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Samuel Wilson

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Conquerors, Peacekeepers, or Both? The U.S. Army and West Florida, 1810-1811, A New Perspective

by Samuel Watson

The Louisiana Purchase did not remove Spanish posts along the east bank of the Mississippi River. These posts could still choke off commerce at New Orleans, and American leaders immediately began pressing Spain to cede West Florida. Spain rejected U.S. demands, Napoleon refused to compel its acquiescence, and U.S. officials became increasingly belligerent. The commanding general of the U.S. Army, Brigadier General James Wilkinson, repeatedly sought permission to seize West Florida, an area that included the eastern parishes of Louisiana and parts of present day Mississippi, Alabama and Florida. President Jefferson's reluctance to mobilize an adequate force precluded military action throughout his administration, while diplomatic feelers to Spanish colonial officials proved inconclusive. Meanwhile, American adventurers, criminals, and army deserters aggravated instability in West Florida, while Spanish colonial officials lost legitimacy, direction, and the prospect of reinforcement when Napoleon invaded Spain. In 1810 many settlers joined together to rebel and declare their independence. The United States intervened, the army occupied West Florida, and the region was annexed to Louisiana, but filibusters—private individuals invading another

Samuel Watson is a Professor of History at the United States Military Academy at West Point. He earned his Ph.D. at Rice University and is the author of *Jackson's Sword: The Army Officer Corps in the Borderlands of the Early Republic, 1810-1821*, which was published by the University Press of Kansas in 2012.

nation's territory, contrary to U.S. law—and eventually elements of the army itself, besieged the Spanish fort at Mobile during the winter of 1810 and 1811, until Brigadier General Wade Hampton ordered the army to turn from threatening Spain to repressing filibusters and bandits.

Despite a wave of recent scholarship about the West Florida revolution, the West Florida republic, and its absorption into the United States, historians have not closely examined the role of the U.S. Army in the Louisiana-Florida borderland before the War of 1812. Recent work, including the Fall 2011 special issue of the *Florida Historical Quarterly* and books by William C. Davis and Andrew McMichael, focused on the inhabitants of West Florida and their economic institutions, social relations, and political culture. Other scholars have assayed national-level diplomacy. While the roles of the leading American civil officials, particularly President Madison and Louisiana territorial governor William C. C. Claiborne, have been thoroughly scrutinized, the source of their physical power to occupy and annex West Florida, the national standing army, has not been discussed in depth since the early 1970s. Nor have the army's operations around Mobile at the end of 1810 and the beginning of 1811, which threatened international peace as much as the West Florida revolution, received much attention. Even Davis, who studies the military and diplomatic aspects of the period, approaches this crisis from the perspective of expansionism in general, embodied in Claiborne's correspondence. No existing account satisfactorily explains the reasons the army backed away from attacking the Spanish fort at Mobile, which might have precipitated British intervention and wider conflict eighteen months before the outbreak of the War of 1812.¹

1. *Florida Historical Quarterly* 90, no. 2 (Fall 2011); William C. Davis, *The Rogue Republic: How Would-Be Patriots Waged the Shortest Revolution in American History* (New York: Houghton Mifflin Harcourt, 2011); Andrew McMichael, *Atlantic Loyalties: Americans in Spanish West Florida, 1785-1810* (Athens: University of Georgia Press, 2008). See also David A. Bice, *The Original Lone Star Republic: Scoundrels, Statesmen, and Schemers of the 1810 West Florida Rebellion* (Clanton, AL: Heritage Publishing Consultants, 2004); and Stanley C. Arthur, *The Story of the West Florida Rebellion* (St. Francisville, LA: *St. Francisville Democrat*, 1935). Despite doing extraordinary research, Davis does not employ the War Department letters and reports held by the National Archives, and cannot satisfactorily interpret army actions. Given the limits of space, this essay will not address the process by or reasons for which settlers in West Florida rebelled, which have been thoroughly investigated in recent scholarship; the best short summary of the politics of the West Florida Convention and the



Wade Hampton of South Carolina (1752-1835). Image in Library of Congress, Washington, D.C.

revolt is Samuel C. Hyde, "Consolidating the Revolution: Faction and Finesse in the West Florida Revolt, 1810," *Louisiana History* 51 (Summer 2010): 261-283.

The most comprehensive treatment of U.S. policy and action toward West Florida remains Isaac J. Cox, *The West Florida Controversy, 1790-1813: A Study in American Diplomacy* (Baltimore: Johns Hopkins University Press, 1918). Wanjohi Waciuma, *Intervention in the Spanish Floridas, 1801-1813: A Study in Jeffersonian Foreign Policy* (Boston: Branden Press, 1976), chapters 5-6, provides a summary from the standpoint of national policy and international relations. The best short summary of the revolt and crisis as a whole remains Thomas P. Abernethy, *The South in the New Nation, 1789-1819* (Baton Rouge: Louisiana State University Press, 1961), chapter 13. The best short account from the presidential level is J. C. A. Stagg, Jeanne Kerr Cross, and Susan Holbrooke Perdue, eds., *The Papers of James Madison, Presidential Series* (Charlottesville: University Press of Virginia, 1992) (hereafter *PJM*), "Editorial Note," 2:305-320; this account is augmented in J.C.A. Stagg, *Borderlines in Borderlands: James Madison and the Spanish-American Frontier, 1776-1821* (New Haven: Yale University Press, 2009), chapter 2, but Stagg is almost exclusively concerned with the character and degree of the Madison administration's involvement in the West Florida revolution. Pages 82-86 discuss American machinations against Mobile, but stop at the beginning of December 1811, before U.S. forces directly threatened the Spanish fort. Frank L. Owsley, Jr., and Gene A. Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa: University of Alabama Press, 1997), chapter 3, presents a more critical, and ultimately more persuasive, interpretation of Madison's policies.

This essay will explore the crucial, perhaps decisive role of the U.S. Army, so often considered insignificant during the era of the early republic, in repressing the revolution and annexing West Florida to the United States and in pressuring Spain over Mobile during the winter of 1810-11. This case study demonstrates the army's dual role as peacekeeper and conqueror. It also helps explain the outcome of the unrest, as the army provided the muscle behind Madison's proclamation of annexation, then threatened and nearly attacked the Spanish fort at Mobile at the end of the year, before the general in command, Wade Hampton, finally reined in his subordinates. The essay reconciles the apparent paradoxes of this role by examining the legal, constitutional, and political dilemmas posed by the officer's institutional position and interests, as well as the dangers and dilemmas of American expansionism amid the world war between Britain and France. Outside Mobile, we see army officers, some as junior as captains, playing crucial roles in policy interpretation and execution as men on the spot, without "rules of engagement" to guide them. Using the extensive discretion necessitated by long distances and difficult communications, they nearly precipitated, but ultimately prevented, international war.²

2. Tommy R. Young II, "The United States Army in the South, 1789-1835" (PhD diss., Louisiana State University, 1973), 226-237, a fine work unfortunately unpublished, provides the only existing narrative account of army operations rooted in official correspondence. The crisis is mentioned on a single page in Francis Paul Prucha, *The Sword of the Republic: The United States Army on the Frontier, 1783-1846* (New York: Macmillan, 1969), and not at all in James Ripley Jacobs, *The Beginning of the U.S. Army, 1783-1812* (Princeton: Princeton University Press, 1947), the only general works examining the army during these years. Waciuma, 187-188, mentions the U.S. military threat against Mobile and Hampton's decision to back away, but attributes the action to Claiborne and the militia. Despite his stated interest in governance, McMichael, *Atlantic Loyalties*, discusses the army in regard to deserters and as filibusters before 1810, but does not examine its actions around Mobile early in 1811.

Cody Scallions, "The Rise and Fall of the Original Lone Star State: Infant American Imperialism Ascendant in West Florida," *Florida Historical Quarterly* 90, no. 2 (Fall 2011): 193-220, delineates the process of the U.S. occupation step-by-step (216-218), but like most accounts focused on the revolution, his does not address the filibusters against Mobile after the U.S. annexation, or army operations with and against them. I will refer to the expeditions by West Floridians against Spanish garrisons as filibusters, though only the forays from Mississippi against Mobile fit that definition precisely. However, filibuster is much more accurate, from the standpoint of U.S. and international law, than describing these armed men as settlers, militia, volunteers, or citizen-soldiers. Scallions is notably optimistic about the future of an independent West

In that process, we see an intermediate level of policy formation, diplomacy, and "foreign relations," between the formal inter-state negotiations of ministers in national capitals and the "local diplomacy" of West Floridians pursuing their own interests in the international arena. Combining the regional diplomacy of William C. C. Claiborne—a federal governor who saw himself as a representative of American settlers in the southwest—with the efforts of federal military officers, more localized in space around Mobile, but perhaps more national and more statist in objectives and orientation, we can identify a fuller spectrum of local, regional, and international interests and relations. In doing so, we restore agency to the actual executors of national policy, in addition to national-level policymakers like the president and non-state actors like the West Florida rebels and filibusters against Mobile, and observe governance in its most direct and unmediated form, the threat and use of force. This in turn helps us recognize the too-often neglected or denigrated role of the national state, particularly the executive branch and most specifically the national army, even in the pre-professional era of James Wilkinson. Lastly, even though the sources and protagonists are American, a reexamination of the West Florida revolt as an international crisis rather than a socially, economically, or ideologically rooted revolution can restore some sense of the motives and agency of the Spanish officials who stubbornly and valiantly resisted American aggression while outnumbered and cut off from substantial reinforcement.³

Florida, but does not address the likelihood of Spanish or British reactions, or the lawlessness that McMichael and Davis delineate; he appears to exaggerate the extent of Convention opposition to U.S. annexation, citing only one individual apart from Fulwar Skipwith.

