier.¹³

¹² Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009).

¹³ See, for example, Andrew R. L. Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825* (Kent: Ohio University Press, 1986); Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2008); David Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791-1861* (Lawrence: University Press of Kansas, 2011); Stefan Heumann, "The Tutelary Empire: State and Nation-Building in the 19th Century United States" (PhD dissertation, University of Pennsylvania, 2009); Laura Jensen, *Patriots, Settlers, and the Origins of American Social Policy* (New York: Cambridge University Press, 2003); Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995); Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987); Jerry L. Mashaw, *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law* (New Haven, CT: Yale University Press, 2012); Steven Minicucci, "Internal Improvements and the Union, 1790-1860," *Studies in American Political Development* 18 (2004), 160-85; Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987); William J. Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113:752 (2008); Nicholas Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780-1940* (New Haven, CT: Yale University Press, 2013); Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (New York: Cambridge University Press, 2010); Richard White, *It's Your Misfortune and None of My Own": A History of the American West* (Norman: University of Oklahoma Press, 1991).

My own arguments are greatly influenced by this flourishing scholarly research; the importance of American state institutions for national development and expansion is irrefutable. At the same time, my interpretation of the strength of American state power during these years is more ambivalent. On the one hand, the U.S. government was frequently critical in determining the contours of American expansion; this point will be illuminated in every chapter of this book, and at times the examples are breathtaking in scale. Homesteading laws, for example, both regulated and incentivized the movement of nearly one million people to settle in Indian Territory at the end of the nineteenth century. Sometimes these relatively robust actions involved classic elements of state authority, such as military power or bureaucratic capacity. Sometimes this was a result of a more “flexible” nation-state that had the ability to mobilize resources when necessary, often by coordinating and galvanizing private power and rising capitalist enterprises on behalf of public goals.¹⁴ Sometimes, the government’s regulation of private behavior served to resolve collective action problems among settlers and would-be expansionists to mobilize the strength of the nation’s populations against potential enemies.¹⁵

By most conventional measures, however, the American state was *also* importantly weak—it did not have a powerful military or large bureaucracy—and this too mattered. Sometimes it had the capacity to effectively pursue and implement its expansionist and imperial ambitions, but it often fell short. Legislators and political entrepreneurs who favored a “white nation,” manifest destiny, or an empire stretching over multiple continents were not only slowed by liberal egalitarians who successfully fought them on ideological grounds, they also frequently found their dreams stymied by the weakness of their political institutions and the overall incapacity of the American state. To compensate, at times they attempted to promote quasi-government activity, such as with the prominence of filibusters in the early 1800s.¹⁶ But the more ambitious the nation

14 “Flexible” is from Ira Katznelson, “Flexible Capacity: The Military and Early American Statebuilding,” in Katznelson and Shefter, eds., *Shaped by War and Trade*, 82–110. See too, Desmond King and Robert C. Lieberman, “Ironies of State Building: A Comparative Perspective on the American State,” *World Politics* 61:547 (2009), 547–88.

15 See Douglas W. Allen, “Homesteading and Property Rights or, ‘How the West Was Really Won,’” *Journal of Law and Economics* 34 (1991), 1–23; Terry L. Anderson and Fred S. McChesney, “Raid or Trade? An Economic Model of Indian-White Relations,” *Journal of Law and Economics* 37 (1994), 39–74.

16 Tom Ogorzalek refers to filibusters as “liminal” actors, “not officially ‘of’ the state, but self-consciously seeking to expand its power and enhance their own prospects for personal success,” all the while “managed by American state actors, who responded to contextual realities by supporting, ignoring, or forcefully opposing these adventurers.” Tom Ogorzalek, “Filibuster Vigilantly: The Liminal State and 19th Century U.S. Expansion” (Long Beach, CA: Social Science History Conference, 2009), 7.

became, the more government actors struggled with an overtaxed nation-state. The politics of removal in the 1830s, for instance, were not simply seen as a stark contradiction to democratic ideals; they were also criticized as costly, frequently considered dramatically ineffective and clearly beyond the capacity of state agencies, and often created more practical difficulties for national politicians than advantages. Indian removal led to scandal and political upheaval, and future efforts to remove populations inherited this legacy. The widely supported idea of black colonization suffered as well from high-profile failures of the government to move even hundreds of people, let alone the prospect of hundreds of thousands or millions.

As Stephen Skowronek has importantly established, states need not have the same forms, weapons, and authorities to be of consequence.¹⁷ But here, there were important moments when the government's biggest "strength" was in knowing its weakness. At times, the government's primary contribution to the project of expansion was restraining itself from overreaching, mobilizing resources but waiting to use them until it felt it had the capacity to accomplish its goals. Accordingly, I will not argue—as some revisionist scholars have—that the United States had all the necessary conventional weapons of a powerful state in the antebellum era. I am instead in closer agreement with Brian Balogh, who has argued that the government "properly structured *national* rules that ensured orderly development."¹⁸ This required an assertion of national authority through legal and legislative means as opposed to violent intervention by military force.

For these reasons, U.S. expansionists often chose to turn around when faced with the possibility of acquiring large populations that they deemed unable to incorporate as citizens—in Cuba, Santo Domingo, and "all of Mexico," for example. When the United States did continue to move forward in areas with large nonwhite populations, government officials often delayed full political incorporation for many decades, as with Indian Territory, New Mexico Territory, and Hawai'i. Lack of state capacity had certain costs for American empire building: it limited the reach of expansionist aspirations and left a not insignificant amount of racial diversity to survive, with long-standing consequences for the development of the twentieth- and twenty-first-century American state.

My arguments about the strength and weakness of American state institutions have implications for our understanding of national race formation as well. Numerous scholars have emphasized the importance of national institutions in racial formation; given that race is widely understood as an artificial category, it is constructed by an array of forces that impor-

17 Skowronek, *Building a New American State*. See too, Stephen Skowronek, "Unfinished Business," *Social Science History* 27:3 (2003), 475–80.

