The United States Military, Slavery, and State-building in the Early Republic

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The United States military was the principal agent of American state development in the seven decades between 1791 and 1861.¹ It fought wars, removed Native Americans, built internal improvements, expedited frontier settlement, and protected American commerce. These activities, in turn, “thickened” the American state, increasing its governing authority, institutional autonomy, political legitimacy, state capacities, and coercive powers.²

Both directly and indirectly, the activities of the United States military during the pre-Civil War period promoted state development. Military activities expanded the authority of federal officials to govern particular policy areas, the autonomy they enjoyed in making policies relative to exogenous pressures on their policy-making processes, the legitimacy other actors conferred on the policies they made, their capacity to implement those policies, and their ability to coerce other actors who might resist the implementation process. State-building, of course, critically depends on resources. Most of the early-American state’s resources went to the United States military.

Unfortunately, the American political development (APD) literature has generally neglected the role that the military played in state-building before the Civil War. Even more, it has almost totally ignored the impact that the presence of slavery had on the military’s state-building activities since in many cases the institution was either a cause or necessary condition of the activity or else directly affected how it was performed.

The United States Military and State-building

APD scholars have not studied the relationship between wars and state development in the United States nearly as extensively as comparative sociologists have studied that relationship in early-modern Europe.³ If they have studied the relationship, they have studied it mostly as a
According to one prominent narrative, the American state remained relatively weak during the nineteenth century because the geographic isolation of the United States from major military powers spared it the major wars that had created relatively strong states in early-modern Europe. Even APD scholars who have challenged this “American exceptionalist” narrative, such as Max Edling, Sheldon Pollack, and Bruce Porter, have reaffirmed its general thrust, at least for the pre-Civil War period.4

American exceptionalism is, however, a relative matter. What are major powers and major wars are also relative matters. The United States may have been spared major wars with major powers during the pre-Civil War period but it still was involved in one “less major” war with a major power, the War of 1812. It was also involved in “less major” wars with Mexico and the Seminole as well as numerous other, “more minor” Indian wars.5

Beside the War of 1812, the Second Seminole War (1835-42) and the Mexican-American War (1846-48) were “less major” wars during the pre-Civil War period that had more than 1,000 United States combatant deaths.6 David Mayhew detailed how the War of 1812 and Mexican-American War generated new administrative structures and policy regimes that became the major fault lines of the second- and third-party systems. Laura Jensen chronicled the expansion of veterans’ benefit programs from disabled veterans to all veterans and their survivors during the pre-Civil War period, which then served as precedents for the Civil War pension programs. John Mahon contended that the Second Seminole War had significant effects on the development of the United States army in lessening its reliance on auxiliary forces and in functioning as a training ground for its Mexican-American and Civil War officer corps.7

APD scholars also have not sufficiently studied the relationship between the peacetime
activities of the United States military and state development. The rugged American
did not conquer the West alone. The American state not only walked by his side
but it preceded him. The United States army, in particular, played a crucial role in conquering
the West. The army built the roads along which European-American settlers moved westward
and the fortifications that served as the concentration points for their settlements. Army soldiers
also cleared Native Americans from the lands on which they settled, a process which required
varying degrees of coercion to overcome indigenous resistance. Army engineers and surveyors
preceded the establishment of land and post offices, two other federal institutions that promoted
frontier settlement. The army was the American state’s initial presence on the frontier and, at
least until the establishment of territorial governments, the primary source of its authority,
legitimacy, governing capacities, and coercive powers among the diverse peoples who lived on
the frontier. Over time, the army developed the institutional autonomy to act as an effective
agent of the American state in reducing the level of frontier violence.

In addition, the United States navy contributed to state development. The navy was not
only actively involved in the nation’s early wars but in protecting its maritime commerce. Navy
as well as army personnel built public infrastructure. When executive officials created a
Department of Navy, a shore establishment, and, finally, a naval academy to increase the navy’s
capacities to perform its assigned tasks, they, in turn, contributed to state development.

The United States military was the largest single source of federal expenditures and
employment during the pre-Civil War period. However small or weak the federal government
was from 1791 to 1861, it allocated most of its resources to the military. Of the $1.797 billion
aggregate expenditures of the federal government during the pre-Civil War period, $983 million
(54.7 percent) were military expenditures. From 1816 to 1851, military employment ranged from 77.6 percent (1816) to 44.1 percent (1851) of total federal employment.\textsuperscript{12}

**Slavery and State-Building**

The most neglected part of the story of early-American state development is the prominent role that the presence of slavery played in state-building, including in the state-building activities of the United States military. Even revisionist accounts of the relationship between the military and state development have largely ignored this factor.\textsuperscript{13}

The American case is somewhat distinctive from the case of early-modern Europe because the immediate purpose of American state actors in using the military to, for instance, fight wars was not to build states. They generally shared the anti-statist attitudes of the American public.\textsuperscript{14} Instead, they used the military to fight wars for other purposes and those wars then indirectly led to state development. The United States offers an early example of state-building by indirection.\textsuperscript{15} The question then is why did American state actors use the military to fight wars and perform other state-building activities? In some cases, the purpose of the activity had little or nothing to do with slavery. But in other cases, the primary purpose, or at least one of the primary purposes, was to protect the institution or expand its geographic presence. In still other cases, the institution was a necessary condition for the performance of the activity or else directly affected how it was performed.

The presence of slavery had a significant effect on the initiation and conduct of the nation’s early wars. Though the presence of slavery was not a proximate cause of the War of 1812, it affected how the war was fought. The governors of at least one Southern state (Georgia) and territory (Mississippi) refused to allow their militia to be deployed elsewhere for fear that
slaves would exploit the opportunity to revolt or escape to freedom. In the case of the Mexican-American War, slavery was at least a proximate cause of the war as the movement of Southern slaveholders into eastern Texas during the 1820s launched a chain of events that resulted in war between the United States and Mexico two decades later. The causal nexus from the presence of slavery to war was even tighter in the case of the Second Seminole War, which was the nation’s longest war of the nineteenth century. In territorial Florida, Southern slaveholders insisted on Seminole removal to protect their slaveholdings against Seminole “depredations,” while Black Seminole, in particular, resisted removal for fear that they would lose their freedom in the process.

The removals of the other four major Native-American nations in the southeastern United States—Cherokee, Chickasaw, Choctaw, and Creek—were less violent and less directly affected by the presence of slavery than in the case of the Seminole. Nonetheless, the presence of slavery was still a strong motive in all the southeast removals because of the demands of Southern slaveholders to relocate those nations across the Mississippi River in order to protect and possibly expand their land and slaveholdings. The southeast removals were important cases of state-building to the extent that executive officials increased the army’s capacities to accomplish the task, as by deploying soldiers to sites of potential conflict and authorizing army officers to hire private contractors to transport and supply the removal parties. Even when the southeast removals did not lead to outright conflict, they were highly coercive policy episodes. Once accomplished, the American state acquired greater legitimacy among European Americans in the region by dissipating a long-lingering source of citizen discontent.

American state actors also deployed army soldiers to catch and return fugitive slaves as
well as to suppress and deter slave rebellions. These activities directly protected the institution of slavery by minimizing the slave losses of Southern slaveholders. They also indirectly led to state development through the use of the United States army as a law-enforcement tool in a state that had few other law-enforcement resources or responsibilities.  

“Bleeding Kansas” was a case where the institution of slavery was the cause of a military activity in the sense that executive officials deployed army soldiers to resolve a violent dispute among the settlers of the territory over the future of the institution in the territory. In deploying soldiers to lower the level of violence, American state actors asserted their institutional autonomy relative to the demands of settlers on both sides of the issue.

Slaves became active agents of state-building when the United States military employed slave labor to build internal improvements in Southern states and territories. In this case, the presence of slavery directly affected the manner in which American state actors provided public infrastructure to accelerate economic development, another important state function. The military’s use of slave labor to build internal improvements contributed, in turn, to the autonomy of the army and navy officers who made the actual decisions to rent slaves rather than hire free laborers, especially because those decisions often violated, or at least skirted, cabinet-level regulations.