3. In most recent accounts Spanish officials like West Florida governor Vicente Folch appear merely as foils for American demands, or in relation to the West Florida settlers, aggravating or ameliorating their grievances, rather than independent actors or factors in the outcome. Indeed, by focusing so closely on explaining Madison's policies, J. C. A. Stagg often presents Madison's perspective with little caveat, using language that portrays Spain as a problem for the United States and its president to solve, rather than a victim of American greed and aggression. The concept of "local diplomacy" is articulated in Peter J. Kastor, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven: Yale University Press, 2004), and Kastor, "Motives of Peculiar Urgency: Local Diplomacy in Louisiana, 1803-1821," *William and Mary Quarterly* 58 (October 2001): 819-848. The concept is valuable, but Kastor presents it as a replacement for, rather than a complement to or another dimension of, international relations as a whole. Thus he has Claiborne playing the leading role in the "Neutral Ground" agreement to demilitarize

The army's garrisons were small in absolute terms—less than a thousand soldiers total, and less than a hundred during the initial crisis at Mobile—but potent in comparison with those they faced in the principal population centers in Alabama and Florida north and west of Mobile during the fall of 1810. The army's officers included high-ranking, experienced veterans like James Wilkinson, a master of diplomacy and intrigue and the army's de facto commanding general between 1797 and 1808, and Wilkinson's successor on the scene, the recently commissioned Wade Hampton, a fabulously wealthy and equally imperious South Carolina planter. The leading players on the spot were Hampton's highly experienced second in command, cautious Colonel Thomas Cushing; versatile, energetic Captain Edmund P. Gaines, who had spent nearly a decade at Fort Stoddert on the Tombigbee River thirty miles north of Mobile; and volatile Lieutenant Colonel Richard Sparks, the commander at Stoddert and a veteran of twenty years dealing with citizens on the southern frontier. The soldiers they led were primarily regulars, not territorial militia or volunteers, who cost significantly more per soldier due to supply wastage, posed greater disciplinary problems, and were available for much shorter periods of enlistment.⁴

the area between the Sabine and the Arroyo Hondo in 1806, which is simply incorrect: James Wilkinson was the commander of the American military forces; territorial governors Claiborne and Holmes deferred to him as such, and it was Wilkinson who negotiated with the Spanish commander. Used in this manner, "local diplomacy" becomes another way of asserting the agency of previously neglected actors, like the Caddo Indians—to whom Kastor devotes more space, and apparently thinks more powerful, than the U.S. Army—but errs in the assessment of power relations. Jay Gitlin, "Private Diplomacy to Private Property: States, Tribes, and Nations in the Early National Period," *Diplomatic History* 22 (Winter 1998): 85-99, and William Earl Weeks, "New Directions in the Study of Early American Foreign Relations," *Diplomatic History* 17 (Winter 1993): 73-95, advocate greater attention to non-state actors and "men on the spot" in early American foreign relations, anticipating Kastor's concept, without downplaying the agency of national actors. R. E. Robinson and J. A. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961) pioneered similar approaches in British imperial history; see John Darwin, "Imperialism and the Victorians: The Dynamics of Territorial Expansion," *English Historical Review* 112 (June 1997): 634-640, for a more recent variant.

4. Historians commonly mistake citizen-soldiers and regulars, the militia and the national standing army, for one another. For example McMichael, 60, asserts that Wilkinson and Claiborne occupied New Orleans at the end of 1803 solely with militia. Instead, 200 Mississippi militia supported 300 regulars in the initial occupation of New Orleans that December; see the enclosures in Wilkinson, January 3, 1804, file W-189, Office of the Secretary of War, Letters Received, Registered Series (hereafter cited as SWLR:Reg., with the author only unless the addressee was not the secretary of war), Record Group 107, National Archives.

During the summer of 1810 Napoleon appeared dominant in Central Europe, but his struggle with Britain and Spain remained in doubt. The future of Spain's colonies in the Americas was uncertain, nor was it clear whether Spanish colonial officials could expect military aid from Britain in case of rebellion or U.S. aggression. Reports of disaffection among the settlers of West Florida appeared in the eastern newspapers, and an April letter asserted that "West Florida will in less than two months, throw themselves under the protection of the U. States." Such unrest, combined with rebellions in Mexico and Venezuela and rumors that Spanish America would seek independence, encouraged renewed U.S. belligerence toward West Florida, even amid tensions over British aggression against U.S. sailors and commerce. In contrast to the self-imposed isolation of Jefferson's Embargo and the import and export restrictions that followed, fears of British or French intrigue, or the formation of pro-British or pro-French parties among the settlers that might invite intervention, spurred U.S. government action toward Florida. On June 14, 1810 Claiborne wrote from Washington D.C., where he had been meeting with Madison, to Louisiana parish judge and militia commander William Wykoff, explicitly requesting that Wykoff stimulate disaffection in West Florida and seek U.S. intervention, preferably through a convention of the inhabitants. Madison himself suggested that Secretary of State Robert Smith "apprize Govr. H[olmes, of Mississippi Territory], confidentially, of the course adopted as to W. F. . . . to have his co-operation in diffusing the impressions we wish to be made there." (Remember that the State Department was responsible for the government of federal territories.) After a decade of vain hopes that Napoleon would compel Spain to surrender the Floridas, Jeffersonian expansion was set to march.⁵

5. "Extract of a letter from a Gentleman in N. Orleans," dated April 25, *The National Intelligencer and Washington Advertiser*, June 20, Gale Nineteenth Century American Newspapers online database (http://0-infotrac.galegroup.com.usmalibrary.usma.edu/itw/infomark/0/1/1/purl=rc6_NCNP?sw_aep=west10360, (accessed 25 June 2013); Claiborne to Wykoff, June 14, in Dunbar Rowland, ed., *Official Letter Books of W. C. C. Claiborne, 1801-1816* (Jackson, MS.: State Department of Archives and History, 1917) (hereafter cited as *LBWCCC*), 5: 31-34; Secretary of State Robert Smith to Wykoff, and to William H. Crawford, June 20, in Clarence Edwin Carter, ed., *Territorial Papers of the United States* (Washington, D.C.: Government Printing Office, 1937) (hereafter cited as *TP*), 9: 883-85; Madison to Smith, July 17, *PJM*, 2: 419. John R. Maass, "'Humanity mourns over Such a Site': The Army's Disaster at Terre aux Boeufs, 1809," *Army History* 85 (Fall 2012): 7-25, presents the most recent examination of that disaster. All documents cited herein are from 1810,

The disenchanted inhabitants of West Florida had anticipated the Madison administration's maneuvers, first calling an election for convention delegates on June 23, weeks before Claiborne's letter could reach Wykoff. Three weeks later, Richard Sparks reported from Fort Stoddert on the growing movement for a convention that would seek West Florida's independence or autonomy from Spain. Spanish officials had alerted the colonel to the existence of a "Mobile Society," dedicated to the capture of that port, among the brash American frontiersmen settled around Stoddert. Although most U.S. officials assumed that rebels would seek annexation, Sparks blamed "turbulent, ambitious men"—terms we shall see might be applied to Sparks himself—for the clamor, and professed concern that the filibuster society might attempt to seize the military stores at his thinly garrisoned fort, to supply themselves and forestall U.S. intervention against them. This danger, combined with the continual desertion of soldiers who might join the filibusters, despite a proclamation of amnesty for desertion earlier in the year, caused the colonel to request reinforcement. Edmund Gaines, a veteran captain with nearly a decade's service in what later became Alabama, echoed his commander's concerns later in July, reporting toasts by the men led by Joseph Kennedy, a leader of the filibuster "Mobile Society," to federal district court judge Harry Toulmin (who was in fact Gaines's father-in-law). Madison anticipated these contingencies on July 17, ordering the secretary of state to have Mississippi governor David Holmes mobilize his militia for intervention against "foreign interference" or "internal convulsions" in West Florida. On August 10, Madison instructed Secretary of War William Eustis to ensure that U.S. neutrality law was upheld; Sparks was to collect evidence for any prosecutions. Eustis also forwarded these orders to Brigadier General Wade Hampton, commanding at New Orleans during Wilkinson's absence due to his court-martial in the east, and to Hampton's de facto chief of staff, Colonel Thomas Cushing, though the secretary's letter generated confusion about the forces to be employed.⁶

unless otherwise indicated. *PJM*, 2: 505-506, note 2, indicates that Wykoff did go to St. John's, and attended the elections for delegates to the convention that came to rule West Florida during the revolution. See Madison to Smith, July 17, *PJM*, 2: 419, for Madison's orders to ensure Holmes' "cooperation in diffusing the impressions we wish to have made" in West Florida.

