The Nationalist Ferment

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Published by The Ohio State University Press

Rossignol, Marie-Jeanne and Lillian A. Parrott.
The Nationalist Ferment: The Origins of U.S. Foreign Policy, 1792-1812.
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For the authors of the Federalist Papers, two issues were at stake in the Philadelphia Convention: the disappearance of the confederal structures established by the Articles of Confederation in 1781, and the replacement of those structures by a federal constitution that, in addition to reinforcing national unity, would better preserve the role of the elite. The different essays that are contained in the Federalist Papers were thus mostly devoted to political and institutional questions; only a few dealt with the advantages of the new constitution for resolving the early republic’s foreign policy problems. Although only a small part of this collection of tracts focused upon this aspect of the debate, Alexander Hamilton nevertheless was moved to deliver a vehement diatribe against the disastrous consequences of the foreign policy conducted by the Continental Congress since the end of the Revolution. In Hamilton’s words:

We may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride or degrade the character of an independent nation which we do not experience. Are there engagements to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable and important posts in the possession of a foreign power which, by express stipulations, ought long since have been surrendered? These are still retained, to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the
Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our governments abroad are the mere pageants of mimic sovereignty.2

It is easy to understand how such an assessment could spawn the belief that the period of the Articles of Confederation was “the critical period of American history.” Not everyone shares this view, however; Merrill Jensen, for example, strongly disagrees.3 And it must be conceded that the assessment made by Alexander Hamilton was not completely straightforward. It is true that in 1787 the Continental Congress had still not come up with the money to pay off the public debt accumulated during the war years, nor had it found the means to force American citizens to reimburse their English creditors from the pre-war period, despite a clause to this effect in the peace treaty with Great Britain (cf., in the Hamilton text above: “Do we owe . . .”). This could not, however, prevent Americans from protesting “with dignity,” as Hamilton says, against the unjustified presence of the British in the Northwest (“a foreign power . . .”). After the war, when some states stopped paying back their debts to British subjects (hence “the just imputations” that detracted from Americans’ “faith,” according to Hamilton), the British had already decided to keep their military posts for as long as possible. According to Samuel Flagg Bemis, it should be kept in mind that as early as April 8, 1784, the Governor General of Canada had been instructed not to withdraw British garrisons from frontier posts since, in using the phrase “with all convenient speed,” the treaty had not set any specific date for their evacuation.4 The word of honor of the British was to be taken with as much caution as that of the Americans.

When speaking of Spain’s ban on navigation (“Spain excludes us from it”), Hamilton forgot to mention that the United States had indeed begun negotiations with Spain over this in 1785 and that they had failed not only because of the “imbecility” of the American government, but also because of the irreconcilability of the two countries’ positions, which made any negotiation, and therefore any resolution, difficult. Yet the ambassadors, whom Hamilton referred to with such scorn, did in fact accomplish a great deal in the form of treaties that they managed to conclude with Holland and Sweden (1783), and then with Prussia (1785) and Morocco (1787) on the basis of the Franco-American treaty of commerce of 1778.5

No matter how exaggerated they were, Hamilton’s remarks nonetheless reflect legitimate concerns, at least on the part of those who were worried about the new nation’s apparent weakness on the international scene and its seeming inability to assert its sovereignty, either at home or abroad.6 As historian Forrest McDonald
suggested, it was a “critical” period in American history only for those who had faith in the American republic. In this extract from the *Federalist Papers*, Hamilton speaks above all as a “nationalist” keen on building a truly independent nation, one endowed with a strong executive and respected by other countries.

Indeed, the reputation of the United States abroad as an independent nation declined throughout the period of the Articles of Confederation. The French began to consider the possibility that the Confederation might be dissolved; the British gradually came to neglect the American plenipotentiary in London, John Adams, as a representative of a nation that did not stand up for itself; and Barbary Coast pirates kidnapped American sailors without fear of retaliation since the American government had neither its own income, nor a national army or navy worthy of such a name. In short, the Confederation was incapable of making other countries respect its sovereignty.

In the eyes of Hamilton and the nationalists of the Philadelphia Convention, the reason for this weakness was simple: the cause lay in the existing institutions. As Hamilton explained in *The Federalist* no. 23, these institutions needed to give way to a new constitution that would allow a strong executive to control and coordinate the republic’s foreign policy (defense, trade, and diplomacy): “The principal purposes to be answered by union are these—the common defence of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulation of commerce with other nations and between the States; the superintendence of our intercourse, political and commercial, with foreign countries.” That is, if the federal government managed to affirm the existence of the United States as a nation in relation to other nations, the republic would finally take its true place on the international scene. The situation would now be straightforward: foreign countries would know who really had authority and who had the means to exert it. It was this challenge that the nationalists wanted to take on when they came to power in 1789.

In order to assert the independence of their country, however, the nationalists had first of all to assert the federal government’s sovereignty over the territory that had been ceded to it and formally granted in the peace treaty of 1783. On the surface, the “frontier” that they were concerned about was the border of international treaties and diplomatic negotiations, and not the one that Frederick Jackson Turner would write the history of. Nevertheless, the borders of the United States were in fact on the “frontier.” As a matter of fact, one can no longer adhere to the ethnocentric definition that Turner gave to the “frontier” at the turn of the century—that is, as the scene of white “civilization” pushing away indigenous “savagery.” The notion of frontier, which is a cornerstone of American history and historiography, must nonetheless be maintained in reference to a particular zone of colonization and development, one where cultures meet, trade, and come to terms with each other.
Indeed, even though the American border was a line drawn on a map as European borders were, it did not look like them in actuality. As Frederick Jackson Turner said, “The American frontier is sharply distinguished from the European frontier—a fortified boundary line running through dense populations.” In contrast to European borders, the borders that the American negotiators obtained in Paris in 1783 were quite far from the densely settled areas of the East Coast. The American borders ran along the outermost settlement zone, where pioneers and speculators were preparing the way for larger waves of arriving settlers, and where they lived in constant contact with the local Indian tribes. Isolated from the centers of power by the Appalachians, the frontier people would be quite willing to take their destiny into their own hands. Meanwhile, the Indian nations had regrouped after the end of the War of Independence and were not much afraid of the budding nation, which seemed to have a hard time getting organized. For the new American government, gaining respect for itself and for its borders was not simply a matter of geopolitical clarification with Spain and Great Britain. It also needed to assert itself in relation to the Indian nations, as well as with regard to some of its own citizens.