18 Balogh, *A Government Out of Sight*, 12.

tantly feature governing institutions.¹⁹ Modern nation states have participated directly in the making of race, and the American state both developed and remains a conscious reflection of the national government's efforts to account for racial divisions over time.²⁰ Citizenship rights, census categories, labor markets, and legal and bureaucratic distinctions all serve as ways the government can intervene in shaping the politics and political realities of race.

In understanding U.S. racial formation in the antebellum era, scholars have understandably and rightly centered their work around the politics of slavery. Some presume that national divisions over slave labor emerged quickly after Native Americans were removed, and others combine the politics of slavery and expansion. Other racial conflicts are certainly seen as critical to American political development; but examples such as the removal of Indians in the 1830s and Chinese Exclusion are sometimes rendered incidental to a nation primarily divided over slavery. Even many works on expansion tend to see its racial politics solely through the lens of slavery—again, this is not so much incorrect, but incomplete.

By considering the politics of expansion a distinctive moment of American political development and national racial formation, it becomes clear that national divisions over slavery do not map neatly onto the contrasting perspectives of race and diversity. Political leaders were actually quite united in their vision of the United States as a white settler nation, continually embarking on a project of removing Native Americans and other people of color who stood in their way. As scholars have argued, settler nations are characterized by large numbers of imperial populations who seek to re-create their home country's institutions, cultures, and ideologies to a new geographic territory.²¹ The goal of settler communities was

19 See Paul Gilroy, *"There Ain't No Black in the Union Jack": The Cultural Politics of Race and Nation* (Chicago: University of Chicago Press, 1984); Desmond S. King and Rogers M. Smith, "Racial Orders in American Political Development," *American Political Science Review* 99 (2005), 75–92; and Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

20 David Theo Goldberg, *The Racial State* (London: Blackwell, 2001); Claire Jean Kim, *Bitter Fruit: The Politics of Black-Korean Conflict in New York* (New Haven: Yale University Press, 2003); Robert C. Lieberman, *Shaping Race Policy: The United States in Comparative Perspective* (Princeton, NJ: Princeton University Press, 2005); Anthony Marx, *Making Race and Nation: A Comparison of the United States, South Africa, and Brazil* (New York: Cambridge University Press, 1998); John D. Skrentny, *The Minority Rights Revolution* (Cambridge: Harvard University Press, 2002).

21 See, for example, Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007); Caroline Elkins and Susan Pedersen, eds., *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies* (New York: Routledge, 2005); George M. Fredrickson, "Colonialism and Racism," in Fredrickson, ed., *The Arrogance of Race: Historical Perspectives on Slavery, Racism, and Social Inequality* (Middletown, CT: Wesleyan University Press, 1988), 216–35; Mahmood Mandani, "Settler Colonialism: Then and Now," *Critical Inquiry*

not to exploit indigenous populations but rather to eliminate them so as to create a new racial order; as Patrick Wolfe has argued, land itself was the primary object, not the establishment of resources with which a colonizing nation wishes to extract.²² This goal, combined with the relative (in)capacity of state institutions, had great consequence for territorial expansion and aspirations of empire. National leaders were not just fueled by manifest destiny and imperial conquest, but they were also limited in their efforts to expand to territorial acquisitions that could be settled by white majorities. Since white majorities wanted to expand to lands that were sparsely populated and, ideally, totally empty of people, white racism ultimately served to limit American expansion almost as frequently as it promoted it, altering American imperial aspirations in the process.²³

Expansion did, however, create further tensions and contradictions in the American racial order, as the end result was not just a dominant white nation but also an important amount of hybridity with the potential to complicate and fracture white hierarchies.²⁴ These fractures provided opportunities for a small minority of radical egalitarians to exploit divisions among the majority of white supremacists, occasionally (such as during the Civil War) with significant consequence. Moreover, because of the specific reliance on land policies—as opposed to more conventional coercive instruments—a certain amount of racial diversity survived and even sometimes thrived on the frontier, even as it existed alongside a white hegemonic society.

This institutional point is important: it suggests that the diversity that survives the white settler project of antebellum territorial expansion is not simply a result of ideological conflicts and multiple orders, as Desmond King and Rogers Smith importantly argue. It is also institutionally constructed from weaknesses in the capacity of the American state—weaknesses that enabled pockets of diversity to withstand the reach of the national state, and thus their own eradication, particularly on frontier borderlands.²⁵ The continuing presence of racial diversity in turn main-

41 (Spring, 2015); Aziz Rana, *The Two Faces of American Freedom* (Cambridge, MA: Harvard University Press, 2010); Lorenzo Veracini, *The Settler Colonial Present* (London: Palgrave Macmillan, 2015); Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *American Historical Review* 106 (June 2001), 866–901.

22 Wolfe, "Land, Labor, and Difference."

23 Eric T. L. Love, *Race over Empire: Racism and Imperialism, 1865–1900* (Chapel Hill: University of North Carolina Press, 2004).

24 Homi K. Bhabha, *The Location of Culture* (New York: Routledge, 2004); Kevin Bruyneel, "Hierarchy and Hybridity: The Internal Postcolonialism and Mid-19th Century American Exceptionalism," in Joseph Lowndes, Julie Novkov, and Dorian Warren, eds., *Race and American Political Development* (New York: Routledge, 2008).

25 King and Smith, "Racial Orders in American Political Development."

tained pressure for the ongoing transformation of the nation's demographic core, a transformation that remains today: those who want to reinforce and reestablish long-standing racial hierarchies exist along with an unprecedented demographic shift toward a more multiracial society.