6. Stagg, 60; Sparks, July 12, file S-168, and Gaines to Toulmin, July 27, enclosed in Toulmin, July 28, file T-76, SWLR:Reg.; Madison to Smith, July 17, and to Eustis, August 10, Eustis to Madison, August 19, *PJM*, 2: 419, 473-474, 497; Eustis to Hampton, August 22, *TP*, 6: 102; Neutrality Act of June 5, 1794, *U.S.*

Eustis granted Hampton the discretion and autonomy in conducting operations that military commanders usually received in the borderlands, explaining that:

to judge of [circumstances] as they may arise, and to provide for them without the knowledge that is possessed by the Officer commanding, present with, and knowing as well the objects in view as the state of the different Corps [military units] & Characters of the Officers, is equally difficult & embarrassing. It remains, therefore, only to refer to your discretion & Judgment for an execution of the intentions & views of the Government so far as they may depend on the Military Force.⁷

Statutes at Large, 1: 381-384. Andrew McMichael, "Reluctant Revolutionaries: The West Florida Borderlands, 1785-1810" (PhD diss., Vanderbilt University, 2000), 208-212, provides the most thorough attention to the presence of American deserters in West Florida. Carlos de Grand Pré to Sparks, August 24, and response, August 29, 1808, enclosed in Wilkinson, October 11, 1808, file W-257, SWLR:Reg., presents an example of Sparks's belligerence prior to the 1810 crisis, when the colonel defended an American incursion into West Florida to seize deserters. Hampton issued a proclamation of amnesty to army deserters in West Florida on March 2, hoping both that they would return to the army and that this would reduce crime and disorder in the region; see file H-73, and General Orders, June 8 (no file number), SWLR:Reg.

Leland L. Lengel, "Keeper of the Peace: Harry Toulmin in the West Florida Controversy, 1805-1813" (MA thesis, Duke University, 1962), provides the most thorough account of the judge's efforts to maintain order, while securing the peaceful transfer of West Florida to the United States through means sanctioned by international law. The judge's voluminous letters to Madison provide the most detailed, and probably the most accurate, accounts of the crisis in the Fort Stoddert-Mobile region. Eustis cautioned Hampton that any reinforcements should be delayed as long as possible because of the unhealthiness of Fort Stoddert, then remarked that two companies from the Hiwassee River in upland East Tennessee—who were hundreds of miles away, and had not been seasoned in the lowland Gulf climate—should be dispatched first, rather than those on the lower Mississippi River. Indeed, the secretary suggested that troops from the region should replace those in Tennessee if the latter were sent to Stoddert. He then observed that the contingent deployed at Muscle Shoals removing whites squatting on Cherokee lands might deter forays against Mobile, though they were at the opposite end of what later became Alabama. Eustis reported to Madison that he had "intimated" that Hampton could use those troops to reinforce Stoddert, again ignoring the larger concentrations on the Mississippi River, who could be transported by water along the coast if the Spanish agreed to permit their movement up the Mobile River to Stoddert (There was no direct road between Stoddert and the Mississippi, or between Stoddert and the Tennessee, though troops could march from the Tennessee River to the Black Warrior River in north-central Alabama and descend by boat to the Tombigbee River, if the water was high enough.). Not surprisingly, it appears no reinforcements were dispatched.

7. Eustis to Hampton, August 22, *TP*, 6: 102.

Holmes seconded the need for local knowledge and, perhaps surprisingly, attributed that intelligence more to Sparks than to civil officials: Holmes was convinced "that you have it in your power to give more correct information upon the subject than any other gentleman friendly to the Government in your part of the Territory." Even more remarkably, the governor made this assessment on the basis of information from the State Department, which apparently rated Sparks's information above Toulmin's, despite the judge's voluminous letters to Holmes and the president.⁸

The settler convention that met at St. John's Plains near Baton Rouge on July 25 initially proclaimed its loyalty to the Spanish crown, but neither reform nor stability appeared forthcoming, and on September 23 armed Convention forces seized Baton Rouge, killing two Spanish soldiers. The Convention then declared independence and sought incorporation within the United States, and local inhabitants quickly petitioned Holmes for a military patrol, whose size and specific officers they suggested (and must therefore have been familiar with). This may have been intended to deter Spanish attack, but was just as probably made to prevent banditry and slave flight, which seemed much more likely amid the upheaval. Lacking instructions to send troops into Florida, Holmes then asked Cushing, posted at Cantonment Washington outside Natchez, to send troops to patrol the border, at least in part to discourage slave unrest while so many white settlers were congregated at Baton Rouge.⁹

The danger that American citizens sympathetic to the Convention, or merely in pursuit of loot, might move to join the Convention forces or attack the Spanish fort at Mobile, possibly precipitating war, seems to have caused little immediate concern among U.S. officials. Indeed, Holmes instructed Cushing not "to stop any white person who may be passing from either side." In mid-August, Eustis replied to Sparks's query with "general instructions" to reinforce Fort Stoddert and "defeat the contemplated expedition" against Mobile, but the War Department doubted anything would actually happen. Eustis, whose term as secretary of war was defined by vacillation and indecision on all fronts, gave no

8. Holmes to Sparks, September 9, *TP*, 6: 115.

9. Boston *Columbian Sentinel*, October 31, 1810, P. K. Yonge Library of Florida History, University of Florida; Holmes to Cushing, September 26 and 28, *TP*, 6: 120-22.

further instructions, relying on the arrival of reinforcements and the initiative of officers on the scene to discourage any turmoil. They either failed to perceive his understanding of their responsibilities or actively rejected it, for Cushing initially refused to act without express orders from the War Department, an example of the often contentious relationship between territorial governors and military commanders that had developed during the preceding decade.¹⁰

The Madison administration was trying to deal with West Florida covertly, to retain some degree of plausible deniability, but its long-term goals were clear to any informed observer. Add the confused, often redundant chain of command and communications, and the reaction of American officers was bound to be confused, the bonds of subordination and accountability easily frayed. Given the administration's well-known objectives, concern about British intervention, and antipathy to Spain, U.S. policy was not as rigid in opposition to filibustering as international peace, federal neutrality law, or strict construction of the Constitution demanded. Aggressive military officers, eager to win fame and glory advancing national expansion, recognized the tenor of the times. That June, for example, Lieutenant Colonel Zebulon Montgomery Pike wrote to Eustis arguing that the United States should take advantage of any request from the West Floridians lest they invite British intervention instead. Word of the opportunity for military action spread fast: by mid-August officers stationed as far away as Maine felt "no doubt" that the United States would intervene, and that war with Spain was therefore inevitable. Yet throughout most of 1810, commanders on the scene remained subordinate to civilian authority—above all, the constitutional requirement for Congress to declare war—in their public actions and communications. In October, Cushing dispatched Colonel Leonard Covington from Cantonment Washington (near Natchez) to Fort Adams, near the northwestern border of West Florida, and reported that he could

10. Ibid.; Eustis to Madison, August 19 and September 14, *PJM*, 2: 497 and 543. The Spanish lieutenant was Louis (or Luis) Grand Pré; Carlos de Grand Pré commanded the fort, though yet another officer, Carlos Dehault DeLassus, held the formal rank of commandant. The records of the Convention are in James A. Padgett, ed., "Official Records of the West Florida Revolution and Republic," *Louisiana Historical Quarterly* 21 (July 1938): 685-805, and Padgett, "The West Florida Revolution of 1810, as Told in the Letters of John Rhea, Fulwar Skipwith, Reuben Kemper, and Others," *Louisiana Historical Quarterly* 21 (January 1938): 76-202.

move 900 regulars into Florida with four days notice. Cushing reassured the War Department that he would not enter Spanish territory unless explicitly ordered to do so.¹¹

After the West Florida Convention had established *de facto* control over the parishes west of the Pearl River, the impulsive Sparks became the most significant army officer on the border, his influence growing as talk of attacking Mobile spread unabated among settlers near Fort Stoddert. (The area between the Pearl and Mobile Rivers was very thinly populated, nor were substantial Spanish posts present in that region, so the Tombigbee settlements remained the focal point for local antagonism toward Mobile.) Sparks had initially condemned “the arts of cunning, and designing demagogues, ready at all times to foment popular discontent, and fan the embers of sedition ... to gain wealth and position through general anarchy.” Yet his views apparently changed during the ensuing months, realigning to mesh with the expansionism he had displayed in the past, as he talked face to face with filibuster leaders, who were usually territorial militia commanders. The Convention granted commissions to some of these commanders, contradicting their commissions from the United States issued through the territory of Mississippi. Discussions with filibuster leaders seem to have deluded Sparks, or he was willing to lie to his superiors, for by mid-October the colonel was reporting that the plotters had abandoned their plans. Ten days later he received Reuben Kemper, who labeled Sparks “an old acquaintance,” “warm” to the revolutionary cause, in his quarters at Fort Stoddert. Indeed, Kemper claimed that unnamed U.S. military officers told him he could recruit without interference if he just went a mile south of the border—which was true, under the existing neutrality laws—and he told federal district judge Toulmin, who consistently opposed filibuster efforts, that Sparks supported his plans.¹²

Stirring up unrest proved easier than controlling or repressing it. The sluggish pace of communications aggravated uncertainty over the Convention’s intentions, which ultimately coalesced around union with the United States. U.S. preparations to deal with the turmoil lagged

11. Pike to Eustis, June 10, Letters Received by the Office of the Adjutant General, M 566, Record Group 94, National Archives; Lt. Linai T. Helm to Col. Jacob Kingsbury, August 20, Kingsbury Papers, Burton Historical Collection; Cushing, October 3, file C-233, SWLR:Reg.