Finally, the presence of slavery was a necessary condition of the United States navy’s mission to protect American commerce to the extent that mission became intertwined with its mission to suppress American participation in the slave trade. The Tyler administration created the African Squadron in 1843 to perform both missions and the Buchanan administration enlarged the squadron in 1859 to more adequately perform both missions. The African Squadron
became a crucial training ground for navy crews as their search-and-seizure duties shifted during the Civil War from capturing suspected slave ships to capturing suspected contraband ships. The multiple connections between the presence of slavery, on the one hand, and the United States military and state-building, on the other hand, demonstrate that the institution did not only act to retard American state development. The “slavery meant a weak state” trope remains a dominant one in the APD literature. Robin Einhorn has strongly re-asserted it in her work on slaveholder resistance to internal taxation. Many APD scholars have made similar arguments with respect to internal improvements. The presence of slavery undoubtedly fed into anti-statist attitudes in the United States which established a general pattern of state-building by indirection. We, however, should also consider the cases where the institution had the reverse effect and contributed to state development. If the early American state was exceptional, it was exceptional as a “house divided” that was buffeted by competing sectional demands to perform or refrain from performing particular activities, including military activities. During the pre-Civil War period, Southern slaveholders were highly successful in pressing their demands on the American state, certainly more successful than any comparable Northern antislavery group; their economic interests trumping whatever anti-statist ideology they may have held. As Don Fehrenbacher has shown, the result was a state that tilted heavily in a proslavery direction.

The United States Military, Native Americans, and Slavery

The United States military actively sought to protect European-American slaveholders against Native-American “depredations” in the southeastern United States. One of the primary motives for the army’s removal of the five major Native-American nations in the region across the Mississippi River was the local complaints of slave losses to Native Americans. Florida was
the principal locus of this type of slavery-related military activity.

The Florida Wars

Before the United States acquired Florida from Spain in 1819, four American incursions contested Spanish control of the territory. These incursions had multiple motives and trajectories. What they shared was their unofficial character, both as military-assisted filibusters and as slavery-protection missions.

The first incursion, the so-called “Patriot War” (1812-14), began when a group of 125 Georgia volunteers invaded Spanish East Florida on March 12, 1812. The group had the official endorsement and assistance of Georgia Governor David B. Mitchell and the unofficial encouragement and assistance of the Madison administration, which had been stymied in its efforts to acquire the territory by diplomatic means. One of the primary motives of the filibusterers in attempting to wrest the territory from Spanish control was to minimize local slave losses. The threat was two-fold, from Seminole slave-raiding parties crossing the Florida-Georgia border and from slaves in Georgia running away to the protection of Spanish colonial officials and Seminole maroon communities in Florida.27

The United States army played an ambiguous role in this incursion as local army officers initially refused to assist the filibusterers and then agreed to take only defensive actions on their behalf. The navy played a more active role in helping the filibusterers capture Amelia Island, though the local navy commander had also ordered his gunboat captains to take only defensive actions on their behalf. The most active role the army played in the incursion was to cover the retreat of the main body of filibusterers back to Georgia after they had been repulsed by the combined Spanish and Seminole forces defending the colonial capital at Saint Augustine. A
small core group remained in the territory for more than a year thereafter, unsuccessfully attempting to incite a general rebellion against Spanish rule.\textsuperscript{28}

The United States army played a more active role in the second incursion (1814), which was seemingly a legitimate War of 1812 operation against the British forces occupying northwestern Florida. Nevertheless, General Andrew Jackson’s forces, which included regulars, militia, Creek, Choctaw, as well as his own Tennessee volunteers, skirmished with Seminole who were allied with the British and seized Black Seminole on the pretext that they were the “lost” slaves of United States citizens.\textsuperscript{29} This incursion was not only a prelude to the Battle of New Orleans but to a third Florida incursion (1816) whose primary purpose was to destroy a Seminole maroon community that had occupied an abandoned British fort on the Apalachicola River. Georgia officials demanded the destruction of this “Negro Fort” because they contended that it served as a magnet for slave runaways. Acting under Jackson’s orders, Colonel Duncan L. Clinch laid siege to the fort with a force which, again, included regulars, militia, Creek, volunteers, and, this time, a navy cruiser. During the siege of the fort, a cannonball from the cruiser struck the fort magazine. The resulting explosion destroyed the fort, killing most of the African Americans who remained inside.\textsuperscript{30}

The next year Jackson once again marched his forces into Florida in response to Georgia complaints of continuing problems with Seminole slave raids and slave runaways to Seminole lands. During the ensuing First Seminole War (1817-18), his forces compelled the Seminole and their African-American allies to evacuate northern Florida for points further south to create a buffer zone along the Georgia-Florida border. Jackson himself described the war as “this savage and negro war.”\textsuperscript{31}
Soon after the First Seminole War ended, Spanish officials decided to sell Florida to the United States. Secretary of State John Quincy Adams agreed during the treaty negotiations that the federal government would reimburse Florida residents for their property losses, including slave losses, from the war as well as from the earlier incursions into the territory. The federal government eventually paid $1,199,669 to cover such claims.\(^\text{32}\)

The acquisition of Florida transformed the Seminole problem into a domestic problem. Even though Jackson’s forces had driven the Seminole onto lands further from European-American settlements, European-American clashes with Seminole over land and slaves continued. In 1823, the Seminole signed the Treaty of Moultrie Creek, which required the nation to move west of the Mississippi River as soon as a mutually agreeable site for settlement could be found. This stipulation proved to be the window through which the Seminole were able to delay removal for more than a decade. Although many Seminole were resistant to abandoning their Florida lands, the Black Seminole were the most resistant because they believed that removal would mean the loss of their freedom. Meanwhile, territorial officials and residents petitioned their new federal government to remove the Seminole from Florida in order to protect and possibly expand their land and slaveholdings.\(^\text{33}\)

Following the passage of the Indian Removal Act of 1830, federal officials negotiated new removal treaties with the Seminole and the other Native-American nations in the southeastern United States. The Seminole signed the Treaty of Payne’s Landing in 1832, which again required the nation to move west of the Mississippi River.\(^\text{34}\) This time, however, the treaty established a three-year deadline for removal and designated a settlement site on western Creek lands, where the Seminole were very reluctant to settle because of their past conflicts with the
Creek, again especially the Black Seminole who feared that Creek would either seize them as their own slaves or else sell them as slaves to European Americans. The treaty also set aside $7,000 for settling slave disputes between Native Americans and European Americans prior to removal. Both these factors continued to delay the removal process. The army deployed more soldiers to Florida in 1835 and prepared to use force to remove the Seminole from the territory. The ensuing Second Seminole War far exceeded the earlier American military actions in Florida in the level of violence on both sides.

The war began when the Seminole surprised an army detachment under the command of Major Francis L. Dade on December 28, 1835, near Bushnell, Florida, killing Dade and all but three of the more than 100 men under his command. During the initial years of the war, Black Seminole formed the backbone of the resistance to the army’s efforts to remove them and the other Seminole from Florida. Two years into the war, the new commanding general, Thomas S. Jesup, adopted the tactic of promising the Black Seminole that if they agreed to leave Florida for Indian Territory they could leave as free persons, notwithstanding any European-American claims to them. Territorial officials protested Jesup’s decision and he was compelled to formally withdraw his offer. Yet, he unofficially pursued the tactic. By the end of 1838, the army had removed most of the Black Seminole from Florida. Thereafter, the war slowly wound down to a rather indecisive conclusion. On August 14, 1842, then-commanding officer, Colonel William J. Worth, simply declared it over, despite the ongoing hostilities.

Many factors caused the Seminole to resist their removal from Florida and European-American settlers to insist on it. But several special slavery-related factors explain why the Seminole were the only Native-American nation to violently resist removal for any length of
time and also why European-American settlers refused to accept anything less than a very costly campaign to remove them.\(^{37}\) Those factors included the continuing disputes over slaves between Seminole and European Americans in Florida and the adjoining states, the relatively large number of free African Americans living among the Seminole whom European Americans considered a powerful inducement to slave runaways, and the determination with which those Black Seminole resisted removal because they equated removal with enslavement to European Americans or, perhaps worse, Creek. In the absence of these special slavery-related factors, the federal government would have eventually removed the Seminole west of the Mississippi River anyway, just as it had already removed or was in the process of removing other Native-American nations across the river. However, the federal government had to use such force in the case of the Seminole because European Americans in Florida and the adjoining states were so insistent on removal (but not before their alleged slaves were returned to them) and because the Black Seminole were so resistant to removal (rightfully suspecting that they were the alleged slaves in question). Furthermore, the fact that the Seminole had already been driven southward onto less desirable lands in Florida during the First Seminole War meant that seizing their lands was a less immediate concern in their case than it was in the case of the other Native-American nations targeted by the Indian Removal Act. In the absence of slavery, Seminole removal would probably have been delayed even further, and it would certainly have been less costly.\(^{38}\)

One year into the Second Seminole War, Jesup wrote Department of War officials that it was a “negro war,” not an “Indian war.” He also warned them that if the Seminole “insurgency” was “not speedily put down, the South will feel the effect of it on their slave population before the end of the next season.”\(^{39}\) Scholars generally concur that the Second Seminole War was at
least as much a “negro war” as it was an “Indian war” because of the unique role resistant Black Seminole and insistent European-American slaveholders played in the conflict.  