Of course, this diversity is not simply a product of “not enough” state authority; capitalist enterprises pursued their own interest in drawing upon diverse populations for economic gain, from the cotton industry to the western railroads to the Hawaiian sugar fields. Moreover, the actions of populations on the frontier were critical in establishing their own communities and interpersonal relationships—relationships that were continually far more complicated, multifaceted, and unexpected than the dictates of national policy makers.²⁶ The product of national state hegemony is the result of these battles and negotiations between multiple forces utilizing different mechanisms of authority, and while policy makers in the federal government are critical to our understanding, they are not alone. By focusing on land policy, my goal is not to negate these alternative explanations but illuminate the ways in which American political development was sharply influenced by a seemingly innocuous but transcendent public policy.²⁷ Land was continually implicated in the relationship between race and the state, to which I now turn.

RACE AND EXPANSION

It comes as no surprise that race played an important role in American territorial conquests. But usually, our understanding of this role is power-

26 Here, I am greatly influenced by the work of historians who have been reexamining the frontier as a set of “borderlands” where European colonizers and people indigenous to the land engaged, negotiated, and fought for control. This scholarship has importantly reversed the more conventional East to West understanding of American territorial development with one that begins from the perspective of those being colonized, and in both geographic and political contexts in which the politics of nation and citizen, race and gender were more fluid and permeable and negotiated among all parties, even within a context of imperial assertion. See, for example, Adelman and Aron, “From Borderlands to Borders;” Martin Daunton and Rick Halpern, eds., *Empire and Others: British Encounters with Indigenous Peoples, 1600–1850* (London: UCL Press, 1999); Hämmäläinen, *The Comanche Empire*; Pekka Hämmäläinen and Samuel Truett, “On Borderlands,” *Journal of American History* 98 (September 2011), 338–61; Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800* (New York: Cambridge University Press, 1997); Anne Hyde, *Empires, Nations, and Families: A History of the North American West, 1800–1860* (Lincoln: University of Nebraska Press, 2011); Reséndez, *Changing National Identities at the Frontier*; Rachel St. John, *Line in the Sand: The Western U.S.-Mexico Border, 1848–1934* (Princeton, NJ: Princeton University Press, 2012); White, *Middle Ground*.

27 For an overview of these themes of American political development, see Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York: Cambridge University Press, 2004); Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton, NJ: Princeton University Press, 2004).

fully straightforward: white racism drove ideas of manifest destiny that led the nation to take new lands with little care for those in its path. But as we will see, while there is a great deal of truth in this understanding, it is not sufficient for understanding American territorial expansion. Because expansion necessitated constant confrontations with non-American populations, national lawmakers continually determined when to incorporate certain populations and when to exclude or remove those who resided on the newly acquired lands. As such, the politics of territorial expansion continually intersected with the politics of race, with the outcomes providing critical moments for American racial formation.

Americans explicitly debated who fit and who did not fit within the national community given the context of domestic racial politics. Divisions in the United States over slavery were of particular importance and were deeply intertwined with the politics of expansion. As W.E.B. Du Bois famously recounted, the rush to expand and to remove Indians in territories like Kansas was deeply intertwined with the desire to create “a dazzling dream of empire” with a “slave system triumphant” in the “great western wilderness.”²⁸ Moving westward on a territorial landscape filled with diverse populations only furthered tensions, particularly with regard to the place of African slaves and their future position within this evolving and dynamic demography. It is not incidental that many of the most violent acts of Indian removal took place in the heart of the expanding slave economy.²⁹ Battle lines in Congress and in the nation over potential territorial acquisitions in Louisiana, Texas, and Cuba were similarly drawn between northern abolitionists and southern slave owners fighting over domestic institutional balance, just as they were when the nation debated incorporating its western territories, from Indiana to Missouri to Nebraska.

But national divisions over slavery do not fully encapsulate the ways in which racial politics were injected into political debates over expansion. For instance, supporters of both slavery and abolitionism responded in varied ways to the prospect of expansion, illuminating other features of national racial politics that influenced the development of the American nation and the formation of its borders. Focusing exclusively on the divisions over slavery can lead us to inadvertently misrepresent those debates as defined by a fundamental collision between supporters of racial hierarchy (largely in the South) and supporters of racial equality (more frequently in the North). This ignores a broader racial agenda unrelated to

28 W.E.B. Du Bois, *John Brown*, ed. David Roediger (New York: Modern Library 2001 [1909]), 70.

29 See, for example, Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014); Johnson, *River of Dark Dreams*; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, MA: Harvard University Press, 2007); Brian D. Schoen, *The Fragile Fabric of Union: Cotton, Federal Politics, and the Global Origins of the Civil War* (Baltimore, MD: Johns Hopkins University Press, 2009).

slavery; an agenda that was shaped by a dominant narrative of white supremacy across regions. Leading politicians from both the South and the North, with preferences both for abolition and slavery, and from both the Democratic as well as the Republican and Whig parties, referred to the United States as a “white nation.” Legislative majorities in the North, South, and West passed laws that excluded people defined as “not white” from naturalizing as American citizens, settling on public lands, or participating in the social economics of American life. Politicians frequently supported the outright removal and exclusion of indigenous populations, not just in 1830 with the passage of the Indian Removal Act, but also through the first decades of the twentieth century. Politicians and activists also targeted black populations for removal, with a considerable number of abolitionists supporting the colonization of people of African descent to lands either in Africa or the Caribbean. Numerous states outside the South voted simultaneously for abolitionism *and* the exclusion of blacks from settling within their state borders; during the antebellum era, for instance, only five states—all situated within very white New England—gave African Americans the right to vote.

Opposition to the existence of nonwhite populations on American territory existed alongside the active recruitment of European immigrants to the continent with the goal of bolstering the size of the white population in order to establish white majorities on racially diverse frontiers. Governing officials talked frequently and openly about the need for more whites to come to the United States in order to settle the contested lands, and both the national government and many states offered citizenship rights and free or cheap land as a way of incentivizing European settlement on American territory. Congress swiftly incorporated populations of European colonists who already resided in its acquired territories—notably the French population in Louisiana, the Spanish in Florida and Mississippi, and the substantial numbers of German immigrants in newly incorporated states such as Wisconsin and Minnesota. More controversially, the nation also incorporated the sizable Spanish population in New Mexico and the Mormon populations in Utah and Idaho.