The Aftermath of the War of Independence

In 1789 the American government was not in complete control of the territory that had been attributed to the United States in the “Definitive Treaty of Peace between Great Britain and the United States of America,” which had been signed at Versailles on September 3, 1783. In the North and Northwest, as in the South and Southwest, the borders that had been assigned to the United States during the peace negotiations were not respected by their neighbors, Spain and Great Britain, the two biggest colonial powers at the end of the eighteenth century. Both of them encroached upon American territory, where they maintained military outposts. This failure to respect the legal borders angered American nationalists, for it showed that their government’s authority was not recognized by other powers.

Great Britain in the Northwest

In order to put distance between the United States and France at the end of the War of Independence, British negotiators had made an irresistible offer to Benjamin Franklin, John Jay, and John Adams: the land beyond the Appalachians, from the Great Lakes to Florida, over to the Mississippi was to be ceded to them. Still, the British did not want to make things too easy for the former insurgents. By 1784 British colonial officials in Canada had
decided to delay evacuation of the posts that they occupied in the area (namely Detroit, Pointe Aufer, Mackinac, Niagara, Oswego, Oswegatchie, and Dutchman’s Point); this decision soon received support in the form of secret instructions from London. This enabled the British to keep up the profitable fur trade with American Indians. This enabled the British to keep up the profitable fur trade with American Indians. When the Continental Congress proved to be incapable of forcing the states to pay off their prewar British debts, the British used this as a pretext to maintain the status quo and continue occupying the posts, since the United States was thus violating one of the clauses of the peace treaty.

Spain in the Southwest

The Spanish, who continued to occupy military posts on American territory after the Revolution, were not, strictly speaking, violating the peace treaty. They were, rather, simply taking advantage of the contradictions that existed between the Anglo-American treaty and the Anglo-Spanish treaty of 1783 concerning the south-southwest border of American territory, as well as the navigation of the Mississippi. In this regard one should keep in mind that Spain was not an ally of the United States during the War of Independence, but was only an ally of France against Great Britain, which explains the inconsistencies between the different treaties that ended the conflict. Although Spain had supported the American effort, it had not become a U.S. ally because, already at that time, the two countries were unable to agree on the navigation of the Mississippi.

In the Anglo-American treaty, Great Britain granted the United States a southern limit set at the 31st parallel, whereas the Anglo-Spanish treaty, although signed the same day, did not specify the northern limit of the Floridas, which allowed Spain to claim that it was still set at 32° 28’, as during the British occupation of the region. Likewise, the Anglo-American treaty stated that the navigation of the Mississippi was open to all citizens of the United States, whereas the Anglo-Spanish treaty said nothing about this, which allowed Spain to close off navigation of the river to Americans in 1784.

In 1785 the Spanish minister plenipotentiary, Don Diego de Gardoqui, attempted to solve the various problems with John Jay, the secretary of foreign affairs. In return for commercial advantages, Jay, a New Yorker, agreed to give up the navigation of the Mississippi for twenty-five or thirty years. This proposition ran up against opposition from the southern delegates to Congress and was the source of long-lasting western mistrust of easterners. Indeed, for western pioneers, the Mississippi was the natural route for exporting their products. Closing off the river would be tantamount to paralyzing their economic development.

After these negotiations failed, the American Southwest remained in Spanish hands, with the Spanish advance posts of Natchez and St. Stephens well above latitude 31°; Fort Nogales was added in 1792 and Confederacion
in 1793, which showed that Spain was anxious to consolidate its expansion into U.S. territory. Such military presence indicated that Spain also felt that the border of the United States need not be respected. Spain considered that the early republic was above all a bad example of emancipation for its own colonies, and it only half-heartedly recognized American independence.

**Native American Sovereignty**

In 1768, in the treaty of Fort Stanwix, which was signed by the superintendent of Indian Affairs, Sir William Johnson, and the Six Nations of Iroquois, the British had guaranteed that the land north of the Ohio would constitute Indian territory, and the thirteen colonies were never supposed to encroach upon this land. The British were thus reaffirming the steps taken by the king of England in the Proclamation of 1763, which set the Appalachians as the westernmost limit for settlement, and which had thereby infuriated the colonists.

For the Iroquois the treaty of 1768 meant that the British officially recognized their sovereignty over this territory, against colonists’ claims. It is thus not surprising that they sided with the British (with the exception of the Oneidas and the Tuscaroras) during the War of Independence, as did the Cherokees,
Chickasaws, Choctaws, and Creeks in the South. These nations as well were only too aware of the colonists’ greed, since the Creeks, in 1773, and the Cherokees, in 1775, had had to cede large chunks of their territory to them. In 1783 the former rebels were again victorious, and the Iroquois were subjected to the “law of the winner” in the new treaty of Fort Stanwix (1784), where they were forced to give up large chunks of the Old Northwest.