Unlike the earlier Florida incursions, the Department of War documented many of the costs of the Second Seminole War because it was an official United States military operation. Documented expenses totaled $19,594,828, including $18,948,183 in army expenses from October 1, 1835 to September 30, 1840, $504,489 in navy expenses from 1838 through 1842, and $144,226 in removal expenses as of June 6, 1842.  

Most of the indirect costs of the Second Seminole War were, however, undocumented. During the war, the army salaried a large civilian workforce (including slaves) in Florida, paid one year’s living expenses of territorial residents (and their slaves) who were dislocated by the war, and offered one year’s living expenses to entice European Americans (with their slaves) to settle in Florida to act as a buffer against the Seminole who remained in the southern part of the peninsula. In his first-hand account of the war, Major John T. Sprague even intimated that Florida residents had sabotaged the war effort to keep federal money flowing into their pockets. The estimates of the total costs of the war range from $20 to $40 million--with a median of $30 million--to remove approximately 3,000 Seminole from Florida. At $30 million, the war would have absorbed 13.5 percent of total federal expenditures and 24 percent of total military expenditures from 1835 through 1842.  

The Second Seminole War was also costly in terms of lives. The United States military lost a total of 1,555 men in the war, though only 328 of the total were battle deaths. Most of the deaths were from malarial diseases contacted marching through the Florida swamps in futile pursuit of Seminole. At the height of the war in 1837, more than three-fifths of the authorized
force of the army--4,552 of 7,130 men--was stationed in Florida as well as another 4,046 militia and volunteers. As a direct result of the war, Congress approved an increase in the authorized force of the army to 11,800 men in November 1837, which was the only such increase between the War of 1812 and Mexican-American War. Approximately 40,000 American soldiers saw service in the war. An increasing number of those soldiers were regulars as their proportion of the military force in the territory rose from 48 percent in 1836 to 100 percent in 1840.47

In his account of the war, Sprague had two “axes to grind.” The first “ax” was directed at the civilian chain of command, which, he thought, had foisted an unnecessary guerrilla war on the army because it was too responsive to the demands of local slaveholders. The second “ax” was directed at the volunteer and militia units, which, he thought, were grossly overpaid and more of a handicap than an asset to the war effort.48 An 1840 Treasury audit documented $1,827,536 in regular army pay and $3,070,024 in volunteer and militia pay during the first five years of the war.49 Sprague applauded the Department of War decision to use only regulars in the later stages of the war. He also noted how local officials protested that decision because it meant less money for constituents who served in the volunteer and militia units, just as they had protested Jesup’s decision to offer Black Seminole their freedom in the West because it meant fewer slaves for constituents who were intent on enslaving them.50

Even though the Second Seminole War was not a success as a military operation, it was an organizational success for the United States army. By the end of the war, Jesup and his successors (Zachary Taylor, Walker K. Armistead, and Worth) had prioritized the organizational interests of the army over territorial interests both in removing Black Seminole as free persons and in shedding the army’s auxiliary forces. When Jesup replaced territorial Governor Richard
K. McCall as the commanding officer in Florida in December 1836, it signaled a gradual professionalization of the war effort. Six years later, Worth brought the war to a “premature” conclusion--“premature” from the perspective of territorial officials and residents who wanted the Seminole totally removed from Florida--in order to stop the drain on army resources. Overall, the army exited the war a more autonomous organization, with an increased capacity to resist exogenous demands on the deployment of its forces.51

The United States army also exited the Second Seminole War a larger organization. While troop levels fell after the war, they remained higher than they had been before the war. In the year the war began, 7,337 men served in the army. That figure quickly rose to a 12,330 peak in 1837. After the war ended, it gradually fell to 8,509 in 1845 until the Mexican-American War brought another upsurge. The step-level increase was 16 percent. The trend was similar on the fiscal side. Total federal spending was $17,573,000 in 1835, $37,243,000 in 1837, and $22,937,000 in 1845; a step-level increase of 30.5 percent.52 Even this largely forgotten Indian war had its “ratchet effect.”53

American state actors did not use the United States military to fight the Second Seminole War with this effect in mind. In fact, they went into the war reluctantly, hoping that the Seminole, when threatened with a coercive removal, would choose to exit voluntarily. They also envisioned local militia as the primary fighting force when that did not happen. Yet, they were determined to protect the lives, property, and slaveholdings of Florida residents by removing the Seminole from the territory, if necessary with regular army forces. The state-building effects of the war were the indirect result of that determination.

The Southeast Removals
In the case of the other four major Native-American nations in the southeastern United States, the removal process was less violent and costly, and the demands of local European-American slaveholders were less central to the process. The Cherokee, Chickasaw, Choctaw, and Creek confronted a more generalized pressure for removal because they occupied lands more on the major axes of European-American settlement. These differences did not mean, however, that their removals were not violent or costly, or that the demands of local European-American slaveholders were not an important factor in the process. Nor, did it mean that the United States army played no role in the process, as in deterring indigenous resistance and in supplying the removal parties as they moved westward. Army detachments even accompanied Creek to their new lands after a group of dissident Creek warriors organized a series of attacks on European-American settlements along the Georgia-Alabama border in an attempt to forestall their scheduled removal to Indian Territory. As a result, the United States army had to temporarily divert soldiers from Florida to the Georgia-Alabama border in the short-lived Creek War of 1836 to begin the removal process. Even though the Creek leadership quickly moved to contain the violence, the federal government still spent an estimated $250,000 on the war.54

Similar to the situation in territorial Florida, European-American slaveholders in Alabama, Georgia, Mississippi, and Tennessee sought to expand their slaveholdings onto Native-American lands. They also sought to secure their slaveholdings against the possibility of slaves running away to Native-American lands or being seized by Native-American raiding parties. Native-American removal solved multiple problems for European-American slaveholders in many Southern localities. An analysis of the congressional vote on the Indian Removal Act found that the larger the percentage of slaveholders in a congressional district the more likely the
member of Congress from that district was to vote for the act. Southwest expansion was slavery expansion and Native-American removal was necessary to both processes.  

All five of the major Native-American nations in the southeastern United States were slaveholding nations that lived in the midst of a dominant European-American slaveholding culture. This factor distinguished them from the Native-American nations north of the Ohio River, as did the fact that they were still relatively large, cohesive nations and retained relatively large, fertile lands at the time of their removals. Unlike the Native-American nations in the southeastern United States, the Native-American nations in the upper Midwest were not the targets of systematic removal campaigns. Their removals began earlier and were also more piecemeal. The Black Hawk War (1832), which might seem analogous to the Second Seminole War as a war of removal, was actually a testament to the piecemeal nature of the process in the region. Black Hawk’s band of approximately 500 Sauk was the only one that had not already moved west of the Mississippi River. The ensuing “war” to remove the band essentially consisted of one engagement, when a combined United States and Sioux force caught it unawares as it encamped along the banks of the Mississippi, killing 165 members of the band and compelling the rest to flee across the river. Moreover, the presence of slavery within both European-American and Native-American communities in the southeastern United States complicated the removal process even when it did not lead to armed conflict because it required local Indian agents and army officers to arbitrate slave disputes between members of the two communities prior to removal. The presence of slavery also increased the costs because the federal government paid for the transportation and sustenance of the slaves as well as of the Native Americans who were removed to Indian Territory with their respective nations.
In the 12 years following the passage of the Indian Removal Act, the federal government spent an estimated $34.2 million to remove approximately 55,000 members of the five major Native-American nations in the southeastern United States across the Mississippi River, including an estimated $360,000 to remove approximately 3,350 slaves of the Cherokee, Chickasaw, Choctaw, and Creek nations. The total would represent 11.5 percent of aggregate federal spending ($297 million) from the first effective year of the act (1831) through the final official year of the Second Seminole War (1842). Most of the total was spent on that war, which was the removal process in the case of the Seminole. The other removals, though, were not inexpensive, either in terms of their human or financial costs. Perhaps not surprisingly, the federal government kept no records of the costs to the Native Americans, in terms of lives lost and properties abandoned, stolen, or sold at bargain prices to European Americans prior to removal. It has been estimated that the Seminole lost as much as one half of their population and the other four major Native-American nations in the region as much as one third of their populations during the removal process and in their initial years in Indian Territory. The presence of slavery was not the sole cause of the southeast Native-American removals but it was an important cause and it significantly increased their costs, especially in the case of the Seminole.