But there were also important political and social cleavages that served to counter the accomplishment of such goals for a white nation. One cleavage was driven by a small but influential and racially diverse population of radical egalitarian activists who believed in privileging the rights of all individuals and peoples. There were also cleavages within the ranks of those who supported white hierarchies. Although the belief in a white America was dominant throughout the nineteenth century, there was more than one vision of what a “white America” meant, and these alternative visions were continually exposed when expansion necessitated confrontation with new people. Some supporters of slavery, for instance, were more willing to expand into territories with large nonwhite populations as

long as principles of racial hierarchical control were in place. As such, southern slave owners entertained incorporating territorial entities like Cuba, much of the Caribbean, and perhaps parts of South America. For them, bringing greater racial diversity to the United States was seen as a way to maintain their hierarchical position. For this reason, slave owners sometimes opportunistically supported indigenous rights—in part because some Native American nations like the Cherokees owned slaves, and in part because white slave owners found it to their advantage to support indigenous territorial rights when it meant limiting the rights of abolitionists. They believed it better to allow Native Americans to live on American lands than to open up the territory to white settlers who opposed slavery.

White majorities also disagreed about what constituted different racial boundaries, and both the idea and the reality of whiteness were constantly changing, reflective of the nature of race as a constructed category.³⁰ Benjamin Franklin believed whiteness included only Anglo-Saxons and excluded Africans, Asians, Native Americans, Spaniards, Italians, French, Russians, Swedes, and Germans—all of whom he categorized as either black or “tawny.”³¹ The Naturalization Act of 1790 was written more expansively, as Congress granted all persons of European descent the right to naturalize as U.S. citizens. But even though federal policies that distributed public lands consistently followed this definition, the boundaries of what constituted whiteness were frequently contested. For example, in the late 1840s President James Polk argued vigorously that most Mexican citizens were Spanish and hence should be considered white, therefore capable of being incorporated as Americans. Lorenzo de Zavala was both a Creole governor of Mexico and vice president of the rebellious Texas republic. Many Native American leaders were of mixed race, including John Ross, who resisted efforts by the United States to remove the Cherokee nation from its land, and both William McIntosh and Alexander McGillivray, who each skillfully played the interests of the United States and the Spanish against each other in order to protect the interests of the Creek Indians, and federal officials often differed over how to define their racial

30 See, for example, Barbara J. Fields, “Ideology and Race in American History,” in J. M. Kousser and J. M. McPherson, eds., *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward* (New York: Oxford University Press), 143–77; Jennifer L. Hochschild and Brenna Marea Powell, “Racial Reorganization and the U.S. Census 1850–1930: Mulattoes, Half-Breeds, Mixed Parentage, Hindoos, and the Mexican Race,” *Studies in American Political Development* 22:1 (2008), 59–96; Matthew Frye Jacobson, *Whiteness of a Different Color* (Cambridge, MA: Harvard University Press, 1999); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Takaki, *Iron Cages*.

31 Benjamin Franklin, “Observations Concerning the Increase of Mankind, Peopling of Countries, etc.,” in William Clarke, *Observations on the Late and Present Conduct of the French with Regard to Their Encroachments upon the British Colonies in North America* (Boston: Printed 1755), 73.

status. As such, the dynamism inherent in territorial expansion kept the process of racialization continually in motion, at times modifying the constitution of national hierarchies.

Nonetheless, in total, the notion of a white nation remained dominant and quite rigid throughout the process of territorial expansion. Throughout the period I examine here (from 1783 to 1912), prominent political leaders championed the argument that to be an American meant to be white. Jefferson's famous expression of an "empire of liberty," for instance, was very much racially bound and consciously so. As he wrote to James Monroe at the beginning of the nineteenth century, "it was impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits, and cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similar forms, and by similar laws; nor can we contemplate with satisfaction either blot or mixture on that surface"³² This was a sentiment embraced throughout the nineteenth century—even as laws and constitutional amendments expanded citizenship rights—and one that was championed by most of the nation's most notable political statesmen, from Andrew Jackson and Henry Clay to Stephen Douglas and Abraham Lincoln to Theodore Roosevelt and Woodrow Wilson. Throughout, this ascriptive ideology was institutionally reinforced in national land policies that restricted settlement and acquisition to people of white European background. In so doing, national expansion was simultaneously fueled *and* limited by racism, both promoting the taking of lands owned by non-white populations and thwarting national efforts when such populations were too large to be removed.

THE SETTLER STATE AND THE POLITICS OF POPULATION CONTROL

If a majority of Americans were united in an endorsement of a white-only settler society to expand over the land, they needed an authoritative state to remove or eliminate those populations that stood in their way. More generally, the nation needed a *means* to expand safely and securely across the continent without suffering defeat or significant fracture. Frederick Jackson Turner may have famously believed that the frontier was an incubator for American democracy, but national governing officials were constantly fearful about the potential for people living at the nation's periphery to tear the nation apart. They feared both the settlers who might separate themselves from the nation and the populations of non-Americans who threatened to disrupt and resist the process of settlement

³² Thomas Jefferson to Governor Monroe (November 24, 1801), in H. A. Washington, ed., *The Writings of Thomas Jefferson* (New York: Taylor and Maury, 1854), 420.

and force the nation into war and instability.³³ As such, national political institutions were employed by lawmakers to mediate these conflicts during the course of expansionist politics. The federal government—often awkwardly, and with seemingly as many failures as successes—was constantly at the center of both generating and directing the means of expansion and the incorporation that resulted.