12. Sparks, July 12 and October 14, files S-168 and 229, SWLR:Reg.; Kemper to John Rhea, October 28, 29, West Florida Papers, MS 25 and 26, Library of Congress; Toulmin to Madison, November 22, *PJM*, 3: 23.

for the same reason. Somehow Madison's instructions for Holmes were not mailed until August 1; they did not arrive until September 29, and the governor was unable to mobilize his militia before the administration received word of West Florida's independence in mid-October. The Convention had already sought recognition and protection from Holmes "as a loyal part of the United States"—just before its forces attacked the Spanish garrison at Baton Rouge—but Madison had no idea of this, nor could he place much faith in the ability of the newly created Convention to guarantee U.S. control. Above all, the president had no intention of risking the establishment of an independent polity, a likely haven for bandits and perhaps a pretext or base for British intervention, across the Mississippi River from New Orleans. To permit this might prove worse than allowing Spain to remain in control, which no longer seemed possible in the face of settler unrest. Caught in a quintessential borderlands dilemma, snared between local unrest and international uncertainty, Madison resorted to the nation-state for his solution, invoking the American claim to West Florida and asserting the extension of U.S. sovereignty as far east as the Perdido River, twenty to thirty miles east of Mobile, on his own authority on October 27.¹³

Nevertheless, although the Convention had repeated its request for union on October 10, the possibility of conflict remained because the request stipulated that West Florida enter the United States with concessions to local interests, particularly a pardon for American deserters—the majority of the armed Convention force at Baton Rouge—and validation of Spanish land sales (Madison soon used his executive authority to grant the pardon; land claims took decades to work through the legal process.). More dangerously, the Convention admonished the secretary of state that it would have "to look to some foreign Government for support, should it be refused to us" (on Convention terms) by the United States. Concerned that these conditions would not be met, Fulwar Skipwith, who the Convention elected their governor on November 22, threatened to resist U.S. annexation by force, and received some written authorization from the Convention to prepare to do so, even after Claiborne arrived at St. Francisville two weeks later with Madison's proclamations of

13. Journal of the West Florida Convention, September 22, Library of Congress; Madison, proclamation, October 27, *PJM*, 2: 595-596. Madison's path to the proclamation can be followed in Stagg, "editorial note," *PJM*, 2: 317-319, and in Madison to Secretary of State Smith, July 17, Secretary of War William Eustis, August 30, and Thomas Jefferson, October 19, *PJM*, 3: 419, 517, 585.

annexation and pardon for army deserters. Anticipating trouble, Claiborne ordered Covington to bring 250-300 troops and several cannon to Baton Rouge; he then asked for 700-800 troops, though these proved unnecessary when the Convention holdouts, about 400 armed men, surrendered the town without a fight on December 10. Eager to test himself regardless of who he fought, army lieutenant George Birch growled that they "thought better of it...to our great disappointment."¹⁴

The "Florida parishes" west of the Pearl River passed into American hands and became part of the state of Louisiana in 1812, but Madison's proclamation asserted U.S. sovereignty to the Perdido River, nearly 150 miles to the east. The farther the United States attempted to extend its control, the more the Republican doctrines of strict constitutional construction and military preemption created a paradoxical, even circular dilemma, threatening to undermine the army's subordination and accountability to civilian control. With no solution to Anglo-American tensions in sight, the danger of British intervention appeared to demand further action to execute Madison's proclamation. The Spanish junta in Cadiz was already allied with the English, and Madison did not want American belligerence to spur the British intervention he was claiming to preempt. Anticipating that the ever-zealous Claiborne might overreach, the secretary of state instructed the governor that Madison prohibited attacking any Spanish troops or posts, "however small," remaining in the disputed region. If adhered to, this order would calm two of the three potential forces for war, for there was virtually no chance that the weak Spanish contingents, largely isolated from outside support, would strike at U.S. troops without provocation. The Spanish dispatched eighty

14. Request for annexation, John Rhea (president of the Convention) to Secretary of State Robert Smith, October 10, United States Congress, *American State Papers: Documents, Legislative and Executive, of the Congress of the United States, Class I, Foreign Relations* (Washington, D.C.: Gales and Seaton, 1832-1861) (hereafter *ASPPR*), 3: 395; Journal of the West Florida Convention, December 8, Library of Congress; Claiborne to Smith and Covington, December 1-12, *LBWCCC*, 5: 35-55; Birch, "Private Journal," December 10, Birch Family Papers, Historical Society of Pennsylvania (which contains an account of the operation, which included preparations for a bombardment of the Convention positions). Note that the Convention request did not demand union as a separate state, nor that any territory to which West Florida might be joined would immediately become a state, as scholars often imply or suggest. Holmes accompanied Claiborne; the governors' reports and correspondence can be followed in *TP*, 9: 889-915, and in the *LBWCCC*; see also Cox, chapter 13. Covington immediately advocated that a post office be established in Baton Rouge (file C-322, December 17, *SWLR:Reg.*).



Map of West Florida. Map provided by the Center for Southeast Louisiana Studies, Southeastern Louisiana University.

soldiers and twenty militiamen to disperse a filibuster camp at Saw Mill Creek, on the east side of Mobile Bay, on December 10, but this was their sole offensive action during the season-long campaign. The remaining Spanish troops huddled together at Mobile, too weak to dispute U.S. intervention outside their walls and hesitant to provoke it by moving more aggressively against the motley bands of rebels, filibusters, “militia,” and marauders—constituted under shifting guises, but virtually indistinguishable in practice—that effectively controlled most of Florida west of the town.¹⁵

With all these instruments at hand, U.S. officials continued to employ their long-practiced “good cop, bad cop” routine of intervening to restrain private adventurers, promising order and stability but delivering at Spanish expense. On December 5, Claiborne sent an agent to St. Francisville to distribute Madison’s proclamations to the Convention; the agent was to gather intelligence on Convention and Spanish forces, at Mobile and even Pensacola. When Claiborne arrived at St. Francisville, he put an apparent halt to the formation of an expedition against Mobile and Pensacola by 600 men under Convention authority—an advance authorized by the Convention the same day it requested union with the United States. Yet from the Spanish perspective, the U.S. territorial militia continually being organized and drilled in the environs of Fort Stoddert were really

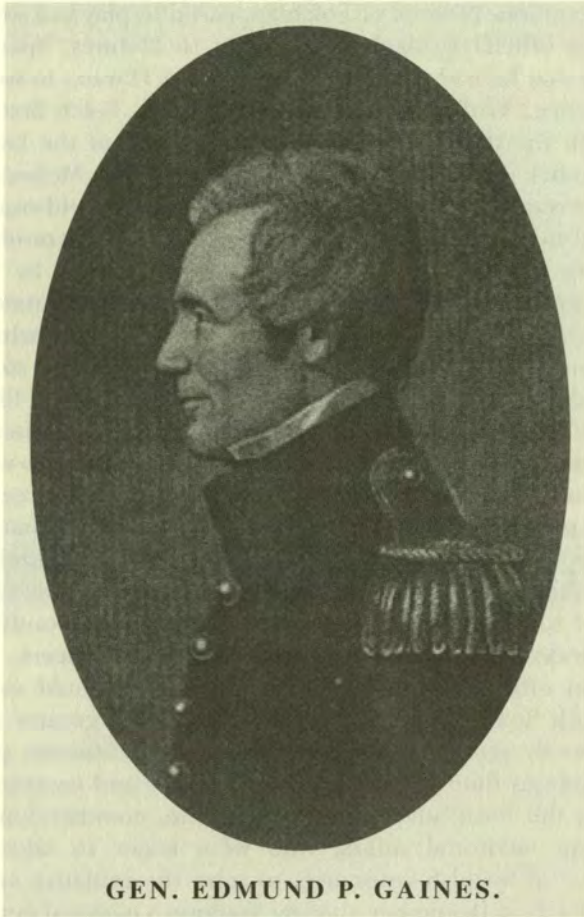
15. Smith to Claiborne, October 27, *ASPF*, 3: 397; Cox, 483-484; Davis, 233.

no different from Convention rebels. Nor were the Spanish wrong. Commanders and former commanders of the militia like Joseph Kennedy and James Caller had been organizers and supporters of the "Mobile Society" during the summer, loudly applauding the Convention rebellion and calling for the seizure of Mobile. Kennedy renounced his American citizenship to take a military commission from West Florida. The militia included settlers of widely varying stability; uncloaked by militia status some turned to banditry. To the Spanish, claiming that they were militia rather than filibusters was no more honest than the American claim to West Florida.¹⁶