The true occupants of the Northwest, however, were mostly Algonquian, as one can see on the adjoining map; thus, in signing the treaty of Fort Stanwix, the Iroquois had spoken for them without authorization. Driven out of territory further to the west by the Iroquois during the seventeenth century, these Algonquian nations (Ojibwas, Miamis, Hurons, Petuns, etc.) had taken refuge around the Great Lakes. There, with the help of the French, they had later managed to push back the Iroquois, thus avoiding Iroquois domination. During the War of Independence, the Algonquians had ended up siding with the British, and, in contrast to the Iroquois, they had not suffered a major defeat. When speaking of the Old Northwest, or of the Northwest, and of the way the British ceded it to the United States, the Algonquians should be kept in mind, and not only the Iroquois. The Algonquians did not consider themselves vanquished at the end of the War of Independence and did not give up any part of their territory.

Nevertheless, during the peace negotiations, the British ignored Native American sovereignty, whether Iroquois, Algonquian, or Cherokee, and ceded to the new nation huge tracts of land without consulting the owners; in the end, Indian independence could only be subordinate to non-Indian sovereignty. The peace treaty of 1783, which was incomprehensible from the Native American point of view, subjugated the Indians to the United States, which chose not to recognize Native American sovereignty over their own territories, and treated them as a conquered people, as punishment for having sided with the British. After 1783 Congress sought to apply a unilateral policy toward the Indian nations: peace would only be granted to them if they accepted to pay reparations in the form of territorial transfers. For the Indians of the Northwest, this meant that they had to move back beyond the borders of the 1768 treaty: the Ohio River would no longer be the line separating their territory from that of the colonists. Federal authorities thought they had reached their goal when, between 1784 and 1786, they signed six peace treaties with various Indian nations, whereby those nations gave up large chunks of their territory. In the Southwest, the states themselves took charge of dispossessing the great Indian nations, that is, the Creeks, the Chickasaws, the Choctaws, and the Cherokees. In 1783 North Carolina decreed that the Indians living on its territory—the Cherokees and the Creeks—had lost all rights over their land. And during its short existence, the independent state of Franklin (the eastern part of Tennessee) took the same action.
In 1786 hostilities resumed on the frontier. The Indians of the Northwest chose to fight rather than to lose their territory without resisting, whereas the American government, which had just organized pioneer settlements on newly acquired lands, had no intention of giving in. But the stakes were high, for it was clear that the British were going to support the Indians in order to protect their own interests and maintain their unjustified presence in the region.

In the Southwest, the tribes went to battle again, with a determination that was multiplied tenfold by Spanish aid and by the charisma of chiefs such as the Creek Alexander McGillivray.

In 1789 the American government thus had to face a double challenge to its sovereignty: as an independent nation, equal to the great European nations, but also as a colonial power, which refused to admit the sovereignty of Native Americans over their own territory. Not only did it have to establish its authority on two fronts, that is, the Northwest and the Southwest—

Situation in the Southwest (Ray Allen Billington, *Westward Expansion*, p. 234)
the former being in complete turmoil—but it also faced opposition from three sides, which were quite likely to help one another or even openly join forces against the new republic.\textsuperscript{32}

\section*{Toward a Resolution of the Conflicts?}

\textit{War in the Northwest}

When the Revolution was over, many American pioneers rushed into the newly acquired territories and crossed the Ohio River. Native Americans responded to the pioneers' raids and brutality with violent attacks.\textsuperscript{33} Indeed, they wanted to force the pioneers back across the river and to discourage similar encroachment by others, in order to guarantee the de facto preservation of Indian territory north of the Ohio. The new government could not fail to react to this outburst of violence, which undermined its ability to ensure territorial integrity and to control its citizens' anger. A redefinition of its relations with the Indian nations was in order. Although U.S.–Native American relations still revolved around the issue of land acquisition, the government had to give up the doctrine of conquest as well as the claim to total sovereignty over Indian land. As Great Britain had done before, the American government chose to keep a monopoly over relations with the Indian nations; these relations were to be regulated by treaties negotiated according to international diplomatic custom. The Indian nations were thus once again recognized as sovereign and independent nations.

Thus, after long negotiations, the governor of the Northwest, Arthur Saint-Clair, managed to conclude the Treaty of Fort Harmar in 1788; according to this pact, the chiefs of the Confederacy of Northwestern Tribes agreed to respect the land transfers made just after the war and therefore to move back beyond the Ohio. By the time the treaty was signed, however, the Petun-Huron chiefs who had been involved in the negotiations had already lost almost all their influence, and in 1789 the Shawnees worked out a consensus among the various tribes in favor of resistance.\textsuperscript{34} Armed confrontation thus seemed inevitable, which was bound to pose a problem for the new federal government, since it was obliged to defend pioneers whose actions it otherwise disapproved of, and to engage in a rather uncertain show of force. In June 1789 the secretary of war, Henry Knox, ordered General Harmar, who was in charge of operations in the Northwest, to go on the attack. The first campaign took place in October 1790 and ended in failure. This failure was the result of a lack of preparation and discipline on the part of the American army, which was confronted with determined Native Americans (Shawnees, Miamis, Ottawas, Sauks, and Delawares).

The Indians were able to win not only because they were formidable warriors but also because they were well armed and equipped by British agents.\textsuperscript{35}
This material aid, which had already been offensive to American sovereignty in peacetime, became intolerable in wartime. It was difficult enough for the new nation to admit that its army could not hold out against Indian warriors, but it was even more humiliating to see a great nation support hostile tribes with complete impunity. Thomas Jefferson, who was secretary of state from 1790 to 1793, expressed his indignation over this during a meeting of George Washington’s cabinet in April 1791. He proposed that, since there was no official representative of Great Britain in Philadelphia, the U.S. protests be addressed to Colonel Beckwith, a British secret agent who enjoyed a semi-official status in Philadelphia. Alexander Hamilton, who was secretary of the treasury, answered that he had broached the topic with Beckwith, who had in return assured him that nothing except the yearly gifts at the usual period had been distributed to the Indians.