In the nation's earliest years, the federal government was less engaged in promoting aggressive expansion than in protecting its existing borders and possessions. At the time, the national government's response was often geared toward avoiding confrontation with the people on its borders, which meant attempting to prevent settlers from crossing these borders and sparking violence and civil war. One of the government's critical first steps was to declare sole ownership over all the public land. As the sole owner, only the government could choose to acquire additional land or sell it, which served to regulate individual Americans who were attempting to access and purchase the land. In effect, this allowed them to circumscribe the movement of domestic populations and influence the design of others.

Decades later, the government intervened even more aggressively, working actively to remove Indian populations that were deemed to be in the way of further territorial expansion, a decision partially justified as necessary to prevent domestic conflicts from spiraling out of control. Indian removal exemplified a profoundly coercive state that resulted in unprecedented military involvement and violence; vast acquisitions of land and property; the eventual movement of nearly 100,000 people from one home to concentration camps and then to new homes; and future colonization west of the Mississippi. The government also used less transparent but equally violent measures to take indigenous lands: it intentionally destroyed food sources, drew maps and surveys to direct the way for hordes of settlers, introduced disease, and used trade to create deeply indebted peoples with no option but to sell their land on the cheap. By 1840, only a few thousand indigenous people were left east of the Mississippi, leading Alexis de Tocqueville to remark, "never has such a prodigious development been seen among the nations, nor a destruction so rapid."³⁴

That the United States accomplished "such a prodigious development" suggests a powerful American government—or, using the language of political science, a powerful American "state"—that was capable of conquering thousands of miles of land and removing hundreds of thousands of people.³⁵ The very nature of the word "empire" suggests a powerful state;

33 Frederick Jackson Turner, "The Significance of the Frontier in American History," in Turner, *The Frontier in American History* (New York: Henry Holt, 1921).

34 Tocqueville, *Democracy in America*, 321.

35 On definitions of the state, see for example, Margaret Levi, "The State of the Study

the Latin *imperium*, from which the word is derived, is defined as a supreme power and absolute rule, particularly by a state.³⁶ Moreover, the state is commonly seen as a critical engine of nation building: the state facilitates the linking of peripheries to the core through a network of institutions designed to secure territory, integrate communications, capital, and trade, promote a national identity and enforce the rule of law.³⁷

But, as mentioned earlier, this particular portrait of state strength complicates our historical understanding of the relationship between the American state, national state formation, and the process of territorial expansion and imperial development. Certainly, the Constitution provided the federal government with formal authority over the process of expansion, such as over treaties and statehood. At the same time, however, particularly during the antebellum period, the American state was consistently understood as “weak” as the government struggled to assert the authority, capacity, and independence necessary to pursue national policy goals, whether vis-à-vis domestic or international sources vying for power. The government’s military was woefully small, its bureaucracy frequently inept, corrupt, and overwhelmed, and its legislature meaningfully limited in the terrain in which it could assert authority.³⁸

of the State,” in Ira Katznelson and Helen V. Milner, eds., *Political Science: The State of the Discipline* (New York: Norton, 2002), 33–55; J. P. Nettl, “The State as a Conceptual Variable,” *World Politics* 20 (July 1968), 559–92; Theda Skocpol, “Bringing the State Back In,” in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (New York: Cambridge University Press, 1985), 3–43; Stephen Skowronek, *Building a New American State* (New York: Cambridge University Press, 1981).

³⁶ See, for example, Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, NJ: Princeton University Press, 2011), 28. See too, Perry Anderson, “Imperium,” *New Left Review* 83 (September/October 2013), 5–12.

³⁷ On the importance of the state for national formation, see Miguel A. Centeno, *Blood and Debt: War and Statemaking in Latin America* (University Park: Pennsylvania State University Press, 2002); Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, NJ: Princeton University Press, 2000); Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Cambridge: Blackwell, 1992). Regarding what constitutes the American “state” during this time, see Ira Katznelson, “Re-writing the Epic of America,” in Katznelson and Martin Shefter, eds., *Shaped by War and Trade: International Influences on American Political Development* (Princeton, NJ: Princeton University Press, 2002), 3–23; Skowronek, *Building a New American State*.

³⁸ See, for example, Richard Bense, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York: Cambridge University Press, 1991); Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928* (Princeton, NJ: Princeton University Press, 2001); Robert O. Keohane, “International Commitments and American Political Institutions in the Nineteenth Century,” in Katznelson and Shefter, eds., *Shaped by War and Trade*, 57–81; Skowronek, *Building a New American State*. For this reason, scholars who study the beginnings of American Empire have tended to focus on a later time period, after the Civil War, when the government is thought to have finally developed “vast powers” of military and economic regulatory capacity that enabled it to begin ventures into Cuba,

In the context of this weakness, and amid mass ambition for expansion and simultaneous weakness in state capacity, one of the most prominent weapons that the federal government had at its disposal in the antebellum era was its ability to control public land. Early on, and faced with severe economic and security threats from a chaotic land system—where individual states, land speculators, settlers, and would-be imperialists all claimed the right to own the land stretched out before them—the federal government asserted itself by declaring a monopoly of control over all land not currently owned by individual states.

Perhaps the most critical consequence of land and settlement policies was how frequently the federal government attempted to manufacture racially specific outcomes—namely, the establishment of a white demographic stronghold, often with striking success and sometimes with equally notable failures—so as to enable the government to expand. The politics of race—and racism—was deeply embedded in settlement and territorial incorporation. And it should not be surprising that land was at the intersection of these processes of state and racial formation. The possession and settlement of land, as Edward Said has importantly noted, is fundamental to understanding the development of empire: “Underlying social space are territories, lands, geographical domains, the actual geographical underpinnings of the imperial, and also the cultural contest. To think about distant places, to colonize them, to populate or depopulate them: all of this occurs on, about, or because of land.”³⁹ Violent removal policies were one piece of this, but they were critically buttressed by land policies governing settlement practices. Indeed, I will argue that removal policies were some of the least “effective” of those employed by the federal government. The federal government was ill-equipped to forcibly move people and continually underprepared, and the removal policies underfinanced. The destruction that such policies caused frequently led to national scandals that put government officials on the defensive and their elected positions in jeopardy.