In deploying army units to remove the five major Native-American nations in the southeastern United States across the Mississippi River, federal officials seemed unconcerned that the policy might overreach their constitutional authority to regulate “commerce” with “Indian tribes.” They were, rather, focused on satisfying the demands of European Americans, especially European-American slaveholders, to remove Native Americans. In satisfying those
demands, the federal government acquired greater legitimacy among European Americans in the region by substantially reducing their risks of slave losses and opening extensive tracts of land to their settlement. The federal government also asserted greater authority over Native Americans in the region by deploying army units to deter further resistance to the removal process. When the House of Representatives debated a supplemental $1 million appropriation in 1836 to prosecute both the Creek and Seminole wars, the Florida territorial delegate, Joseph M. White, stated bluntly that the question before the body was “whether we shall take part with the Indians, or with our Government and people.” Seventeen years later, former Georgia congressman, governor, and senator Wilson Lumpkin congratulated himself on his own “sternly determined policy never to cease my efforts while an Indian remained in Georgia, … [a policy which is] now fully consummated beyond the shadow of doubt.”

The southeast Native-American removals were important events in the development of the United States army as it removed more than 50,000 Native Americans across the Mississippi River. In the case of the Seminole, it engaged in a seven year’s war to execute the policy, largely displacing the role that volunteer and militia units had played in previous Florida conflicts. Despite a conspicuous lack of success on the battlefield, the army emerged from the war a larger, more autonomous organization. In the case of each of the southeast removals, the army’s efforts to oversee a compulsory relocation of thousands of Native Americans represented, at least by early nineteenth-century standards, a massive administrative undertaking.

The southeast Native-American removals represented a strong assertion of federal authority not only relative to Native-American nations but to state governments. Through the implementation of the Indian Removal Act, the federal government asserted its own sovereignty
over Indian affairs relative to the state governments while deploying its own military forces to forcibly uproot a number of supposedly sovereign Native-American nations. The American state emerged from this policy episode with much greater control over those nations by concentrating them on what were, in essence, Indian reservations west of the Mississippi River. The whole episode seems to belie any notion of a weak American state at the time. But, again, it was a case of state-building by indirection, not conscious intention.

Other Slavery-Related Military Actions

The United States army was not only actively involved in removing Native Americans. It was also actively involved in deterring slave revolts, returning fugitive slaves, and suppressing slavery-related territorial violence. In all three policy areas, the presence of slavery prompted military-related state development as the army became the federal government’s principal law-enforcement tool.

Slave Revolts

Without officially announcing any such policy, the United States army deployed soldiers in response to slave revolts, actual, rumored, or simply feared, in Southern states and territories. The army had two primary duties on the Southern frontier, Native-American pacification and slave control. We have already seen how those duties overlapped in the case of the southeast removals.

The United States army deployed soldiers in response to both of the two largest slave revolts on American soil during the pre-Civil War period. In response to the January 1811 slave revolt in Orleans territory, Brigadier General Wade Hampton deployed an army regiment from the Baton Rouge garrison to the site of the revolt along the German Coast of the Mississippi
River, north of New Orleans, at the request of territorial Governor William C. C. Claiborne. Though local plantation owners suppressed the revolt before the regiment arrived, army soldiers still marched through the area to deter further unrest. Orleons territory and then the state of Orleans was the site of seemingly constant troop movements because of rumored slave revolts, both before and after the German Coast revolt.

After the August 1831 Southampton (Nat Turner) slave revolt in Virginia, Governor John B. Floyd decided not to request federal assistance because he feared it would imply that his state could not control its own slave population. Such concerns did not, however, deter state and local officials elsewhere and the Department of War was flooded with requests for assistance. The department even generated a plan for a general re-deployment of army units from Northern to Southern garrisons. Secretary of War Lewis Cass ultimately decided against the plan as it became clear that the Southampton revolt was an isolated event. He also had to refuse most of the local requests for assistance because he lacked the manpower to fill them. The War Department, nonetheless, deployed two army companies from Fort Johnston, North Carolina, to Wilmington and New Bern, near the Virginia border. Under the previous Secretary of War, John H. Eaton, the army had already deployed two companies from Fort Monroe to Wilmington in 1830 because of a rumored Christmas Day slave rebellion in that city.

The United States army also deployed soldiers in response to two attempted slave insurrections. When Charleston officials uncovered the Denmark Vesey conspiracy in July 1822, South Carolina went into a state of high alert. In addition to overseeing the executions of Vesey and 36 of his alleged co-conspirators, Governor Thomas Bennett secretly wrote the state’s “own” Secretary of War, John C. Calhoun, asking him to reinforce the army garrison in
Charleston. Not surprisingly, Calhoun complied, ordering the re-deployment of an army company from Saint Augustine to Charleston, though he did disappoint Bennett by not ordering a larger troop movement.72

The second “attempted slave insurrection” case was John Brown’s October 1859 raid on Harpers Ferry. Upon receiving word of the raid, Secretary of War Floyd, the former Virginia governor who had refused to request federal assistance following the Southampton revolt, now took a different view of such matters and dispatched a contingent of marines under the command of Colonel Robert E. Lee to Harpers Ferry. The marines staged the final assault on Brown’s party and captured Brown himself. Lee returned to Harpers Ferry six weeks later with four army companies from Fort Monroe to ensure that Brown’s execution was not disrupted by any rescue attempt, as had been widely rumored.73

In each of the four above cases, the federal government fulfilled its constitutional commitment to suppress domestic violence.74 At the Constitutional Convention, Gouverneur Morris had supported banning slave imports on the grounds that the federal government would be responsible for suppressing slave revolts. In his typically acerbic fashion, Morris commented that the Northern states “are to bind themselves to march their militia for the defence of the Southern States . . . against those very slaves of whom they complain.”75 Yet, the possibility that the Constitution might require the federal government to suppress slave revolts was not itself a subject of contention at the convention.

During the pre-Civil War period, federal officials deployed armed forces to suppress or deter slave rebellions in compliance with their constitutional duties. We have no record of the costs of those deployments but the deterrent effects were at least self-evident to the state and
local officials who requested them. In 1832, General Edmund P. Gaines even recommended to his superiors at the Department of War that only army officers from the South should be stationed in the region because in the event of a slave rebellion they would know “more intimately than Northern or Eastern men, the characters and peculiar habits of the Southern people of all colors.”

For the most part, Southern officials were unwilling to rely solely on state police powers in slave-insurrection cases. Similarly, when Northern officials began to assert state police powers in fugitive-slave cases in ways that seemed inimical to slave control, Southern officials became the champions of federal police powers. In both slave-insurrection and fugitive-slave cases, the result was, at Southern insistence, a shift in governing authority from the state to the federal level as the federal government took on slave-control functions.

Fugitive Slaves

One important effect of the Fugitive Slave Law of 1850 was to nationalize the army’s role in slave control. Federal officials now deployed army units in Northern states to keep African Americans in slavery.

Shortly after the passage of the new law, United States Marshal Charles Knox requested and received army assistance in preventing a slave rescue in Detroit in October 1850. Several months later, a group of free African Americans openly defied the law by rescuing a fugitive slave, Shadrach Minkins, from the Boston courthouse in February 1851. In the wake of this highly publicized slave rescue, President Millard Fillmore authorized the use of local army units to prevent future rescues. Following a deadly slave-rescue “riot” at a farmhouse outside Christiana, Pennsylvania, in September 1851, acting Secretary of State William S. Derrick
ordered the deployment of 50 soldiers and marines from Carlisle Barracks and the Philadelphia
Navy Yard to Christiana to impose martial law and (unsuccessfully) pursue the rescued slaves.\textsuperscript{80}

The final fugitive-slave case where federal officials deployed local army units was the Anthony Burns rendition in Boston in June 1854. Initially, another antislavery “mob” attempted to rescue Burns, killing a deputy marshal, James Batchelder, in the effort.\textsuperscript{81} In order to prevent a recurrence, Marshal Watson Freeman deployed three companies of soldiers and marines from Fort Independence and Charlestown Navy Yard on the streets surrounding the Boston courthouse. After United States Commissioner Edward G. Loring remanded Burns to the custody of his owner, Charles F. Suttle, an armed force of approximately 1,600 soldiers, marines, militia, deputized marshals, and Boston police “escorted” the two men from the courthouse to the Treasury revenue cutter awaiting to transport them back to Virginia.\textsuperscript{82} While federal officials never again deployed army units in a fugitive-slave rendition, a newly empowered corps of United States marshals and commissioners continued to enforce the Fugitive Slave Law of 1850 with considerable success.\textsuperscript{83}

In enforcing the Fugitive Slave Law of 1850, federal officials were fulfilling another one of their constitutional obligations. Yet, the convention delegates who agreed, through unanimous consent, to add a fugitive-slave clause to the proposed constitution almost certainly did not anticipate that the United States army would be used to enforce any subsequent legislation.\textsuperscript{84}

During the pre-Civil War period, federal officials also deployed armed forces to suppress domestic violence that was unrelated to slave control. The Whiskey Rebellion was the first of several such cases. Still, five of the 14 pre-Civil War cases Robert Coakley discusses in his
authoritative monograph on the topic were either (possible) slave revolts (Wilmington, Southampton, and Harpers Ferry) or fugitive-slave renditions (the Detroit and Burns cases).\textsuperscript{85} Again, we have no record of the costs of those deployments. Contemporary estimates in the Burns case range as high as $100,000.\textsuperscript{86} But whatever the costs in this and other fugitive-slave and slave-revolt cases, they demonstrate that federal officials were willing to take coercive actions in both Northern and Southern states to protect the slaveholdings of Southern slaveholders by interdicting anyone who threatened their slaveholdings, including their own rebellious slaves.