For those who knew about Native American diplomatic customs, such distribution of gifts was not at all reassuring. It was through such practices that the French had been able to establish a strong, albeit stormy, alliance with the Algonquians of the Northwest, from the middle of the seventeenth century to the end of the Seven Years’ War. Jefferson was not reassured by Hamilton’s
statements and wanted to go further, for which he obtained the cabinet’s sup-
port. James Madison lived in the same house as Beckwith, and so Jefferson asked 
Madison to explain to Beckwith that although such presents were innocent enough 
in peacetime, they were not in wartime, and that it violated neutrality laws for 
a neutral country to provide one of the warring parties with weapons. 
Beckwith appeared shaken: he claimed that neither he nor Lord Dorchester knew 
about the distribution of presents, and he said that he would write to his 
government about it. According to Jefferson, the British agent understood that 
his apologies to Hamilton had not been sufficient.39

But what could be the effect of a secretary of state’s diplomatic arguments 
when victory was no longer on his side? For the British, the American army’s 
defeat in October 1790 constituted a ray of hope: their territorial losses of 1783 
were perhaps not irreparable if the federal government proved incapable of impos-
ing its authority in the Northwest Territory. The Americans’ position was indeed 
so weak that they might in fact be forced to accept the British diplomatic plan 
for that area. When George Hammond, the first British minister plenipoten-
tiary to the United States, arrived in Philadelphia, the United States had just 
suffered one of its worst defeats at the hands of Native Americans. On 
November 4, 1791, the American army, led by General Saint-Clair, was almost 
destroyed by the joint forces of Little Turtle (Miami) and Blue Jacket 
(Shawnee): nine hundred officers and soldiers perished in the blood bath. Conditions 
now seemed ripe for the young British emissary’s proposals to be received by 
a distraught federal government.

The plan that was contained in Hammond’s instructions, and which was pro-
ferred as an effort at mediation between the United States and Native American 
tribes, sought in fact to create a neutral Indian barrier state. This state would 
have included the territories north of the Ohio and east of the Mississippi, as 
well as a strip of New York State extending over to the forts on the other side of 
Lake Champlain. This plan was immediately rejected by American officials, who 
correctly sensed in it a wish to create a “British protectorate” (as S. F. Bemis put 
it) over the Northwest Territory.40 In 1792, having failed in its overtures toward 
American leaders, the British government ceased to advocate openly the sort of 
tact union between the Northwest and the Crown that the creation of a barrier 
state would have implied. Nevertheless, the British did not abandon their plan, 
and Canadian officials took anything but a passive stance, especially after Lord 
Simcoe, a particularly belligerent lieutenant governor of Upper Canada, took office.41 
Once Simcoe had taken charge, the British objective became clear: since the Northwest 
could not be recovered through negotiation, the Indians had to be provided with 
the means to enforce their sovereignty over the territory so that British influence 
and interests could be maintained there.42 From July 29 to August 16, 1793, 
a last attempt was made at conciliation between the Indian Confederacy and 
federal representatives over the issue of boundaries, but British agents saw to it
that no accord could be reached between those two parties. British influence aside, it is questionable whether any sort of accord could have been reached at that time between the United States and the Northwest Confederacy, given the mounting divisions among the tribes over the issue of the Ohio as border.

During the fall and winter of 1793, fear of an American offensive against British posts added to the tension that reigned on the frontier. Relations between Great Britain and the United States had deteriorated to the point where a war between the two powers became a distinct possibility. Shedding his characteristic reserve, Lord Dorchester, who was governor of Upper Canada, was so bold as to address the Indians directly with words of war on February 10, 1794. Shortly thereafter, as he was concerned about defending Detroit, Lord Dorchester ordered a new fort (Fort Miami) built on the banks of the Maumee; this amounted to foreign aggression on U.S. soil. The war between the federal government and Native Americans seemed likely to turn into a war between two colonial powers: with England protecting the Northwest in the name of Indian sovereignty (sovereignty that it had not defended in 1783), and the United States safeguarding its own sovereignty over the same land (sovereignty that was based exclusively on force).

On August 20, 1794, the area near Fort Miami witnessed the final confrontation between Native American forces, commanded by the Shawnee chief Blue Jacket, and the American army, led by General Anthony Wayne. When the Indians retreated in the direction of Fort Miami, the British garrison denied them any help whatsoever. This betrayal came as a surprise to the Native Americans, for they had benefited from ample British supplies and equipment during the winter and spring, and that morning they had seventy Canadians in their ranks.

Wayne’s victory over the Indian Confederacy at Fallen Timbers was also a victory over the British. Indeed, after the battle Americans symbolically set fire to the trading post of the British agent McKee. The United States had managed to assert its sovereignty over its territory by pushing back an enemy who had paid little heed to its newly acquired independence. Even more than the signing of Jay’s Treaty (November 19, 1794), the Battle of Fallen Timbers marked the beginning of British withdrawal from the region. By defeating the overconfident Native Americans, the federal government had managed to put into effect its conception of U.S.–Indian relations: although in theory the Indian nations were independent and sovereign, they were in fact subject to the authority of the federal government. However, even though the vanquished and famished northwestern tribes seemed to accept allegiance to the United States at the Treaty of Greenville in 1795, they had not lost all hope. Beginning in 1808, the Shawnee chief Tecumseh sought the support of all the northwestern and southwestern tribes, and he launched a general offensive during the War of 1812, thereby making use of British logistical help.
In the Southwest, two goals dominated the new government’s foreign policy: first, to secure navigation rights on the Mississippi for its western citizens (who had had such rights when they were subjects of the British Crown), and second, to impose its authority over the territory it had been granted by the treaty of 1783. Like the British in the Northwest, the Spanish wanted to wait as long as possible before withdrawing from the military posts they occupied on territory ceded to the United States by Great Britain. Ever since the end of the War of Independence, they too had been striving to create an “Indian barrier” with this intention, by capitalizing on the poor relations between the United States and the great tribes of the Southwest. In the mind of Floridablanca, the Spanish minister of foreign affairs, this Indian barrier was to extend from the Atlantic to the Mississippi, and it would have consisted of the contiguous territories of the Creeks, Choctaws, and Chickasaws. Moreover, in order to stay on good terms with these tribes, Spain let the British firm Panton, Leslie and Company keep up their profitable trade with Native Americans in Pensacola when Florida came back into Spanish hands after a short period of British rule (1763–1783).