Indian removal and the violence it entailed cannot be minimized; as mentioned, the actions of the United States during this period constitute genocide under current-day international law. But these policies and actions were only one piece of systematic land acquisition that transformed the racial geography of the country. Legislators were much better at incentivizing population movements than actually commanding them—for example, statutes like the Armed Occupation Act, the Land Donation Act, the Preemption Act, the Homestead Act, and the Dawes

Hawai‘i, Puerto Rico, the Philippines, and other island territories off the nation’s coasts. See, for example, Fareed Zakaria, *From Wealth to Power: The Unusual Origins of America’s World Role* (Princeton, NJ: Princeton University Press, 1998).

39 Edward W. Said, *Culture and Imperialism* (New York: Vintage, 1993), 78.

Act were all designed to move as many settlers as possible onto contested lands in order to overwhelm and dominate the preexisting population. Only after this successful rush and push created a majority of whites residing in the territory did Congress vote to formally incorporate that land as a state.

It is also important to note the limits of population control. The government did not always succeed in its efforts. This was partially because, as described, there were multiple visions of white hierarchies, notably among abolitionists and slave owners, that put different agendas in conflict. But the government also failed due to its inability to *carry out* the necessary amount of coercion to eliminate populations that threatened the nation's goals. When the federal government tried more coercive measures, its institutional weakness was often exposed, with the effect of mobilizing an opposition that may otherwise have lacked majority support. At times, it led the nation to somewhat unwillingly incorporate nonwhite populations, entrenching a further demographic dynamism and tension for those who wanted an all-white nation. It also led the nation to limit expansion and turnaround when confronted with geographic spaces that were too densely concentrated by populations deemed nonwhite. As a method of expansion and state building, then, population control was both consequential and bounded, providing outcomes reflective of hybridity more than either failure or dominance.

WHAT FOLLOWS

My goal in this book is to explore the relationship between federal authority over public land and the incorporation of diverse demographics and geographies. That this relationship was consequential for national expansion and aspirations for an American empire is not to suggest that it was a singular mechanism of political transformation. Indeed, the process of territorial acquisition and incorporation is not a single case study, and the variance of cases is a product of specific geographic, demographic, and temporal foci that informed policy in unique ways. The processes of expansion and the political incorporation of the nation's territorial periphery were contextually varied, contingent, and malleable. Most critically, both the nature of race and the nature of state institutional authority change over time, each driven by different clockworks composed of internal contradictions and partisan and ideological divisions.

Moreover, I do not wish to claim that policy makers were solely focused on the strategic planting of populations, or that they were in agreement as to how to go about it. There were partisan and economic actors who differed in their understandings of the worth and use of the public land, and who contested the strategic approach that I have preliminarily presented

here.⁴⁰ Even when government officials were of one mind as to the value of using public land strategically, they frequently struggled to effectively implement the policies.

Nonetheless, in the following pages, I do hope to document and illuminate the raw power that federal land distribution contributed to the establishment of settlement patterns on the nation's peripheries. Furthermore, I argue that this policy agenda critically impacted the outcome of both America's geographic boundaries and racial demographics, serving to transform early aspirations of empire into a different reality: the establishment of a white settler nation that conquered lands not simply for resource extraction but also for planting "Americans" on the land for purposes of settlement and community.

I frame the book's chapters around the efforts of the United States to acquire and incorporate territory. As I have argued, the actual treaties themselves—such as with Britain in 1783, with France in 1803, with Mexico in 1848—are just starting points for understanding the success and failure of expansionist efforts. To examine the process of incorporation, I utilize the granting of statehood as a measure of territorial political incorporation. Focusing on statehood allows me to distinguish between assertions of sovereignty and formal incorporation, and to assess the variation of results.

During the time period I examine, the United States expanded from thirteen to forty-eight states. Once acquired, Congress typically classified the geographic space as a "territory," a tutelary status expected to be temporary and to enable the nation to have greater control over the land's development as it increased in population size, formed a government, established an economy, and readied itself to join the U.S. as an equal state with full political representation.⁴¹ The Constitution, in Article IV, section 3, grants Congress the power to admit new states. Prior to granting statehood to territories, Congress typically passed an enabling act to establish a process and a set of preconditions that the territory had to satisfy. The territory then typically held a constitutional convention and elected a preliminary set of federal officers. After the territory drafted a constitution,

⁴⁰ See, for example, Paul W. Gates, *Landlord and Tenants on the Prairie Frontier: Studies in American Land Policy* (Ithaca, NY: Cornell University Press, 1973); Henry George, *Our Land and Land Policy: Speeches, Lectures, and Miscellaneous Writings*, ed. Kenneth C. Wenzer (East Lansing: Michigan State University Press, 1999 [1871]); Christopher McGrory Klyza, *Who Controls Public Lands? Mining, Forestry, and Grazing Policies, 1870–1990* (Chapel Hill: University of North Carolina Press, 1996); Malcolm J. Rohrbough, *The Trans-Appalachian Frontier: People, Societies, and Institutions, 1775–1850* (New York: Oxford University Press, 1978); Payson Jackson Treat, *The National Land System, 1785–1820* (New York: E. B. Treat, 1910).

⁴¹ See Heumann, "The Tutelary Empire," for the argument that this territorial stage was very much in keeping with both British and American imperial ambitions and practices.