Senior U.S. officials, both civil and military, aggravated these suspicions through their informal diplomacy. In October, James Wilkinson wrote privately from Washington to James Innerarity, a leading merchant sympathetic to the United States in Mobile, suggesting that the town surrender rather than face a filibuster siege. Wilkinson asked Innerarity to see if the Spanish commandant would be willing to act on past hints from Governor Vicente Folch by calling for U.S. assistance—effectively turning over control of the town and province—against the threat to life and property, a threat posed by Americans whom the United States was failing or refusing to control. Edmund Gaines and his father-in-law Harry Toulmin both got in on the negotiations during November, with Gaines acting as Sparks's emissary. Toulmin, who the Spanish apparently permitted to enter Mobile, repeated Wilkinson's suggestion to Innerarity, and sought to intervene in a meeting between filibuster leaders Reuben Kemper and Joseph Kennedy to forestall violence and disorder. Harkening back to his experience as customs collector during a decade on the Mobile frontier, Gaines proposed a less expansionist solution: that Sparks employ a standing order from the War Department to request that Folch abolish the duties on American goods at Mobile, which would end the pretext for an attack on the port. This was hardly very realistic given the belligerent chauvinism of the filibusters; when Sparks sent two soldiers with Toulmin's pacific message to an American justice of the peace, the filibuster-militia detained them, supposedly as deserters.¹⁷

16. Claiborne to Audley L. Osborn, December 5, and Secretary of State Smith, January 3, 1811, *LBWCCC*, 5: 45 and 69; *Journal of the West Florida Convention*, October 10, Library of Congress.

17. Wilkinson to James Innerarity, October 10, cited in Waciuma, 171; Cox, 471-482; Toulmin to Madison, November 22 and 28, *PJM*, 3: 23 and 37. The soldiers



GEN. EDMUND P. GAINES.

Major General Edmund Pendleton Gaines, 1777-1849. Oil on canvas by John Wesley Jarvis. Image in Frank E. Stevens, *The Black Hawk War* (1903).

were quickly released, but the filibusters were not punished, presumably because they claimed to be acting as militia commanders, dutifully checking to prevent desertion. See James W. Silver, *Edmund Pendleton Gaines: Frontier General* (Baton Rouge: Louisiana State University Press, 1949), for Gaines's career; he served simultaneously as the military commander, civilian customs collector, and postmaster at Fort Stoddert for most of the period between 1801 and 1810. He was also charged with surveying and clearing the post road for the mail within U.S. territory, and he and another officer acted as postal inspectors. *TP*, 5: 459-464 and 468-479; Harry DeLeon Southerland, Jr., and Jerry Elijah Brown, *The Federal Road through Georgia, the Creek Nation, and Alabama, 1806-1836* (Tuscaloosa: University of Alabama Press, 1989), 27.

Throughout November Folch appeared to play ball with every American official available, explaining to Holmes, Sparks, and Toulmin that he had advised his superiors at Havana to surrender the province. While awaiting word from them, Folch first offered to abolish the duties on American goods, and at the beginning of December told former U.S. Indian agent John McKee that he would surrender at the end of the month, with or without orders, if he had not been reinforced. Yet Folch was doing double duty, practicing the diplomatic delaying tactics beloved by Spanish officials since the 1790s while pressing the U.S. government to act against the invaders in the interests of local stability, sparing Spain the political, diplomatic, and financial costs of doing so. Folch therefore agreed to permit Sparks to pursue and arrest filibusters in territory still claimed by Spain, as Gaines had promised to do, but Sparks had no real desire to halt the frontiersmen, to whom he had become sympathetic, undercutting the apparent agreement by refusing to act without explicit orders from the War Department.¹⁸

Complex questions of authority, subordination, and accountability quickly came into play amid this rapidly changing welter of local, regional, and national diplomacy, conducted by private individuals as well as civil and military officers. All the American officials wanted Mobile, but none wanted to hazard peace with Spain, or their careers—probably a greater concern for most—by acting too precipitously. Their different positions and emphases then led to further confusion and cross-purposes, enabling the local advocates of expansion, commanders of the Mississippi territorial militia who were eager to take Mobile regardless of Spanish resistance, to seize the initiative and drive events. Early in December, sharing Toulmin's national perspective about constitutional war powers and hoping to forestall an attack on Mobile, Choctaw agent Silas Dinsmoor advised the judge to arrest filibuster leaders. Toulmin, the official most committed to upholding national sovereignty, international law, and local order,

18. *PJM*, 3: 38-39, notes 1-5; Folch to John McKee, December 2, *TP*, 6: 147, and to Secretary of State Robert Smith, December 2, in the *Hartford Courant* (with letter to McKee, Madison's message to Congress, and the congressional resolution and act), June 26, 1811, P. K. Yonge Library of Florida History, University of Florida. Folch's true views, realistically pessimistic but loyal to the Spanish crown, can be found in his "Reflections on Louisiana," in James A. Robertson, ed., *Louisiana Under the Rule of Spain, France, and the United States, 1785-1807*, 2 vols. (Cleveland: Arthur H. Clark, 1911), 2: 325-347.

had Joseph Kennedy, Reuben Kemper, and local magistrate John Callier (who abetted the filibusters' organization) temporarily detained (probably using military force) and questioned them at Fort Stoddert between December 7 and 12.

Yet personal and expansionist sympathies continued to sway Sparks, with whom Reuben Kemper "was in habits of constant, daily, familiar and confidential intercourse." Indeed, Toulmin contended that some of the army officers "had actually renounced the U. States, & all had subscribed an oath of allegiance to the Convention, [and] were adopted and authorized by Callier [Callier], as officers to command the militia." The judge may have been referring to militia officers; it seems highly unlikely that many federal officers would break their oaths merely to join a filibuster, when it was likely that the army itself would advance against Mobile. Nor would they need to take the more radical step of swearing an oath to another government, however American or pro-American the Convention appeared. In any case, Kemper pressed Sparks to send a message to Mobile offering some sort of cease-fire in Kemper's name. When Toulmin explained that this would tacitly recognize Kemper as a representative either of the United States or a sovereign West Florida, Sparks's subordinates hesitated and the colonel appeared to back away from the idea. Yet Sparks remained as pugnacious as he was volatile. Reversing himself for a second time in the space of a single day, the colonel dispatched Kemper's proposal to Mobile, giving it even greater diplomatic weight by placing it in the hands of a U.S. lieutenant.¹⁹

Toulmin temporarily regained the upper hand by employing the personal connections he had developed during six years in the region to play the military commanders against each another. Acting in concert with his father-in-law, Gaines intercepted the lieutenant and prevented the delivery of Kemper's letter, while Toulmin soft-pedaled the incident to Madison by attributing Sparks's sympathy for filibustering to inexperience. The judge was being conciliatory, for Sparks had entered the U.S. Army nearly two decades before, and had served in the southern borderlands for most of his career, often in politically sensitive operations removing white citizen squatters from Indian or public lands, operations that required just the sort of judicious firmness Sparks should have displayed toward

19. Toulmin to Madison, December 12, 1810 and January 10, 1811, *PJM*, 3: 68-69 and 110-111.

the filibusters. Instead, while Claiborne lamented that he could not “act against” the Spanish posts at Pass Christian and Pascagoula without explicit presidential authorization, the impetuous colonel assured Claiborne that he would find Sparks’s cooperation “not less zealous than it has been for *thirty years* past.”²⁰

Though filibuster efforts had been repeatedly frustrated, the colonel then tried to urge Mobile’s surrender by playing on Spanish fears, probably shared by many local inhabitants, about depredations by militia-filibuster-marauders. This time he deployed U.S. troops, precipitating renewed international crisis. On December 21, Reuben Kemper left Fort Stoddert to try to kidnap the Spanish commandant at Mobile (who lived in a house in the town, rather than the fort), to compel him to order the fort’s surrender (According to Toulmin he left from Sparks’s house, where he had been staying, his legal status unclear, though the judge again excused the colonel from culpability.). Toulmin used his connection with Gaines to press Sparks to stop the foray; influenced by six months of expansionist rhetoric and intrigue, the colonel initially professed surprise at Kemper’s action but opined that Kemper was secretly backed by the U.S. government. When finally persuaded he was wrong, Sparks appeared to change his tune, breathlessly exclaiming to Claiborne that he had found “*undoubted proof*” that Kemper intended “to *commit depredations on the Inhabitants*, and probably *deluge it in blood*, as a revenge” for his defeat at Saw Mill Creek.²¹

Yet Sparks had no intention of giving up the quest to cleanse West Florida of Spanish occupation, repeating that he would “rejoice to have an opportunity to convince my Country (whatever my services may be) that thirty years of active service have not extinguished my Zeal.” Indeed, the pugnacious colonel felt “much pleasure” advising Claiborne “that five complete companies of Volunteers [none other than the filibuster-militia] await with anxiety for the command to march” on Mobile; Sparks intended

20. Ibid.; Claiborne to Smith, December 17, and Sparks to Claiborne, December 16, 1810, *LBWCCC*, 5: 58 and 42. Emphasis in original, as throughout this essay. Army biographical sources list Sparks entering the Legion of the United States as a captain in 1792; he is not on the 1784 or 1789 registers of officers, but probably served during the Revolution, or he would have been commissioned a lieutenant or an ensign rather than a captain in the Legion.