Spain did not, however, want to enter into full-fledged war with the United States just to back up Indian demands. In 1790 the Creek representative Alexander McGillivray was compelled to negotiate with the new federal government. Under threat from northwestern tribes, the government gave a triumphant welcome to the Creek chief and reached an agreement with him (on August 7, 1790) that amounted to a compromise between the claims of the Creeks and those of the state of Georgia. According to this treaty, the Creek chief also recognized U.S. sovereignty. Nevertheless, by not upholding the territory clauses of the treaties that Georgia had forced upon the Indians after the Revolution, the Treaty of New York was bound to bring about renewed fighting, since the pioneers would not tolerate being chased away from their land. Thus, the Treaty of New York did not resolve all the problems that existed between the United States and Native Americans in the Southwest. Furthermore, as long as Native Americans could take advantage of the rivalry between the United States and Spain, get their supplies from Spanish-approved merchants, and maintain their sovereignty over land disputed by the two powers, the United States would not have total sovereignty over the territory it had acquired in the 1783 treaty with Great Britain. The key to the problem lay with Spain and the renewal of negotiations.

How, then, could Spain, which ignored the new republic, be forced to resume negotiations that had proved to be so ineffectual during the war and again from 1785 to 1787? In June 1790 Thomas Jefferson thought he had found the right pretext to launch a great diplomatic campaign that would lead Spain
into discussion with the United States. The year before, British merchants in
search of furs had settled at Nootka Sound, on the Northwest Coast, and Spain
had reacted violently to what it considered a violation of its territory. As the
situation deteriorated, the two nations were on the brink of war in the spring
of 1790. Jefferson believed that the United States could take advantage of the
international crisis that pitted its two neighbors against each other, and on
August 2, 1790, he wrote to the American chargé d'affaires in Spain,
William Carmichael, urging him to resume talks with the Spanish govern-
ment. Jefferson also contacted William Short, the American chargé d'affaires
in Paris, so that the latter could enlist the support of the French government
in favor of American interests. 51 Jefferson thought that Spain would settle its
differences with the United States so as not to add to its problems.

At the very moment when Jefferson thought he had found haughty Spain's
weak spot, the crisis between the two colonial powers was resolved by diplo-
matic means. Even so, in 1791, shortly after receiving a memorandum from
William Short concerning American rights to the navigation of the
Mississippi, Floridablanca offered to resume negotiations with the United States. 52
At that time monarchist Spain believed that it could no longer count on its
traditional ally, France, and it felt the need to thwart any possible alliance between
the United States and its powerful competitor, Great Britain, by adopting a
more conciliatory attitude toward the new republic. Jefferson was very pleased
when the news of these overtures reached him in December 1791, and on March
18, 1792, he named William Short and William Carmichael envoys to the Court
of Madrid. 53 Short, however, only reached Spain a year later, when the balance
of power between European countries had been completely upset. Spain was
now allied with Great Britain in war against France, and as a result, its posi-
tion on the American continent was strengthened. As long as it had British
support, Spain had nothing to fear from the United States.

The two envoys quickly realized that the situation had changed. When they
finally had their first meeting with the Spanish negotiator Gardoqui on March
23, 1793, the latter assumed an uncompromising stance toward both aspects
of the issue. Gardoqui supported Spain's right to the borders that it claimed in
the Southwest and contested the right of the United States to the navigation of
the Mississippi: no negotiation was possible. Short and Carmichael did not, how-
ever, want negotiations to end when they had only just begun. If Spain's posi-
tion at that time was dictated by its alliance with Great Britain, who could say
what changes a new balance of power in Europe might bring about? Short and
Carmichael said they preferred to wait and see what was to follow, as no one
knew how quickly the international situation in Europe might deteriorate. They
counted on a resurgence of Spanish fears of Great Britain, fears that they had
witnessed at the time of the Nootka Sound incident, and which they felt would
be instrumental in bringing about real negotiations with Spanish authorities. 54
While the negotiations being conducted in Spain by Short and Carmichael were at a standstill, the situation in the Southwest was turned upside down at the end of 1791 when a new governor, the Baron de Carondelet, took office. Carondelet renewed a strategy that his predecessor Esteban Miro had downplayed since 1787, namely, actively supporting Indian tribes against Americans. It appears that in 1792–93 Carondelet sought to organize a Confederacy of Southwestern Tribes, similar to that of the Northwest, and just as effective against the U.S. Army. On July 6, 1792, Alexander McGillivray signed a treaty with the Spanish governor that was very favorable to his nation, but he took pains to avoid committing himself to any military action whatsoever against the United States. Far from seeing his dreams of an Indian Confederacy come into being, Carondelet then learned that the Chickasaws (who were pro-American) had gone to war with the Creeks. This war likewise displeased the federal government, but it did allow the secretary of state to give new impetus to the controversy over the Southwest frontier even before negotiations had really begun in Spain. Jefferson hastened to demand clarification for Spanish support to the Creeks. He accused Spanish officers on the frontier of hostile behavior toward Americans, and he went so far as to claim that Carondelet himself was responsible for the Indian attacks since he provided them with weapons and ammunition. In his dispatch to Short and Carmichael, Jefferson concluded: “In short, [Carondelet] is the sole source of a great and serious war now burst upon us.”