The federal efforts to enforce the Fugitive Slave Law of 1850 substantiated an authority shift in this area of law from the state to the federal level which had long been sought by Southern congressional leaders. As the drafter of the law, Senator John M. Mason (D-VA), argued in defense of his proposed legislation, “it is putting too grievous a burden upon the people of the slaveholding States to require them to submit to the loss of hundreds of thousands of dollars yearly, because the general government either will not or dare not carry into effect the provisions of the Constitution.”\textsuperscript{87} In this area of law, the presence of slavery had a major impact on state development in making law enforcement a more prominent federal function as the role of United States marshals transitioned from clerks to lawmen. It also generated a new line of precedents for the federal preemption of state law, culminating in the \textit{Ableman v. Booth} (1859) decision invalidating Wisconsin’s personal-liberty law.\textsuperscript{88}

“Bleeding Kansas”

When Congress passed the Kansas-Nebraska Act in 1854, the most immediate result was “Bleeding Kansas,” open warfare between antislavery and proslavery factions in the new Kansas
Territory. The “Border Ruffians” fully expected it to become a slave state and were well positioned to force the issue over whatever opposition the “Jayhawkers” might mount. The territorial militia was unable to keep the peace between the warring factions, in part because it was untrained and undisciplined and in part because it was aligned with one of the factions and thus not trusted by the other. The pivotal event in restoring the peace was Secretary of War Jefferson Davis’s September 1856 decision to authorize the local army commander, Brigadier General Persifor F. Smith, to place the territorial militia under his command.

Over a two-year period, the United States army also nearly doubled its own presence in the territory, from 1,000 regulars in 1855 to 1,900 in 1857, which meant that more than one seventh of the total force of the army was stationed in Kansas by the end of 1857. Although the regular army expenses associated with the violence in Kansas were not documented, the federal government paid the territorial militia $8,119 for its peace-keeping duties in 1856. “Bleeding Kansas” was also an important episode in the development of the army to the degree that it asserted its autonomy from settler—both Border Ruffian and Jayhawker—demands in the territory to stanch the bleeding.

The Constitution granted Congress plenary power over United States territories in another clause that did not precipitate any discussion at the Constitutional Convention. The territories clause, however, became fodder for sectional controversy during the 1850s as the issue of slavery in the territories encouraged dueling expansive and cribbed readings of the clause either to keep slavery “out” or to get it “in.” In his Dred Scott (1857) opinion, Chief Justice Roger B. Taney offered a cribbed reading of the clause but then went on to rule that not even territorial residents could keep slavery out. Yet even as the Supreme Court was considering the
case, army soldiers were performing law-enforcement duties in one territory to quell a deadly dispute over whether territorial residents could, in fact, keep the institution out. Once again, the presence of slavery created the need for federal law-enforcement activities and executive officials used the army to fill that need. In this case, as in the slave-revolt and fugitive-slave cases, American state actors were limited by a lack of state capacity but the presence of slavery functioned to increase that capacity in unexpected ways.

The United States Military and Slave Labor

The United States military employed slave labor to build internal improvements as well as army posts and navy yards. Coincident to the federal government’s constitutional authority over its own facilities, military officers also rented slaves to work at army posts and navy yards once they had been built. Military slave rentals constituted a significant portion of the federal workforce.

The United States army built roads and other types of internal improvements across the nation. The irony is that army officers leased slaves from Southern slaveholders to build internal improvements at the same time that a number of their congressional leaders, such as Senators John Randolph (DR-VA) and Nathaniel Macon (DR-NC), opposed federal internal-improvement projects on the grounds that they generated a slippery slope of loose construction which might culminate in the abolition of slavery. Southern slaveholders did not, however, seem reticent to lease slaves to the army when it built internal improvements in their own localities; their economic interests trumping whatever anti-statist sentiments they may have harbored.

One case of a military road that was built with slave labor occurred in territorial Florida
in the mid-1820s. In this case, Congress appropriated $20,000 to build the “first road” in Florida, from Pensacola to Saint Augustine. The assistant quartermaster in Pensacola, Lieutenant Daniel E. Burch, decided to contract out work on the road to local planters, believing that they could build it for less money with slave labor than the army could itself by offering soldiers extra duty pay. Burch accepted bids totaling $18,000 to construct various portions of the road, including an $8,000 bid from his future father-in-law, John Bellamy. The case was documented when cost over-runs compelled Burch to request additional funds beyond the $20,000 originally appropriated for the project. Burch defended himself to Quartermaster General Jesup by arguing that bad weather and a relative shortage of slave labor had driven up costs and that, in any case, the road still cost half of what it would have cost if the army had built the road itself.95

Army engineers extensively employed slave labor on military construction projects in Southern states and territories. In one particularly contentious case, the federal contractors responsible for building new fortifications at Mobile Point, Alabama, eventually turned to slave labor as a cost-saving measure. This case became a cause célèbre when the project ground to an expensive halt in 1822, prompting a congressional resolution authorizing Secretary of War Calhoun to investigate what, if any, failures had occurred on the side of either the contractors or army engineers. In the course of his investigation, Calhoun hired an independent assessor to determine the value of the materials and labor employed on the project, including how much money the contractors could have saved if they had employed slave labor throughout the construction process. The assessor calculated that they could have saved $40,000, estimating the slave-labor costs at $40,000 and the comparable free-labor costs at $80,000.96
Slaves also helped build navy yards. In one such case, the use of slave labor to construct new dry docks at the Gosport (Norfolk) navy yard became the object of considerable local contestation. Navy officials hired a Harvard-trained civil engineer from Boston, Loammi Baldwin, to manage the project. When construction began in November 1827, Baldwin initially decided not to employ slave labor on the project because, in his own words, “I had strong prejudices against blacks as labourers.” But when local slaveholders protested, he reversed his decision. At that point, another group protested. European-American stone cutters and masons who worked, or had worked, at the yard complained to the Secretary of Navy, John Branch, about the use of “inferior” slave labor on the project.

Baldwin defended his hiring practices on the grounds that slave labor was cheaper. He reported that he only paid $.72 per day for slave labor and $1 to $2 per day for free labor. Navy officials seemed satisfied with Baldwin’s explanation. The European-American workers were, however, not deterred. They filed another petition with the Department of Navy, adding the charge that supervisory personnel personally profited from the practice of employing slave labor at the yard by leasing their own slaves. Subsequently, the protesters wrote an anonymous letter of grievances to President Jackson, which was forwarded down the chain of command. Baldwin again defended his hiring practices to navy officials. Local slaveholders wrote letters of support attacking the character of the protesters. Baldwin’s subordinates also wrote letters of support. One observed that slaves had long worked at the yard without protest.

Baldwin had also hired an overseer, Henry Singleton, to supervise the workers at the construction site. Singleton’s joint supervision of European- and African-American workers
was another ground of complaint. In their initial petition, the European-American workers contended that the practice was “subversive to every principle of equality.” As they explained in a later petition, slaves are “not our equals, because they are not white men, or free men.” They also estimated that 300 of the 500 workers at the navy yard were “blacks, one half of whom do not belong to this place, but have been hired in the country around . . . thus adding to the pestiferous part of our population.”\(^{101}\) Still, the use of slave labor on the project continued.

Then in August 1831 the Southampton slave revolt intervened.\(^{102}\) The revolt turned the local community, including some of the slaveholders and supervisory personnel who had initially defended and profited from the practice, against the use of slave labor on the project as “unsafe.” They helped organize a community-wide protest. Once more, Baldwin defended his hiring practices to navy officials. He insisted that “a few [slaves] have become excellent workmen and are equal to some of the whites who receive more than double their wages.” Alluding to the extent to which the federal government depended on slave labor at its Southern facilities, he cautioned navy officials that if they acceded to the demands of the petitioners “that similar ones might be assigned for the dismissal of the blacks in all other Government works throughout the Southern states. What may be the consequences . . . it does not seem necessary for me to predict.”\(^{103}\) The use of slave labor on the project continued three more years, until it was finally completed in March 1834.