21. Toulmin to Madison, January 10, 1811, *PJM* 3: 112; Sparks to Claiborne, December 21, 1810, *LBWCCC* 5: 73.

to supply them with arms from Fort Stoddert, while “the force under my *immediate* command [meaning the regulars] awaits the moment’s warning.” Justifying himself with Madison’s October proclamation of U.S. sovereignty to the Perdido, and the advice of his subordinate officers, the colonel sent Gaines, three other officers, and 50 regular soldiers “to take a station in the vicinity of the Town to stop Col. Kemper.” However, peacekeeping was not Gaines’s primary mission; Sparks simultaneously expressed his confidence that Spanish officials would surrender to a representative of the U.S. government to avoid bloodshed, presumably by the very filibusters Gaines was supposed to stop. How could Spanish officials possibly tell the difference between filibusters, militia, and U.S. troops? The tension between accountability to constitution, law, and civil authority and the operational discretion customarily granted to military officers amid the uncertainties of borderlands communications was about to be tested as never before, by a very junior officer with little more than a decade in the army, who felt little of that tension in his pursuit of American expansion. The army’s subordination to constitutional civil authority had not been so sorely tried since James Wilkinson made his decision to halt and turn against Aaron Burr on the banks of the Sabine River four years before.²²

Stationed on the southern frontier since 1801, Edmund Gaines’s long experience pressing for the navigation of the Mobile River had encouraged an expansionism tempered only by his father-in-law: the captain had expressed hopes to win martial glory against Mobile several years before the crisis. Arriving outside Mobile on December 22, Gaines mustered the milling filibusters into the Mississippi territorial militia, obligating the federal government for their rations and pay, but hopefully bringing them under federal military control, though disciplining them would prove difficult. (However, the Constitution does not permit military commanders to raise or muster troops on their own initiative—a constraint Gaines would clash against throughout his career.) Then, following a miniature council of war with his subordinates,

22. Ibid., 5: 72-74. Sparks had not always been so eager to cooperate with federal civil officials; in April 1797 he refused to provide an escort for the commissions negotiating the second Tellico treaty with the Cherokee, and ordered a subordinate to refuse to do so (Luke H. Banker, *Fort Southwest Point, Kingston, Tennessee* [Kingston, Tenn.: Roane County Heritage Commission, 1984], 38-39).

Gaines sent regular army captain John R. Luckett—one of the officers implicated, though exonerated, in the Burr Conspiracy in 1806—to demand the town's surrender under the authority of Madison's proclamation, despite State Department orders to Claiborne forbidding the use of force against Spanish positions. Whether the governor ever forwarded Smith's instructions to any military commander remains unclear, nor does it seem that the War Department issued similar orders; Gaines and Sparks certainly did not write or act as if they had, but the Constitution does not grant the authority to initiate war to military officers. Gaines advised the Spanish commandant, Captain Cayetano Pérez, that Sparks had ordered him "to take possession of the fort" and "demand[ed] an immediate reply." Pérez refused to hand over the fort, and Gaines reported that he then "entered into a verbal agreement to suspend my Operations against the Fort, until an Officer could be sent to Pensacola" to see if Folch would order Pérez to surrender Mobile. Nevertheless, unwilling to forgo the opportunity for martial display and intimidation, Gaines took position half a mile from the fort, in plain view of its garrison. While tens of thousands fought in massed battles against Napoleon for the fate of Spain, a mere captain threatened war between Spain and the United States.²³

Miscommunication and misperception, perhaps intentional, pervaded American discourse throughout the crisis. Indeed, this willful confusion was almost a necessity for American officials if they were to preserve a pretense of legitimacy. Thus Gaines's ultimatum

23. Cox, 511-514; Toulmin to Madison, January 10, *PJM* 3: 112; Smith to Claiborne, October 27, 1810, cited in *PJM* 2: 596, note 4; Gaines to Pérez, and response, December 22, 1810, and to Cushing, January 2, in Cushing, January 15, file C-335, SWLR:Reg. (this folder will hereafter be cited only as "Cushing, file C-335"). See Gaines to Secretary of War Henry Dearborn, January 19 and April 17, 1807, *TP* 5: 495 and 546-547, for earlier examples of his expansionism. All documents from this point forward are from 1811, unless otherwise indicated. Gaines mustered the militia under the auspices of Mississippi governor Holmes' authorization to Sparks (Davis, 234). The War Department sent orders to Cushing that implied he should not attack Spanish posts, but did not forbid threats or intimidation against them (December 21, 1810, *TP* 6: 163). Luckett's full name was John Roger Nelson Luckett, hence some sources refer to him as Nelson, or John N., Luckett. See Luckett deposition re Burr, enclosed in Wilkinson, January 15, 1807, file W-234, SWLR:Reg.; Surgeon's Mate Richard Davidson, file D-1807, SWLR: Unregistered Series; Wilkinson, January 8, 1807, SWLR: Unregistered Series. Ironically, Gaines was the officer who detained Aaron Burr, while Luckett conveyed Burr associate John Adair as a prisoner to Washington early in 1807; see Silver, 14-15.

to Pérez asserted the “conciliatory course” of the U.S. government while explaining the “weighty considerations of duty and Attachment by which the officers of the American Army are prompted to support a measure adopted by their beloved President,” as if the Spaniard had no duty or attachment of his own. Despite Pérez’s written refusal, Gaines encouraged Sparks by claiming that the Spanish commandant “verbally expresses great willingness” to surrender the fort. More dangerously, the pugnacious captain seems to have believed that Madison had authorized an assault on Spanish positions, without questioning the absence of written orders from the War Department, which were so dear to most of his fellow commanders. Though Pérez warned that he would fire if more than five or six Americans approached the fort together, Gaines now claimed the militia-filibusters were unnecessary to implement American plans: “I trust [the Spanish] will not be so silly as to put themselves to the hazard, or us to the trouble of scaling the Walls of the Fort, as the conflict will endanger the Town. . . . the Regulars [by themselves] are capable of doing the Work.” (He did ask Sparks for two field guns, presumably for intimidation; at some point the colonel reinforced Gaines with a company of mounted militia.) Meanwhile another officer, part of the detachment that had occupied the region around Baton Rouge, lamented being recalled to Fort Adams on the Mississippi: “why we return I am unable to conjecture—our force is certainly sufficient to bear down all opposition—our leaders are perhaps waiting to hear from Congress”—as they were supposed to under the Constitution.²⁴

In a rare moment of caution—perhaps from fear his subordinate would get all the glory—Sparks responded that Gaines should “act on the defensive, until I arrive with reinforcements.” (Preempted by Thomas Cushing’s arrival at Mobile on January 3, Sparks does not appear to have gone there during the crisis.) Gaines did try to reassure the civilian inhabitants of Mobile, sending Captain

24. Gaines to Pérez, and response, December 22, and Gaines to Sparks, December 23, 1810, in Cushing, file C-335; Cushing to Claiborne, January 8, enclosed in Cushing, January 8, file C-336, SWLR:Reg.; Baltimore *Federal Republican and Commercial Gazette*, January 29, and Wilmington *American Watchman*, February 27 (enclosing a December 28, 1810 “letter from an officer of the army”), Readex America’s Historical Newspapers online database (http://0-infoweb.newsbank.com.usmalibrary.usma.edu/iw-search/we/HistArchive?p_product=EANX&p_action=timeframes&p_theme=ahnp&p_nbid=L63S4FPI MTM3MjI2ODc0NC4zNTUxMzE6MT0xMjoxMzQuMjQwLjYuMzA&p_clear_search=yes&d_refprod=EANX&, (accessed 25 June 2013).

Luckett back to Pérez on New Year's Day with assurances "that no operations . . . will be commenced against the Fort" without "timely notice" to enable civilians to depart: "considerations of humanity, and the honor of the United States Troops, dictate this course." Hoping that Pérez would accept U.S. claims as more legitimate than rebel or filibuster ones, Luckett tried to distinguish between U.S. soldiers and filibusters by emphasizing that the West Florida Convention had been superseded by the United States through Madison's proclamation. Presumably the filibusters still roaming around Mobile had entered U.S. service—or the United States lacked the will or ability to enforce national law and civil order in the face of armed citizens, which is probably how Pérez understood the situation. Either way, the Spaniard remained unintimidated, a more dutiful officer of his sovereign than the Americans were of theirs.²⁵

Sparks and Gaines appeared well in tune with their civilian superiors in Washington, but the spirit and politics of the moment continued to collide with the letter of the law. In January 1811 Congress secretly granted Madison the authority to "preoccupy" West Florida as far as the Perdido River (just west of Pensacola) in order to forestall foreign (presumably British) intervention there, and the State Department launched special agents George Mathews and John McKee toward the Florida frontier in pursuit of pretexts. The congressional resolution added legislative sanction to Madison's proclamation of sovereignty, reducing the likelihood of conflict over the separation of powers in case the American advance led to war, but no explicit decision had been made authorizing an assault on Spanish positions, perhaps because Madison and the secretary of war—neither noted for their administrative efficiency—assumed none was necessary. After all, why would military officers think themselves authorized to commit acts of war, as international custom certainly viewed such an assault, without a declaration of war, or at least specific instructions from the national executive? If intimidation failed, would the United States go to war to extend its sovereignty over Mobile? Would miscalculated efforts at intimidation by a 34-year old captain lead