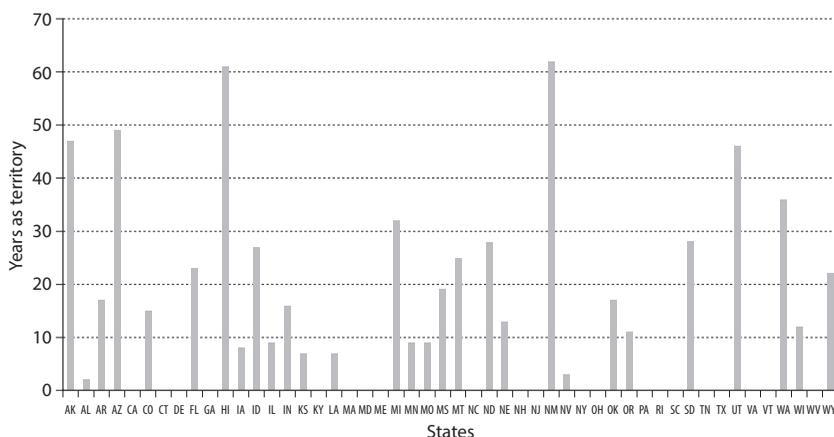


FIGURE 1.5. Time from territory to state.

Congress (and sometimes the president as well) voted on statehood, sometimes granting it with the understanding that further conditions would need to be met.⁴²

As figure 1.5 illustrates, some territories progressed quite quickly to statehood—for instance, Texas bypassed it as a condition of annexation, and California was granted statehood almost immediately after its acquisition. Others existed as territories for many decades, most notably New Mexico (and in the twentieth century, Hawai’i), retaining its territorial status for more than sixty years.

Although there was no single formula that led to statehood, the formation of individual states was consistently predicated on population movement and growth. The Northwest Ordinance initially established that territories must reach a certain population before being granted entrance; but this was not consistently followed, with considerations of sectional balance and partisan advantage at times dominating considerations in Congress. Scholars who have examined statehood incorporation debates have done so largely through the lens of partisan battles within Congress at the time of the legislative debate and formal incorporation, and with good reason; there have been moments when national parties—notably the Republicans after the Civil War—used the process of statehood to entrench their power in Congress and the Electoral College.⁴³ This, however,

42 See Eric Biber, “The Price of Admission: Causes, Effects, and Patterns of Conditions Imposed on States Entering the Union,” *American Journal of Legal History* 46 (April 2004), 119–208.

43 See, for example, Nolan McCarty, Keith T. Poole, and Howard Rosenthal, “Congress and the Territorial Expansion of the United States,” in Mathew McCubbins and David

misses the larger role that the federal government played in manufacturing the initial conditions that enabled a territory to go before a congressional vote for statehood. In particular, land policies and population control were often critical in the formation of these states, as the federal government was actively involved in settling and readying the territories with an appropriate citizenry.

My primary evidence comes from deliberations among federal policy makers. I examine congressional floor debates and roll calls, legislative and executive reports, territorial records and federal archives, as well as personal papers, periodicals, and newspapers. I have also relied extensively on the growing and vibrant revisionist literatures in Native American, western, and cross-border history.

I examine the politics of land policy as it led into thirty-four state incorporation battles. This number excludes the original thirteen states, West Virginia's secession from Virginia during the Civil War, and the twentieth-century incorporations of Hawai'i and Alaska (although I discuss Hawaiian annexation briefly in chapter 7). Additionally, I examine debates over lands that were not ultimately acquired by the United States—notably Cuba, the Dominican Republic, and much of Mexico. I do not provide, nor seek to provide, an account for every legislative debate or state incorporation, and not every state incorporation debate centered publicly on the specific set of dynamics of race and state capacity that I have described. But each chapter follows the progression of movement into an unincorporated geographic space and the politics of incorporating states there. I focus on both the conventional process by which states were incorporated as well as those that were exemplary for their variation from the norm, and I explore what this variation explains about the politics of expansion.

The chapters are organized in a manner that allows me to highlight changes and differences with attention to five variables. First, the chapters are divided by *geographic considerations* that correspond with the three largest treaties that the United States signed to acquire territory: the land east of the Mississippi River as obtained via the Treaty of Paris (chapters 2 and 3); the land west of the Mississippi extending through the Great Plains to the Canadian border acquired via the Louisiana Purchase (chapter 4); and the land that today constitutes the nation's southwestern states as obtained via Texas Annexation and the Treaty of Guadalupe Hidalgo (chapter 5). Second, these three geographic spaces all varied importantly by

Brady, eds., *New Directions in Studying the History of the U.S. Congress* (Stanford, CA: Stanford University Press, 2000); Charles Stewart III and Barry R. Weingast, "Stacking the Senate, Changing the Nation: Republican Rotten Boroughs, Statehood Politics, and American Political Development," *Studies in American Political Development* 6 (1992), 223–71; Daniel Wirls, "Regionalism, Rotten Boroughs, Race, and Realignment: The Seventeenth Amendment and the Politics of Representation," *Studies in American Political Development* 13 (1999), 1–30.

internal demography that shaped the considerations and forms of settler policies of the region. As I have discussed, the predominant desire for a white nation meant that decisions about expansion were consistently calculated in light of the ability of the nation to settle land with a sufficient number of white settlers; a majority white population was a necessary condition for statehood. In some of these geographic spaces, the proportion of nonwhites to whites was not initially large; in others, it was significant enough to force extensive delays in political incorporation while the nation-state worked to manufacture white majorities on the land; and in still others, the nonwhite population was so large as to lead the United States to withdraw its interest in acquisition altogether.