This case is significant because of the way that a Boston-bred engineer became such a vehement defender of the equal competence (if not equal worth) of slave labor.\(^{104}\) It is also significant because of the way that navy officials so strongly supported his labor practices. They were undoubtedly cognizant of the navy’s reliance on slave labor at its Southern facilities.
In fact, a large number of slaves worked at Southern navy yards once they had been built, even though the practice violated, or at least skirted, departmental regulations against employing African Americans, either free or enslaved, at navy yards. The employment records at the Pensacola navy yard, which was also built by slave labor, indicate that as many as 200 slaves worked at the yard every year from 1847 to 1860. Local navy officers disguised the practice by listing slaves as “common laborers” and European-American workers as “first-class laborers.” This practice saved substantial sums of money since the salary range for common laborers was $15-$30 per month as opposed to $32.50-$65 for first-class laborers. Ironically, Southern navy yards appear to have been the federal facilities where the highest number and proportion of slaves were employed, notwithstanding the illicit nature of the practice. At the Pensacola navy yard, slaves regularly represented more than half the workforce.

One snapshot of the total number of slaves employed by the United States military was taken in August 1842 when the House of Representatives passed a resolution instructing the army and navy to report to Congress the number of African Americans, both free and enslaved, whom they employed. The Secretary of Navy, Abel P. Upshur, undoubtedly mindful of the departmental regulations against employing African Americans at navy yards, reported that the navy did not currently employ any African Americans. On the other hand, the Secretary of War, John C. Spencer, replied to the resolution with the most comprehensive report on the military’s use of slave labor during the pre-Civil War period. His report included correspondence from each of the five major divisions of the army as well as from its principal administrative officer.

In his reply, the Adjutant General of the United States Army, Roger Jones, noted that
only “free white male persons” could serve in the army at the time but that it had no regulations against employing “black or colored persons” in other capacities.109 The correspondence from the five major divisions of the army reported that they employed a total of 687 slaves and 25 free African Americans in capacities ranging from common laborers to skilled masons. As Quartermaster General Jesup explained, “in the unhealthy climates of the South, they [slaves] are preferable to white men as laborers, deck hands, firemen, and cooks, and a regulation prohibiting their employment would be injurious to the service.”110 Only the chief of the Bureau of Topographical Engineers, John James Abert, reported that his division did not currently employ any African Americans. He added, however, that his engineers “do not hesitate to employ them on any appropriate duty, when they offer to hire.”111

The 687 slaves reportedly employed by the United States army in August 1842 was a significant number. It would represent 3.8 percent of the approximately 18,000 non-military employees of the federal government at the time.112 A relatively conservative estimate of the army’s slave-labor costs in 1842 would place those costs at $190,000, which would represent 2.9 percent of total army expenditures ($6,612,000) and 0.8 percent of total federal expenditures ($25,206,000) for the year.113

It is impossible to estimate the total number of slaves that the United States military employed during the pre-Civil War period and the total amount of money that it spent on slave labor because of the lack of documentation. But it is clear that the army and navy rented thousands of slaves during the period and spent millions of dollars on slave labor. It is also clear that the federal government was heavily dependent on slave labor to meet its basic manpower needs at its Southern facilities as well as to build public infrastructure in Southern states and
One of the most striking features about the United States military’s use of slave labor was the autonomy that army and navy officers exercised in leasing slaves. Both William Adler and Mark Wilson have claimed that the army was the one federal institution where a considerable degree of “mezzo-level” bureaucratic autonomy emerged before the Civil War, predating Daniel Carpenter’s thesis about the importance of that factor to American state development after the war. However as Stephen Rockwell has emphasized, lower-level officials also exercised a considerable degree of bureaucratic autonomy in the early republic.

The presence of slavery was an important factor in promoting the bureaucratic autonomy of military officers stationed in the South because cabinet-level officials were well aware of the heavy symbolism of slave rentals. Either to positively forbid or to actively encourage them would have incurred serious political costs in a “house divided.” The resulting administrative decentralization made hiring decisions highly sensitive to local milieus, such as, in Southern states and territories, slave-rental markets.

The United States Navy, American Commerce, and the Slave Trade

The United States navy’s protection of American commerce became closely connected to the suppression of the slave trade with the creation of the African Squadron in 1843. Then when President James Buchanan enlarged both the African and Home squadrons in 1858 for slave-trade suppression, he strongly re-asserted that connection.

Of course, the United States navy had long performed both duties, though at very modest levels. Both were constitutional duties, or at least authorizations, of the new federal government. Congress passed its first law against American participation in the slave trade in
1794. Four years later, it created the Department of Navy but slave-trade suppression was, at most, an afterthought to protecting American commerce and defending national sovereignty. Despite the passage of a constitutionally-authorized federal ban on slave imports in 1807 and a series of increasingly stringent slave-trade laws, the United States navy only made its first substantial commitment of resources to slave-trade suppression with the creation of the African Squadron under the terms of the Webster-Ashburton Treaty (1842).\textsuperscript{117} Navy Secretary Upshur made clear in his initial instructions to African Squadron commanders that the squadron had both slave-trade-suppression and commerce-protection missions. One of his successors, John Y. Mason, made it even clearer that, if anything, the protection of American commerce was its primary mission when he stated that “the rights of our citizens engaged in lawful commerce are under the protection of our flag, and it is the chief purpose … of our naval power to see that those rights are not improperly abridged or invaded.” Later, he added that “while the United States sincerely desire the suppression of the slave trade … they do not regard the success of their efforts as their paramount interest nor as their paramount duty.”\textsuperscript{118}

The determination of federal officials to prevent the British navy from searching and seizing American ships as suspected slave ships connected the two missions.\textsuperscript{119} By deploying navy squadrons along major slave-trade routes, the United States navy could prevent such search and seizures while fulfilling both its slave-trade-suppression and commerce-protection missions. Thus when Buchanan enlarged the African and Home squadrons in 1858, his primary rationale was a British threat to unilaterally search American ships in the Caribbean on the suspicion that they were carrying slaves to Cuba.\textsuperscript{120} One result of his decision was that on the eve of the Civil War the African and Home squadrons were the two largest of the United States navy’s six
squadrons, absorbing 22 of the 45 ships in its fleet. Another result was that the navy saw a significant increase in its financial resources as Congress appropriated an additional $2,050,000 for slave-trade suppression in 1860-61 due to the unprecedented number of slave ships that the reinforced African and Home squadrons had captured. During the Civil War, naval vessels from the two squadrons formed the backbone of the Union fleet that blockaded the southern coast of the now-divided nation; a duty for which slave-trade suppression had well prepared them.121

Slave-trade suppression also contributed to American state development in a more circuitous manner; perfectly exemplifying the general pattern of state-building by indirection. Given that the 1807 slave-import ban was the first federal legislation directed at controlling the nation’s borders against illegal “immigration,” the ban initiated federal efforts to perform that critical state function.122 In the process of enforcing the ban, United States navy and treasury officials oversaw a shift in the authority over border control from the state to the federal level. Following the War of 1812, both departments then embarked on concerted efforts to deter slave smuggling by devoting additional ships to patrolling coastal waters, legitimizing their own border-control activities and compelling such infamous pirates as the Lafitte brothers to abandon their slave-smuggling activities. By 1820, American borders were relatively secure against this ancient form of human trafficking.123

Conclusion

The United States military fought wars, removed Native Americans, suppressed domestic violence, returned fugitive slaves, intervened in territorial disputes, rented slave labor, and protected American commerce because of the presence of slavery. The presence of slavery was not the only reason that the United States military fought wars, removed Native Americans,
suppressed domestic violence, intervened in territorial disputes, and protected American commerce but it was one reason, and it was the only reason that it returned fugitive slaves and rented slave labor.

Substantial allocations of federal resources occurred during the pre-Civil War period because of the presence of slavery. Unfortunately, we lack sufficient documentation to even estimate the levels, except in the case of the Second Seminole War, where the allocations of both human and financial resources were substantial.

According to Congressman Joshua R. Giddings (W-OH), the Second Seminole War was an exemplary case of how the federal government deployed its military forces on behalf of slave interests. In his indictment of the war, Giddings accused his nation, “which boasts of its justice, its honor, and love of liberty,” of commencing a conflict “with a determination to re-enslave the Exiles [Black Seminole].” After estimating the costs of the war at $40 million, he pled an inability to estimate “the suffering of the Indians and Exiles amidst such prolonged persecution, such loss of lives and property.”