Jefferson also contacted two Spanish diplomats posted in Philadelphia, Jaudenes and Viar. Jaudenes and Viar were in a strong position because of the Anglo-Spanish alliance. They did not simply justify the actions of the Spanish officers; they accused the Americans in turn. The quarrel escalated and came to a head on May 25, 1793. In a letter addressed to the secretary of state, the two diplomats threw the ball back into Jefferson’s court: although the Creeks had initiated the fighting, it was because the Americans had provoked them by supporting the Chickasaws. Jefferson summarized this letter for Short and Carmichael as follows:

This letter charges us, and in the most disrespectful style with

1. exciting the Chickasaws to war on the Creeks
2. furnishing them with provisions and arms
3. aiming at the occupation of a post at the [illegible]
4. giving medals and marks of distinction to several Indians
5. meddling with the affairs of such as are allies of Spain
6. not using efficacious means to prevent these proceedings [. . . ]

The threats of war contained in the letter (i.e., if the United States continued to help the Chickasaws, Spain would openly take sides with the Creeks) convinced Jefferson to cease communication with the two diplomats. He only refuted their
attacks so as to give leverage to Short and Carmichael, who now had to settle this new case in Madrid alone: “This is indeed so serious an intimation, that the President has thought it could no longer be treated with subordinate characters, but that his sentiments should be conveyed to the Government of Spain through you.” Nevertheless, once Gardoqui was taken off the case by the new Spanish prime minister Manuel Godoy, Duke of La Alcudia, Godoy and the two American envoys began corresponding. At first this correspondence reassured Carmichael and Short about Spanish intentions: they believed that the Spanish Court would no longer support any interference with American interests on the frontier and that the United States no longer had any reason to fear that Spain would support their Indian enemies. On January 21, 1794, William Short was able to give his government more specific reassurance about the Spanish attitude toward Native Americans: Short and Carmichael had received a letter from the Spanish prime minister to the effect that the king had now ordered his Florida and Louisiana governors to cease assisting the Indians, as proof of the Spanish sense of justice, and as a gesture of friendship to the United States, and the American envoys were supposed to forward this information to the president.

By officially disavowing Carondelet’s policy of aid to Native Americans in the Southwest, Godoy was seeking to ingratiate himself with the federal government. The American government got the impression that—for once—a great colonial power was taking their claims into consideration and was taking pains to respect their sovereignty, but this was brought about by the balance of power in Europe being again in a state of flux. The Spanish military suffered setbacks at the end of 1793, and the alliance with Great Britain was gradually called into question. As a result, Spain had to humor the United States, as in 1790–91, in order to prevent the new republic from forming an alliance with Great Britain, which would open up Spain’s North American possessions to the British.

It was only in July 1794 that things really started moving, and a true upheaval occurred in the balance of power among European countries, as Short and Carmichael had been expecting since the time of their very first dispatches in 1793. After John Jay arrived in London on May 8, 1794, an isolated Spain began to fear that what it dreaded most for the kingdom and its possessions in America would materialize, namely: an Anglo-American alliance that would threaten its possessions in North America. William Short was aware of Spain’s fears, and in the fall of 1794, he anticipated a positive outcome from the Spanish-American talks. Assuming that Jay’s negotiations led to the end of all diplomatic quarrels between the United States and Great Britain, Short reasoned, the Spanish ministry would grant Americans their “rights” and would give in on the navigation of the Mississippi.

When Godoy found out in December 1794 that a treaty had been concluded between the United States and Great Britain, he could not hide his fears or his disappointment. He anxiously waited for the arrival of Thomas Pinckney,
who was to take over from Short and Carmichael, but Pinckney only reached Madrid in January 1795. During this long wait, Godoy was able to make sure that Jay's Treaty contained no alliance clause between the United States and Great Britain, but in spite of this, Pinckney's delay did not undermine the opportunity that the Anglo-Spanish rift presented to the United States. Indeed, in March 1795 Godoy concluded a separate peace with France in the Treaty of Basle, thus violating the 1793 treaty of alliance with Great Britain. Retaliation was to be feared, and Godoy did not want to make a bad situation worse by continuing to annoy the United States. This was what set the stage for Pinckney's Treaty, in which Spain gave in on the points of contention: Spanish troops were to clear out of the disputed territory, and the United States was granted navigation rights on the Mississippi as well as the privilege of having a depot in New Orleans for three years (renewable).

On paper, Spain's disengagement in Native American country was complete. Both of the contracting parties were forbidden to conclude any treaty whatsoever with Native Americans living in the other's territory. Each of the two powers had to prevent the Indians living in its territory from attacking the Indians living in the other's territory, or from attacking the citizens of the other's territory. Since the thirty-first parallel finally became the official boundary of the United States, recognized as such by Spain, the sovereignty of nine-tenths of the southwestern tribes became subordinate to U.S. sovereignty, and the ambiguity that had existed since 1783 disappeared. Yet in the field, paradoxically, Carondelet's endeavors since 1792 were succeeding, and in October 1793 the four southwestern tribes (Creek, Cherokee, Chickasaw, and Choctaw) formed a confederacy allied with Spain, thus remaining loyal to the only power that traded with them and provided them with supplies.