Each chapter is also divided temporally so as to highlight the importance of three additional variables: *changes in national partisan compositions*, *changes in the authority and capacity of the nation-state*—both in the international and domestic context—and, last, the importance of *different institutional venues* that weighed in on expansion policies. On this latter variable, the bulk of national settlement policy was formulated through congressional legislation. As a government report by the Public Land Commission in 1880 reported, there were more than 3,000 acts of Congress that aimed to regulate public land in the nation's first one hundred years. But Congress was hardly alone. The executive branch, including the president and government agencies such as the War Department, the Bureau of Indian Affairs, and the General Land Office, further shaped the development of these policies, as did—at least on occasion—federal and state courts. These different institutional actors did not always work in lock-step, and as we will see, there is important variation in their approaches, which is in part driven by their institutional training and affiliation. For instance, judges working in the context of common law understandings of property rights tended to view land distribution quite differently than members of the War Department working in the context of security threats and bureaucratic manpower. Legislators, meanwhile, tended to be more responsive to changing demographics simply because of changing margins of representation between eastern and western states in Congress as the nation expanded to more and more western states and legislative districts.

As such, in chapters 2 and 3, I examine the process of American expansion and settlement to the Mississippi River between the American Revolution (and even further back into British times) up until 1840. During the course of this settlement, the thirteen seaside states doubled to twenty-six, most located east of the Mississippi, with the others (namely, Louisiana, Arkansas, and Missouri) bordering the river to the west. This was a time when the federal government first asserted authority over the public land (discussed in chapter 2). It is also during this time that Indian removal entered its final phases east of the Mississippi, with the Indian Removal

Act, and the subsequent Trail of Tears (discussed in chapter 3). Consistent with the book's themes, these chapters illuminate a "weak" national state exerting influence on settlement patterns but also struggling to promote expansion and incorporation. Among its consequent failures, I argue, is Indian removal, an event not only representative of one of the nation's darkest moments, but also one in which the federal government's institutional weaknesses were frequently exposed.

In chapter 4, I focus on the incorporation of the territory first acquired in the Louisiana Purchase, examining the incorporation of the states west of the Mississippi with the exception of the Southwest. The chapter is divided into three broad sections. First, I begin with an examination of the tensions in early land policy between those who wanted to use the land for profit and those who wanted to settle and cultivate it. These battles first emerged in Congress, in disputes over preemption and homesteading that engaged the idea that settlers ought to be allowed to have subsidized or free land if they settled and cultivated it in a manner beneficial to the growth of the nation. Once eastern settlements were incorporated as states, federal land policy began to change, and there were more opportunities for settlers to acquire land, especially in frontiers deemed dangerous and politically desirable. For this reason, Florida and Oregon are linked; both arose from land policies in the 1840s that derived from the preemption policies that emphasize "armed occupation" by rushes of settlers. Second, I look at the rising tension between homesteading and slavery. As slave states began to view settlement policies as providing anti-slave states with greater populations and representation, they increasingly pushed against them. This came to a head in the 1850s, when northern settlement policies forced another confrontation with Indian populations that were once located east of the Mississippi but then in Indian Territory. Efforts to further expand into Nebraska and Kansas, in part to allow railroads to cross toward the Pacific Ocean, led to a confrontation between North and South. Third, I focus on the consequence of the Homestead Act, passed in 1862, for western settlement and for the continued manufacturing of white racial majorities, particularly in Oklahoma. There, homesteading was used widely and strategically to overwhelm indigenous populations by flooding the former Indian Territory with white settlers and then incorporating it as a state.

In chapter 5, I focus on the politics of American expansion into the Southwest, primarily involving territories initially under the sovereignty of Mexico and Spain. This chapter also proceeds in three parts. First, I begin with an extensive discussion of Mexican land policy and the nation's inability to populate its northern territories. Mexico also faced an immediate issue of incorporating vast territory in the immediate days after its independence from a European empire (in this case, Spain). On the one hand, Mexico attempted to design its settlement policies in a way that copied the

United States. But on the other, Mexico struggled to assert national authority over its states and territories, promoting a federated structure that empowered the states to control their own land policies. Many of those territories, in turn, committed themselves to land policies that were at odds with those of the central government. In the second section of the chapter, I examine U.S. efforts to acquire territory from Latin America, including both the aftermath of the Mexican American War and the Treaty of Guadalupe Hidalgo, and the failed efforts of would-be expansionists to acquire Cuba in the 1820s and 1850s and Santo Domingo in the 1850s and 1870s. In the third section, I examine the politics of the more than six-decade-long battle to incorporate New Mexico Territory as a state, with its eventual incorporation in 1912.

In chapter 6, I shift away from the politics of statehood as well as from the organizational structure of chapters 2 to 5 in order to focus on a long-standing matter that hovered significantly over American expansion and the continual desire for a white settler nation: the question of how the nation would eventually respond to the increasing numbers of free blacks, as well as the impending end of legalized African slavery. Throughout the antebellum era, the most popular idea of what to do with the nation's black population, one that swelled to more than 4 million people by the time of the Civil War, was to relocate, or "colonize" them to potential locations in Africa and Central America. Support among legislators in Congress was arguably equal or greater than support for Indian removal policies, but failed to materialize. I examine both the popularity of black colonization as well as why this effort at a second removal of a large population was defeated. In particular, I pay close attention to the two-year period in the first congressional session during the Lincoln administration (1861–63), when the idea of black colonization seemingly had its greatest momentum and suffered its most profound defeat. Again, I highlight the disjuncture between the ambitions of American majorities for an all-white nation with the realities of bringing such an event about in the context of a relatively weak American state.

In chapter 7, I close with an examination of the United States at the beginning of the twentieth century, as the nation began to think of an overseas empire with the potential of going beyond the settler model. I begin here with Frederick Jackson Turner, Theodore Roosevelt, Woodrow Wilson, and others who saw this moment as a transition from one form of empire to another: from a settler nation to an empire more similar to those of Europe.⁴⁴ This first step at a new empire was largely a failure—in many ways for the same reasons that I have accounted throughout this book—as national legislators were reluctant to add nonwhite territories in any form.

⁴⁴ These distinctions between empire and nation-states come from Burbank and Cooper, *Empires in World History*, 8.

(continued...)

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