25. Sparks to Gaines, December 24, 1810, Gaines memo for Luckett, January 1, and Gaines to Cushing, January 2, in Cushing, file C-335; Cushing to Claiborne, January 8, enclosed in Cushing, January 8, file C-336, SWLR:Reg.

to war without the constitutionally requisite declaration by the people's elected representatives in Congress, and perhaps to the British intervention Madison hoped to preempt?²⁶

The colonel and captain faced little immediate oversight nor restraint except from Judge Toulmin, the only senior civilian official on the scene. Neither Holmes or Claiborne were at Mobile or Fort Stoddert during the crisis, and Holmes left little record of attention to the illegal expeditions afoot in his territory that December. James Wilkinson had been in Washington since mid-1810, and Hampton had not exerted effective command over Cushing, Sparks, and Gaines, during the Convention rebellion or the occupation of western Florida. Indeed, Wilkinson's absence gave Claiborne a long-sought opportunity to try to centralize the direction of civil and military affairs in pursuit of expansion; Claiborne, rather than Hampton, led the army force that occupied the "Florida parishes" along the Mississippi in December. The pugnacious governor simultaneously sought intelligence on Spanish strength at Mobile and Pensacola, despite receiving explicit orders from the State Department that forbade using force against Spanish posts. Yet Claiborne's thirst for expansion was frustrated by Toulmin's unrelenting pressure on the military commanders, which created enough uncertainty about civilian support to induce a modicum of caution and accountability to orders (however vague or implicit). This restraint, and subordination to national civilian authority, was then bolstered further by the resistance of Brigadier General Wade Hampton, Wilkinson's replacement as theater commander, to direct command by Claiborne over his subordinates. Historian Theodore Crackel points out that one reason President Jefferson commissioned Hampton brigadier in 1808 was to loosen Wilkinson's hold over the allegiances of the officer corps; Hampton's appointment does not seem to have

26. Madison's request for the authority to preoccupy West Florida (dated January 3, 1811) is in James D. Richardson, comp., *Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), 2: 473; the congressional resolution is in the *U.S. Statutes at Large* 3: 471-472. See also William S. Belko, "The Origins of the Monroe Doctrine Revisited: The Madison Administration, the West Florida Revolt, and the No Transfer Policy," *Florida Historical Quarterly* 90 (Fall 2011): 157-92, and more generally John A. Logan, *No Transfer, An American Security Principle* (New Haven: Yale University Press, 1961).

done much toward that end, but did foster far more international restraint. Whether this outcome was expected or intended, or whether Madison was as worried about restraining Wilkinson as Jefferson had been, remains unclear.²⁷

Hampton's behavior in command demonstrates that Wilkinson was not the only senior military officer whose personality shaped policy and outcomes in the borderlands. Hampton focused on the defense of New Orleans when first he took command; he had often been ill; and he was probably distracted by his extensive investments in Louisiana plantations. After the new year, the slave rebellion in the German Coast region of Louisiana, along the Mississippi across from the "Florida parishes," a revolt that Hampton believed the army's dispersion had encouraged, combined with the general's anger with Claiborne over the governor's claim to order military deployments, spurred Hampton to self-assertion. Some scholars have suggested that that German Coast rebellion put the offensive against Mobile "on hold," an argument that suits modern interpretive perspectives very nicely, but Hampton's language demonstrates that his primary motive for restraining his subordinates was mounting anger at Claiborne's attempts to command them. The German Coast rebellion was quickly repressed early in January, and there is no evidence that troops were redeployed from Florida to Louisiana in response. It is doubtful that the general was opposed to expansion per se, but the effect of his irritation was military reluctance to press forward along the aggressive lines laid out by the other government officials

27. Claiborne to Secretary of State Smith, January 6, Folch, January 7, and Jefferson, January 20, *LBWCCC* 5: 89-90, 93, 113; Smith to Claiborne, October 27, 1810, cited in *PJM* 2: 596, note 4; Theodore J. Crackel, *Mr. Jefferson's Army: Political and Social Reform of the Military Establishment, 1801-1809* (New York: New York University Press, 1987), 174-175. There are only two letters from Holmes in the published Mississippi Territorial Papers between December 3, 1810, and January 8, 1811, one of them to Toulmin on December 26 lamenting that filibusters were still operating. While the full Territorial Papers in the State Department contain more correspondence, it is remarkable that there was so little worth publishing about Holmes' attitude toward the filibusters, particularly after he had acted as the government's point man in the region during the summer and autumn of 1810. Perhaps Holmes saw Madison's selection of Claiborne to direct the occupation of West Florida as placing him in a subordinate position, or relieving him of responsibility for events in West Florida, but the focus of filibustering had shifted to the Fort Stoddert area, in Mississippi Territory, Holmes' responsibility.

in the region, bringing the extension of U.S. sovereignty in West Florida to a halt until Wilkinson resumed command in 1813.²⁸

Hampton began his reassertion of institutional control in December by dispatching Colonel Cushing, his senior subordinate and a former adjutant and inspector general, who had initially led the troops that faced Spain on the Sabine in 1806, to Mobile to take command from Sparks and Gaines. Federal civil officials, perhaps with more national perspectives or allegiances than the regionally oriented Claiborne, also continued trying to restrain the filibuster-militia. Growing ever more desperate, Judge Toulmin, who had gone to Mobile in part because he held the contract for purchasing supplies for the U.S. troops, sailed for 28 hours onto Mobile Bay to find Cushing and persuade him to disband the ill-disciplined militia, for whom few provisions were available. Whether because of Toulmin's advice, the lack of supplies, or Gaines's confidence in the regulars, on December 28 Cushing instructed Sparks, who appears to have remained at Fort Stoddert during the crisis, that no militia would be required around Mobile. Yet according to Toulmin, Sparks initially responded by avowing the need for the militia, sending one of its officers, whom Toulmin labeled "a partisan . . . of the Kemper expedition," to Cushing with the instructions to call out militia to stop filibuster depredations around Mobile that he had received from Claiborne. In any case, Gaines's January 1 memo for Luckett, on the scene at Mobile itself, indicated that Cushing had decided to keep the militia in the field. The colonel may have changed his mind, expecting resupply or hoping to keep potential filibusters and bandits under military discipline, or Gaines's memo may have expressed the captain's understanding of Cushing's views before December 28; the documentary record does not make it clear, given uncertainty over when the letters were actually received.²⁹

Logistics ultimately proved decisive, as hunger displaced greed and ideological zeal: on January 2 Sparks advised Cushing that he

28. Ronald E. Bridwell, "The South's Wealthiest Planter: Wade Hampton I of South Carolina" (Ph.D. dissertation, University of South Carolina, 1980): 579-583; Kastor, "'Motives of Peculiar Urgency,'" 840. Note that Hampton wanted to resign if "the state of public affairs permits" (April 7, 1810, file H-106, SWLR:Reg.).

29. Toulmin to Madison, January 10, *PJM* 3: 113; Cushing to Sparks, December 28, 1810, Gaines memo for Luckett, January 1, in Cushing, file C-335.

had only three days' provisions and had sent home a company of militia riflemen. (It is not clear whether this was from Fort Stoddert or Mobile, but they were so close that it makes little difference.) Tensions remained high: Cushing observed that "a General expectation of immediate hostilities pervaded all ranks" upon his arrival with gunboats and approximately 300 regulars on January 3; the people of Mobile had fled to the fort or the countryside, fearing the town would be destroyed by an exchange of artillery fire. (Cushing did contribute to these fears: Captain Pérez refused his request to sail upriver, pending permission from Folch, but Cushing did so anyway.) Still lacking written authorization to initiate hostilities, Cushing, a former adjutant general well acquainted with the demands and constraints of legal accountability and political reality, decided to call a halt to aggressive proceedings. Trying to refashion a semblance of accountability, Cushing reported to the War Department that he had initially believed that Sparks was acting on Hampton's orders. Finding this was not the case, on January 4 he advised Sparks that there was no good motive "for calling out the militia, or authority for sending Captain Gaines" to Mobile, asserting that his subordinates' actions "could not have been contemplated by Claiborne." The colonel then instructed Sparks to send home the four to six companies of militia at Fort Stoddert.³⁰

The colonel was giving Claiborne more credit than he deserved. Just a week before, the governor had hinted that Cushing should "invite" the Spanish to "evacuate" Mobile "if . . . you should have good reason to believe, that a disposition exists" to do so "peaceably." On the other hand, Claiborne warned Cushing not to enter any "formal negotiation, nor sign any instrument . . . which should look like Articles of . . . Capitulation" by the Spanish, for these might suggest a state of war. Claiborne's objective was to avoid political embarrassment, and hopefully real war, by preserving the fiction of peace while intimidating Spanish officials into surrender. The following day the governor cautioned Sparks that if the Spanish refused "the demand you designed to make"—a demand that

30. Sparks to Cushing, January 2, and response, January 4, in Cushing, file C-335; Cushing to Claiborne, January 8, enclosed in Cushing, January 8, file C-336, SWLR:Reg. Cushing had originally been dispatched to Fort Stoddert; he reported that it took him 49 (!) days by ship from Natchez to Mobile due to adverse winds and weather, probably most of it waiting in New Orleans.