Hailed as a victory of American diplomacy, the advantages attained through Pinckney's Treaty were nevertheless due in large part to Spain's fears in Europe. Given that Spain was in command of the situation in the Southwest, and that Native American tribes knew their new protectors were first and foremost seeking to encroach upon their land, it came as no surprise that the treaty was only carried out very grudgingly by Spain and the Native American tribes. In December 1796 navigation of the Mississippi was indeed opened to American boats, but the dismantling of the Spanish forts (i.e., Natchez, Nogales, San Fernando, and St. Stephens), which had begun in February 1797, was resumed only in March 1798. Moreover, Spain retained a position of influence in Native American country. In his book *The Mississippi Question*, Arthur Preston Whitaker made the following observation about Pinckney's Treaty: "Five years after its conclusion, the Governor of Louisiana was able to say with some justice that the Choctaw, Chickasaw, and Creeks still constituted a barrier against American aggression." Nevertheless, the end of the War of the Chikamauga (the Cherokee of the Lower Towns) in 1794 meant that the tribes of the Southwest had to come to terms with
pioneers and local leaders. In 1798 the Cherokees were forced by the Treaty of Tellico to make significant territorial concessions, and then in 1805–1806 they had to relinquish their hunting grounds through a series of hotly contested treaties. In Georgia the Creek nation was made to cede large tracts of territory in 1796 and in 1805; Creek warriors did not, however, lose hope of reconquering that land, and many of them were to join Tecumseh when the War of 1812 broke out.

Sovereignty Attacked from Within

After its victory over Great Britain, the early republic was caught in the grip of centrifugal forces: citizens whose patriotic feeling was still weak were ready to renounce their allegiance to the nation in order to pursue their own agenda. In certain areas the feeling of belonging to the new nation proved at times to be shaky and indeterminate—even after the new federal government had been formed, which meant putting the newly born union at risk. This was particularly true of the western frontier, where people felt that their interests were not taken seriously enough in the East, and where they were at times prepared to join forces with a nation that was an enemy of the United States.

In 1777 the state of Vermont, whose admission to the Continental Congress was blocked by the state of New York, decided to proclaim its independence, and from that time on it issued its own currency and maintained its own diplomatic relations with other powers. In the West, Spain’s closing off of the Mississippi to American navigation in 1784 was a true disaster for those who lived on that side of the Appalachians. The Spanish minister plenipotentiary, Don Diego de Gardoqui, realized that he could use this discontent to weaken the early republic and win over the inhabitants of those areas to the Spanish cause. In fact, westerners themselves contacted Madrid’s envoy in order to obtain favors that their fellow citizens in the East did not appear willing to grant them.

In April 1787 negotiations between Jay and Gardoqui remained at a standstill, but western pioneers were afraid that Jay was ready to give up the navigation of the Mississippi once and for all. James Wilkinson, an audacious and unscrupulous man from Kentucky, chose this moment to head for New Orleans on his own. There he met with the governor, Esteban Miro, and he told Miro that once Kentucky was independent, it would seek Spain’s protection. Before leaving New Orleans, Wilkinson swore allegiance to the king of Spain, and he soon began drawing a colonel’s salary from the Spanish king. In New York Gardoqui was first contacted in 1786 by James White, another Kentuckian, and then in 1787 by John Brown, a delegate to the Continental Congress whose mission was to seek Kentucky’s entry into the Confederation. Brown and Wilkinson were two of the driving forces behind the “Spanish conspiracy,” which sought to sever the region from the
The Gardoqui-Jay negotiations did not even come close to reaching an accord acceptable in western eyes, and instead the outcome was a treaty draft that only exacerbated the westerners’ feeling of being abandoned. By 1788 secessionist unrest was at its peak: in what is now eastern Tennessee, John Sevier became the governor of the unrecognized state of Franklin, and Kentucky, whose admission was once again turned down by the Continental Congress, was on the verge of secession.

Fortunately for those who lived in the West, the treaty draft was dropped, and as soon as the new federal institutions were set up, both Kentucky and Vermont were admitted into the Union (1791). The federal government was able to win back erstwhile secessionist leaders from the area through the creation in 1790 of a “Territory south of the Ohio river.” Tension abated for a time thanks to other factors as well: Spain started opening up the Mississippi to American river navigation by granting commercial passports to influential Kentuckians and by allowing them to convey their exports in transit through New Orleans for a 15 percent fee in taxes. Former conspirators, such as John Sevier, were assigned to high-ranking posts, and they appeared to develop ties to the American government, which they now supported and vouched for. It is also likely that they felt culturally closer to Americans in the East than to the Spaniards.

In the 1790s there was unbridled land speculation, especially in Georgia, which led some influential frontiersmen to overlook or overstep the federal government’s authority, even though the government alone had the power to negotiate with Native Americans and to organize the nation’s westward expansion. Although new and more powerful institutions had been created, some citizens still ignored them, just as they had done before with the Confederal Congress. Such was notably the case with Dr. O’Fallon, a representative of the Yazoo Company in South Carolina, who in 1790 sought to settle on land that was claimed by both Georgia and the federal government in an area that was still under Spanish control. O’Fallon was willing to betray his country in order to avail himself of the land in question, and he even considered creating an independent state on the Mississippi for which he sought Spanish aid and support. When Spain turned him down, he threatened to join forces with Great Britain to mount an attack on New Orleans. On March 19, 1791, George Washington countered with a proclamation denouncing O’Fallon’s schemes, but that did not prevent O’Fallon, in 1792, from contemplating an expedition to Spanish territory, this time with French aid. Dr. O’Fallon’s brother-in-law, George Rogers Clark, went so far as to propose his services to France. This took place before the new French minister plenipotentiary Genêt had left for the United States, and it affected the directions that Genêt received. Although Genêt was recalled and disavowed by the French authorities at the end of 1793, the conspirators kept up their plotting in the Carolinas, Georgia, and Kentucky until May 1794, despite George Washington’s proclamation of March 24, 1794, which forbade them from fitting out men for expeditions directed against
neighboring countries. Once again the American government had to disavow its citizens’ private political activities in order to preserve its credibility.