One explanation of the proslavery bias of the military (and non-military) activities of the federal government during the pre-Civil War period is that Southern slaveholders dominated the executive departments of government through their dominance of the Democratic-Republican and Democratic coalitions that ruled the nation for most of the period. A Southern slaveholder was president of the United States for 47 of the 70 years from 1791 to 1861. Southern states also enjoyed parity with Northern states in major cabinet and diplomatic appointments and held a two-to-one advantage over Northern states in the appointment of federal clerks, auditors, and controllers, despite the fact that their percentage of the total European-American population of
the country dropped further below 50 percent with each census. Moreover, 24 of the 35 presidents pro tem of the Senate, 23 of the 35 speakers of the House, and 19 of the 34 Supreme Court justices, including the chief justice from 1801 to 1861, were from Southern states. A “slave power conspiracy” seems all too real.  

Sectional and partisan differences emerged over several slavery-related military actions during the period. In responding to Giddings’ scathing critiques of the conduct of the Second Seminole War, Southern Democrats, such as Congressmen Edward Junius Black (D-GA), William O. Butler (D-KY), and Mark Alexander Cooper (D-GA), were the most vocal defenders of the war effort. The Indian Removal Act of 1830 had exposed a sectional and partisan division on Indian policy. Northern and, to a lesser extent, Southern Whigs held onto the vision of a voluntary, negotiated migration of Native-American nations westward. Senators Henry Clay (W-KY) and Theodore Frelinghuysen (W-NJ) objected, in particular, to the coercive nature of the Jackson administration’s removal policies. The congressional vote on the Fugitive Slave Law of 1850 was another highly sectional and partisan vote. Future Republican Senators William Seward (W-NY) and Charles Sumner (FS-MA) then opposed the use of army soldiers to enforce the new law during the Pierce administration.  

Even though the commitment of members of Congress to the use of the United States military to protect slavery seemed to waver depending on their sectional and partisan affiliations, executive officials, regardless of their sectional and partisan affiliations, remained committed to protecting the institution. After all, two Northern Whigs, President Millard Fillmore and Secretary of State Daniel Webster, first decided to use the military to enforce the Fugitive Slave Law of 1850 after the Minkins rescue. Two Northern Democrats, President Franklin Pierce and
Attorney General Caleb Cushing, continued that policy. Many executive officials were, of course, personally committed to the continued existence of slavery. Prominent examples would include John C. Calhoun and John Eaton, two Southern Democrats who as secretaries of war ordered troop deployments in response to slave conspiracies, actual or merely rumored. Yet, Lewis Cass, Eaton’s Northern Democratic successor, also ordered troop deployments in response to the Southampton revolt. One reason that Northern executive officials remained committed to protecting slavery was because their political survival depended on such a commitment. As exiting Southern congressmen correctly perceived in the secession winter of 1860-61, the Lincoln administration promised to be the first administration that was “soft” in its commitment to protecting slavery precisely because its political survival did not depend on such a commitment. The fact that the incoming president pledged not to interfere with the institution in the states where it already existed did little to reassure them since he had also promised to unite the “house” against slavery.¹²⁹

Prior to the Civil War, the reality therefore was not so much a slave-power conspiracy as the norms of behavior for executive officials navigating a “house divided.” The Boston-bred engineer (Loammi Baldwin) in charge of building new dry docks at the Norfolk navy yard was hardly a slave-power conspirator when he continued to employ slave labor following the Southampton revolt. Nor, was the Massachusetts-born Secretary of State (John Quincy Adams) who first rebuffed British efforts to negotiate a slave-trade treaty with mutual search-and-seizure rights.¹³⁰

A “house divided” sometimes acted as a weak state because of its divisions. But sometimes it acted as a strong state despite, or even because, of its divisions. When the United
States military fought a seven year’s war to expel the Seminole from Florida while coordinating the removal of another 50,000 Native Americans from the southeastern United States across the Mississippi River, the American state certainly did not appear to be a weak state to the victims of those policies. Nor, did it appear to be a state lacking in commitment to the institution of slavery. The southeast removals protected the slaveholdings of Southern slaveholders by reducing the possibility of Native-American slave raids and of slave escapes to Native-American communities. They also permitted Southern slaveholders to acquire Native-American lands. A less noticeable outcome was the indirect impact that the removal policy had on state development in enhancing the institutional autonomy, political legitimacy, governing authority, state capacities, and coercive powers of the federal government. Both the United States military and the federal government emerged from this policy episode as stronger institutions with more capacity to act in pursuit of their own organizational interests relative to Native-American nations, state governments, and ordinary citizens.

Due to the divided nature of the early American state, executive officials mobilized military forces to protect the Southern institution of slavery from both internal and external threats and found themselves engaged in state-building processes without directly intending any such result. The “slavery meant a weak state” trope is a half-truth. Slavery did not consistently mean a weak state any more than it consistently meant a strong state. APD scholars need to re-assess the institution’s role in American state development during the pre-Civil War period and identify the factors that explain its disparate effects on key state-building processes.
Notes

1 In this study, I will focus on state development on the national rather than the state or local level. The starting point is the first fiscal year under the new Constitution, as reported in the Census Bureau’s *Historical Statistics of the United States*, which combines 1789-91 into one fiscal year. The end point is the last fiscal year before the Civil War, July 1, 1860-June 30, 1861. (The fiscal year was the calendar year until 1843, when it became July 1-June 30.) I will refer to those seven decades as “the pre-Civil War period” based on the existence of the United States as a “house divided” (almost) equally between free and slave states during that time.


In an 1894 report, the Census Office guesstimated that the United States army was involved in more than 40 Indian wars from 1789 to 1890. See *Report on Indians Taxed and Indians Not Taxed in the United States (except Alaska) at the Eleventh Census: 1890* (Washington: Government Printing Office, 1894), 637.


9 See Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995); Malcolm J. Rohrbough, *The Land Office*


12 See Historical Statistics of the United States Millennial Edition Online, Tables Ea636-43; Ea894-903; Ed26-47, http://hsus.cambridge.org. The 1816-51 timeframe was dictated by the fact that the federal civilian employment table only begins in 1816 and then lists the totals at ten-year intervals from 1821 to 1881 as well as by the fact that the beginning of the Civil War
disproportionately increased the military side of the comparison in 1861. In 1851, the Post Office was the largest federal employer.

13 For example, a recent forum on the United States military and APD in *Studies in American Political Development* [26 (2012): 107-204] ignores the effects of slavery.

14 On anti-statist attitudes as a barrier to American state development, see Pollack, *War and State-building*, 106-07. Obviously, it is an over-generalization to claim that state actors in early-modern Europe engaged in wars only to build states and not for other purposes but there is enough truth to the claim to distinguish the European and American cases.


18 Black Seminole were African Americans living in Florida who were loosely associated with
the Seminole nation. Their statuses ranged from free persons to tenured farmers to chattel slaves. They, however, typically lived independently in their own communities, even when they were slaves. The processes by which they became Black Seminole also varied. Many were either the fugitive or “stolen” slaves of European-American slaveholders but others were free African Americans who had migrated to Florida maroon communities or slaves whom Seminole had acquired in other ways. An estimated 4,900 Seminole, including 800 Black Seminole, lived in Florida prior to the Second Seminole War. See Michael F. Doran, “Negro Slaves of the Five Civilized Tribes,” *Annals of the Association of American Geographers* 68 (1978): 346 (Table 2); Missall and Missall, *Seminole Wars*, 10-12; Kenneth W. Porter, *The Black Seminole: History of a Freedom-Seeking People* (Gainesville: University of Florida Press, 1996), 28. As we will see, the resistance of the Black Seminole to removal receded significantly when General Thomas S. Jesup promised them that they could leave Florida as free persons.


32 See S. Ex. Doc. No. 82, 33rd Cong., 1st Sess., 1854; S. Ex. Doc. 158, 48th Cong., 1st Sess., 1884. Unless otherwise indicated, I rounded all expenditures to the nearest dollar. The federal government did not pay the claims from the 1814 incursion because Congress decided that it was a legitimate War of 1812 operation. See John Bassett Moore, History and Digest of the International Arbitrations to which the United States Has Been a Party (Washington: Government Printing Office, 1898), V: 4528.


34 See Kappler, Indian Affairs, 344-45.

35 Federal officials insisted on settling the Seminole on western Creek lands because they
considered them part of the Creek nation despite the less than amicable relations between the two groups. See Missall and Missall, *Seminole Wars*, 84-85.


37 As we will see, one group of Creek violently resisted removal for a brief time.


42 See Missall and Missall, *Seminole Wars*, 190-91, 208-09.


45 See *Historical Statistics*, Table Ea636-643.

46 See Sprague, *Florida War*, 548-50 (Appendix). Similarly, only 1,733 of the 13,283 Mexican-American War causalities were battle deaths. See CRS, “American War,” 2 (Table 1).
See Mahon, *Second Seminole War*, 226, 325; Sprague, *Florida War*, 103-06. Again in comparison, approximately 80,000 American soldiers saw service in the Mexican-American War. See CRS, “American War,” 2 (Table 1).