Moved by the urge to control western land, even the most influential public figures, and those who were closest to the government, conspired with foreign nations. Such was the case with Sen. William Blount. Blount was a member of the Constitutional Convention in Philadelphia in 1787, and in return for his loyalty to the Federalist cause, he was awarded the position of governor of the Southwest in 1790. He was then elected senator of Tennessee when it was admitted into the Union in 1796. When he found out that same year that France wanted to get Louisiana back, he feared that France as a hostile power would close off the navigation of the Mississippi to pioneers and thereby cause the price of land to fall. He decided to prevent such a catastrophic transfer by organizing, with British consent, the attack on the Spanish colonies. He joined forces with Chisholm, a former loyalist who was on friendly terms with the Native Americans; Chisholm then contacted Liston, the British minister in Philadelphia. An outline of this outlandish project was made for the Spanish minister plenipotentiary by General Collot, a French officer who visited the West:

According to the deposition made by Squire Michel, a resident of Tennessee, it appears:

1) that 1000 inhabitants of this province have been enlisted by a man named Chisholm, an British agent and resident of Tennessee; these men are supposed to attack the posts in Baton-Rouge, New Gales and the Ecors à Magor, which belong to His Catholic Majesty;
2) that Chisholm has done all the surveys of Louisiana and both Floridas and has convinced the Creek and Cherokee nations to turn their arms against the Spanish possessions;
3) that Chisholm has obtained a list of 1500 Tories or English loyalists from the Natchez, who have vowed to take up arms on the side of the English as soon as they come to attack lower Louisiana and, from that conquest, to march on Santa Fe.

Collot rightly felt that this plan was implausible because it linked irreconcilable interests (i.e., speculators and Indians, and American speculators and the British), but the fact remained that contacts had been made, and goals had been set, which bore witness to the determination of these men, and their lack of consideration for the American government. The plan was crushed when, in March 1797, a letter from Blount containing instructions fell into the hands of the administration. This occurred when Chisholm was leaving for England in order to obtain official support, as Liston had not been able to give him a
definitive answer. William Blount was chased out of the U.S. Senate, but he managed to make it to Tennessee, where his popularity remained intact.78

Although the British did in fact drop the project, one wonders what exactly their role was. To judge by Liston’s letters, one might think that the British minister plenipotentiary simply let himself be manipulated by a crafty plotter, but that is only a superficial reading.79 The American minister in London, Rufus King, investigated the case and got the solution to the puzzle straight from the horse’s mouth, namely from Chisholm. Chisholm confessed in exchange for a bit of money, which clarified everything: the plan was to mount a military operation involving both western pioneers and British troops, after which Florida and Louisiana would become British colonies, and Great Britain would guarantee navigation of the Mississippi for the western states. The problem was that neither Liston nor Grenville, the British minister of foreign affairs, showed any interest in this project.80 Although the direct responsibility of the British in this conspiracy cannot be established, one should note that Liston was more embarrassed than annoyed by Chisholm’s propositions, and that the British government took Chisholm the adventurer under its wing for six to eight weeks before presenting him with a final refusal. Great Britain was probably not opposed to an attempt that would have allowed it to create division in the United States and to put a stop to the new nation’s expansion southwestwards. Indeed, the British were at the same time supposedly contemplating an attack on Louisiana from Canada.81

What is striking about these conspiracies is the fact that the plotters got away with almost no punishment. Although often indicted, James Wilkinson was never convicted; he managed to remain in the federal government’s confidence even though it was fairly well known that he had ties to Spain.82 As for William Blount, who showed that he had no qualms about ignoring the American government’s authority and setting up his own personal foreign policy, an impeachment procedure was in fact brought against him, but it failed, and the former senator was elected to the state senate of Tennessee in 1798.83 The federal government’s authority seemed ill equipped to deal with the activities of people who flouted the law and yet did not consider themselves real traitors to their country. The government went easy on them and even overlooked their doings, perhaps because it was trying to keep them in its fold, or because it felt that the conspirators’ territorial claims, although premature, were in the best interest of the nation as a whole in the long term. In condemning the conspiracy while at the same time trying to accommodate the conspirators (through Pinckney’s Treaty and Jay’s Treaty), was the government truly overwhelmed or was it not instead using the expansionist threat contained in the plotters’ illegal activities to obtain more favorable treaties? This question would be raised again in 1805 when Jefferson, the leader of a much more powerful and stable country, seemed just as reluctant to counter the activities of his enemy Aaron Burr, who in turn proved willing to appropriate Spanish territory on his
own initiative. There was thus a subtle interplay between expansionism on the part of citizens and expansionism on the part of the government, and in this one can discern the foundations of an original expansionism, peculiar to the United States, where the government preferred to follow the people's expansionist will rather than anticipate it. At any rate, during this decade the ruling elite accomplished a great feat in managing to keep and anchor in the Union a regionalist population with questionable national feeling.

The writers of the Constitution wanted a strong central government, one that could assert its sovereignty on the territory that was attributed to it in the international treaties of 1783, so that the United States could fend off attacks from abroad as a unified nation. From 1790 to 1800 the new government fought on all fronts, asserting its authority and sovereignty on its neighbors, Native Americans, the states, and its citizens. All told, the successes (e.g., Jay's Treaty, Pinckney's Treaty, and the Battle of Fallen Timbers) outnumbered the failures, but the failures (e.g., Saint-Clair's defeat) were tremendous and the problems could come back again. The federal government managed to enforce its sovereignty as well as its authority over the territory that the treaties of 1783 had attributed to it; union could thus be achieved around a single territory. The national territory had been won through a hard-fought struggle with the various neighboring powers as well as with the uncontrolled expansionist tendencies of groups of citizens in the West, and it was therefore the best symbol of true national sovereignty. Nevertheless, this process of building the nation through national territory was threatened, in the nation's fiber, by profound political discontent.