48 See Sprague, *Florida War*, 93-95, 101-03.


50 See Sprague, *Florida War*, chap. 10. Local officials also protested Worth’s decision to reduce the non-military costs of the war. Sprague was Worth’s son-in-law.


52 See *Historical Statistics*, Table Ed26-47.


Unofficially, the United States encouraged plantation slavery among the southeastern Native-American nations. See Renate Bertl, “Native American Tribes and Their African Slaves,” in Slave Cultures and the Cultures of Slavery, ed. Stephan Palmié (Knoxville: University of Tennessee Press, 1995), 165; Rothman, Slave Country, 56-58. Chickasaw slaveholders even received extra land in the removal treaty that they negotiated with the United States, depending on how many slaves they possessed. See Kappler, Indian Affairs, 419.

Jung estimates the Black Hawk War costs at slightly more than $1 million. See Jung, Black Hawk War, 206.

For one instance of the complicated nature of these slave disputes, see Carter, Territorial Papers, XXVI: 277 ([Captain] John Page to [Commissioner of Indian Affairs] Hartley Crawford, March 3, 1841); XXVI: 282-83 (Secretary of War [John Bell] to [General] Walker K. Armistead, March 12, 1841); XXVI: 295 (Secretary of War to Armistead, March 25, 1841); XXVI: 374-75 (Acting Secretary of War [Albert Miller Lea] to [Colonel] William J. Worth, September 15, 1841); XXVI: 478-79 (Secretary of War [John C. Spencer] to Worth, May 12, 1842).

These are my estimates based on Department of War reports to Congress. See S. Doc. No. 59, 23\(^{rd}\) Cong., 1\(^{st}\) Sess., 1834, 2; H. R. Doc. No. 291, 24\(^{th}\) Cong., 1\(^{st}\) Sess., 1836, 5; H. R. Doc. No.
I estimated the slave-removal costs as a percentage of each nation’s total removal costs prorated by the slave percentage in its pre-removal census:

Cherokee, 9 percent; Chickasaw, 18 percent; Choctaw, 3 percent; and Creek 4 percent. There is no Seminole subtotal because the nation refused to disaggregate its population in its pre-removal census. See Doran, “Negro Slaves,” 346 (Table 2). My estimate also does not include the thousands of Native Americans who self-removed. Tim Garrison estimates that a total of 90,000 Native Americans moved or were moved across the Mississippi River from 1830 to 1843. See Tim Allen Garrison, “United States Indian Policy in Sectional Crisis: Georgia’s Exploitation of the Compact of 1802,” in Congress and the Emergence of Sectionalism: From the Missouri Compromise to the Age of Jackson, ed. Paul Finkelman and Donald R. Kennon (Akron: Ohio University Press, 2008), 123.

60 See Historical Statistics, Table Ea636-643.


62 This clause was one of the clauses that Madison urged the Committee of Detail to insert into its draft constitution. See Max Farrand, ed., The Records of the Federal Convention of 1787 (1911; repr. New Haven, CT: Yale University Press, 1937), II: 324. It was not debated thereafter.

63 See Congressional Globe, 24th Cong., 1st Sess., 1836, 433 (Appendix); Wilson Lumpkin, The Removal of the Cherokee Indians from Georgia (New York: Dodd, Mead & Company, 1907), II:
64 See Rockwell, *Indian Affairs and Administrative State*, 22.

65 To a significant degree, Native-American removal in the southeastern United States was a state-driven process until the federal government seized the initiative in 1830 with the Indian Removal Act. See Garrison, “Indian Policy,” 117-18; Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1974), 3-4, 11-12.


67 See Young, “Army in the South,” 4-6, 520-21.


Nineteen African Americans were executed and an unknown number died in the general mayhem that followed the revolt. See Thomas C. Parramore, *Southampton County, Virginia* (Charlottesville: University Press of Virginia, 1978), 103-04, 116.

71 See Young, “Army in the South,” 501.


74 The two relevant clauses are Article I, section 8, which refers to a congressional power to suppress insurrections, and Article IV, section 4, which refers to a federal guarantee of assistance to the states in cases of domestic violence. See Farrand, *Records of the Convention*, II: 47-49.


76 Quoted in Young, “Army in the South,” 521. Gaines was himself from Virginia.


78 See Gary Collison, *Shadrach Minkins: From Fugitive Slave to Citizen* (Cambridge, MA: Harvard University Press, 1997), 124-33. Deputy Marshal Patrick Riley had confined Minkins in the courthouse because the state of Massachusetts had closed its jails to fugitive-slave
renditions. See Collison, *Shadrach Minkins*, 121.

79 See Collison, *Shadrach Minkins*, 139-41. Secretary of State Daniel Webster had urged Fillmore to grant this authority to prevent another embarrassing slave rescue in his adopted state.


82 See Coakley, *Role of Military Forces*, 134-37. Franklin Pierce’s Attorney General, Caleb Cushing, had issued a formal opinion authorizing the deployment of army units for this purpose following the rescue attempt. Fortunately, Burns’ minister, Leonard Grimes, raised sufficient funds to purchase his freedom from Suttle the next year. See Coakley, *Role of Military Forces*, 134; Maltz, *Fugitive Slave on Trial*, 95-99.


See Campbell, *Slave Catchers*, 130, n. 61.


See Mullis, *Peacekeeping on the Plains*, 221-23.


While the general status of United States territories was the topic of much discussion, the power of Congress to pass “needful rules and regulations” to govern territories was not. The clause originated, again, with Madison. See Farrand, *Records of the Convention*, II: 324.

chaps. 16-17.


96 See *American State Papers, Military Affairs* II: 267 (“Fortification on Dauphin Island,” February 9, 1825), 331. The project was finally completed in 1861.


100 See Tomlins, “Turner’s Shadow,” 505.


102 Southampton County is just west of Norfolk.


105 In 1818, the navy had adopted regulations against employing African Americans at navy yards except with the permission of either the Secretary of Navy or the Board of Navy
Commissioners but it is unclear whether such permissions were granted or even requested in the cases that I investigated. While the army had not adopted any regulations against employing African Americans, both the army and navy had adopted regulations in 1792 and then again in 1818 (navy) and 1820 (army) against slaves serving in the military. The army had also extended that prohibition to free African Americans. The navy, in contrast, established a five percent quota on free African-American enlistments in its 1818 regulations. See Morris J. MacGregor and Bernard C. Nalty, ed., *Blacks in the United States Armed Forces: Basic Documents*, vol. 1, *A Time of Slavery* (Wilmington, DE: Scholarly Resources, 1977), 187, 218.


108 See MacGregor and Nalty, *Time of Slavery*, 219. Uphsur admitted that a few slaves might work for the department as the personal servants of navy officers.


110 See MacGregor and Nalty, *Time of Slavery*, 221. The majority of the quartermasters’ 106 slave hires were employed in Florida, where Jesup had been the commanding officer from December 1836 to May 1838. The Office of the Chief of Engineers employed 545 of the 687 slaves and all 25 of the free African Americans.

See *Historical Statistics*, Table Ea894-903. Because, again, this table only lists the federal civilian employment totals at ten-year intervals from 1821 to 1881, I used the 1841 figure (18,038) for this calculation.

113 See *Historical Statistics*, Table Ea636-643. This estimate is based on an average monthly cost of $22.50 per slave, which was the midpoint of the pay range for common laborers at the Pensacola navy yard.

114 The United States military even employed slaves at its Southern facilities during the Civil War, until at least June 1863. See Payrolls of Workers at Ft. Jefferson, Fla., 1860-62; Box 1; Records of the Office of the Chief of Engineers; Record Group 77; Entry 268; National Archives, Washington; Thomas Reid, *America’s Fortress: A History of Fort Jefferson, Dry Tortugas, Florida* (Gainesville: University Press of Florida, 2006), 69; *Senate Journal*, 37th Cong., 2nd Sess., June 16, 1862, 653.


116 In the case of a federal slave-import ban, it was a highly contested constitutional authorization. See *Farrand, Records of the Convention*, II: 364-65, 369-74, 415-16


119 Only the Civil War dissipated this determination. The United States finally signed a slave-trade treaty with Great Britain in 1862. See H. R. Ex. Doc. No. 57, 37th Cong., 2nd Sess., 1862.

120 See [James Buchanan], Mr. Buchanan’s Administration on the Eve of the Rebellion (New York: D. Appleton, 1866), 262.


126 See *Congressional Globe*, 26th Cong., 1st Sess., 1840, 659-67 (Appendix); 26th Cong., 2nd Sess., 1841, 155, 158 (Appendix).