Sparks had not actually stated to Claiborne, showing how clearly they understood each other—"it will *then* [and not before] be proper" to advise them that he had no authority to attack the fort. In other words, the governor hoped the appearance of U.S. regular troops would intimidate the Spanish into surrendering, but he was foolishly arrogant to imagine that the Spanish, heirs to centuries of intricate bureaucracy and nuanced diplomacy, would do so without inquiring into their authority.³¹

Cushing could hardly pin the blame for this belligerence on the senior federal civil official south of Tennessee and west of Georgia. Instead, trying to preserve some shred of deniability, the colonel reasserted military accountability to national policy, advising Sparks that his actions were "much to be regretted" and reassuring the War Department that he considered the ultimatum to Pérez an "ill-timed . . . embarrassment." On January 8 the colonel remarked to Claiborne that he "assumed" the governor had orders from Washington, and was therefore willing to follow Claiborne's directions, but had heard nothing from Hampton or the War Department. Indeed, the colonel reported to the War Department the same day that he did not know where Hampton was. (On December 21 the War Department sent Cushing authorization to occupy any posts the Spanish "voluntarily offered or abandoned," but these instructions would not arrive for weeks. Nor, unlike Claiborne's instructions, did they forbid the sort of threats and intimidation Sparks had ordered and Gaines had practiced.) Cushing had not heard from Pérez since his arrival nearly a week before, but the colonel's lack of instructions led him to take the initiative in calming tensions. On January 9 he advised the Spaniard that he would not use force without further orders; two days later he promised Pérez that he would act "by every means in my power to maintain and promote" peace. The events that followed were no more paradoxical, and much happier for all involved in the crisis, than Sparks's wavering between law enforcement and aggression. Recognizing fellow military gentlemen, the two commanders took to calling on one another, developing "a friendly intercourse"; Pérez allowed Cushing to rent a house in Mobile while his soldiers waited in tents outside the town; Judge Toulmin thought this gave

31. Claiborne to Cushing, December 27, and to Sparks, December 28, 1810, in Cushing, file C-335.

"much confidence to the inhabitants." Indeed, the judge reported that Cushing had brought his "family" to live in the house, though this probably meant the colonel's military aides. By mid-January Cushing had discharged the militia; Pérez then allowed Toulmin to land supplies, and Reuben Kemper gave up and went to Baton Rouge.³²

Unfortunately for Cushing, Claiborne's assertions of military authority, however innocently intended, angered Hampton, and cooperation between federal civil and military officials outside Mobile came to a virtual standstill, reinforcing obstacles to American military adventurism. Shortly after Christmas, more concerned about the growing dispersion of his troops around the Gulf than with establishing civil order in West Florida, the general countermanded Covington's move, made at Claiborne's request, to send two companies to patrol the shores of Lake Pontchartrain. For Hampton, institutional authority and professional privilege were priorities: "so far as the military pride of the officer, and the reliance upon his professional rights can be considered as of any utility to the army," Claiborne's command over its officers "cannot have been exercised without the infliction of a deep injury to the institution." Never one to remain tactfully silent, Hampton pinned his sword to the wall, demanding from the secretary of war "when in the name of Heaven are we to have done with the civil authority, & when shall our officers be taught to [recognize the] only legitimate course of official communication [the military chain of command] without which every attempt at military subordination is a mere farce!" The imperious general had somehow forgotten that Eustis was the immediate agent of civilian control over the army under the Constitution, but the Madison administration was far too weak politically to make an issue over the imperious general's slip of the

32. Cushing to Sparks, and to Pérez, January 4 and 9, 1811, in Cushing, file C-335; Cushing to Claiborne, January 8, enclosed in Cushing, January 8, file C-336, SWLR:Reg.; Eustis to Cushing, December 21, 1810, *TP*, 6: 163; Toulmin to Madison, January 23, *PJM*, 3: 130; New York *Spectator*, January 23, *Readex America's Historical Newspapers* online database (http://0-infoweb.newsbank.com.usmalibrary.usma.edu/iw-search/we/HistArchive?p_product=EANX&p_action=timeframes&p_theme=ahnp&p_nbid=L63S4FPIMTM3MjI2ODc0NC4zNTUxMzE6MT0xMjoxMzQuMjQwLjYuMzA&p_clear_search=yes&d_refprod=EANX&, (accessed 25 June 2013). Cushing and Gaines resided in Mobile while their troops were deployed outside the town, a fine example of genteel reciprocity among U.S. and Spanish national officers.

pen. It would take a real war before the nation could escape such self-centered generals as Wilkinson and Hampton. Both men lost their field commands after refusing to cooperate with each other in the offensive against Montreal in the fall of 1813; Hampton resigned the following April and Wilkinson was discharged in 1815.³³

By the beginning of 1811, Claiborne had concluded that the Spanish would not surrender or withdraw from Mobile. Although officers at distant posts, including at least one Federalist, continued to express satisfaction at U.S. expansion into West Florida, matters around Mobile again settled into a standoff. On January 24, Claiborne tried to conciliate Hampton by insinuating that the troops had only been sent to Mobile at Sparks's initiative, to prevent depredations by the filibusters, "a subject of some moment which I omitted to introduce to your attention." The governor suggested that a Spanish attempt to reinforce Mobile would constitute an incursion into U.S. territory, justifying an assault on the fort. The general agreed to uphold U.S. sovereignty under the president's proclamation, instructing Cushing to prevent the arrival of Spanish troops "by force," but did not take Claiborne's hint or attempt to stop food from reaching the fort. A nationalist like any other government officer, Hampton does not appear to have been opposed to extending American sovereignty eastward, but he wanted to direct the soldiers under his command himself. Early in February he relented to the point of envisioning aid to the civil power for "maintaining order, and suppressing any opposition to the laws," but made sure to lecture Claiborne that "it can never be supposed that the President . . . would attempt to exercise" his military authority "by the substitution of an authority destitute of Military rank" like the governor. Hampton's limited patience quickly wore thin. On February 3, Cushing erred by telling the general that removing the troops from Mobile would "have a very unhappy effect on the minds of the inhabitants . . . & will subject all those who are desirous of becoming American Citizens, to the most tyranic [sic] & insulting treatment from the Spanish Commandant." Now believing his chief subordinates in league

33. Claiborne, January 3, file C-330, Covington, December 25, 1810, file C-323, Hampton, January 3 and 19, files H-278 and 294, SWLR:Reg.; Claiborne to Secretary of State Smith, December 23 and 28, 1810 and January 3, 1811, *LBWCCC*, 5: 59, 66, 70-71.

with the governor, Hampton blew up and initiated court-martials against Cushing and Sparks for their “unauthorized measures” outside Mobile, while tasking Covington with “the suppression of all unauthorized military enterprises by the Inhabitants” of West Florida. The self-righteous general felt none of Cushing’s need to cover for his superiors, chiding the secretary of war that his “unfortunate” habit of writing directly to subordinate officers had deluded Hampton into believing Sparks’s actions were legitimate.³⁴

The chance, however remote, of Spanish capitulation also ended in February, when Folch was resupplied with specie, assured of assistance by his superiors in Havana, and ordered to defend his province “until the last extremity.” In March Hampton attempted to resume negotiations with Folch, but he refused to give up any operational control over his subordinates. In April, reacting to War Department orders to cooperate with Madison’s special agents, George Mathews and John McKee, the general directed Covington that “any requisition . . . requiring a movement of any portion of the troops under your command is to be forwarded to me for my instructions.” Following Hampton’s lead, Covington refused to give Madison’s agents troops to occupy the eastern shore of Mobile Bay: they lacked specific written authorization, and he saw no imminent foreign threat. The colonel did send two companies to Pass Christian at Hampton’s direction, but refused to aid customs enforcement at Fort Stoddert early the following year. During the month of March, Convention loyalists raised that flag at St. Francisville by the Mississippi River, but Hampton threatened force to have it taken down, and U.S. sovereignty was reaffirmed. For the rest of the year army operations in West Florida focused on

34. Claiborne to Secretary of State Smith, January 3, *LBWCCC*, 5: 71; Col. Jacob Kingsbury to Surgeon Francis LeBarron, February 28, Kingsbury Papers, Burton Historical Collection, Detroit Public Library; Claiborne to Hampton, January 24, *LBWCCC*, 5: 115-116; Hampton to Cushing, January 24, and to Claiborne, February 9, Cushing to Hampton, February 3, all enclosed in Cushing to Hampton, February 27, file C-362, SWLR:Reg.; Hampton, February 21 (enclosing Hampton to Covington, February 20), file H-306, SWLR:Reg.; Hampton to Covington, April 9 and May 9, Mathews and McKee to Covington, May 9, and response, May 10, all enclosed in Covington, May 22, file C-414, SWLR:Reg. Claiborne to Hampton, February 14, *LBWCCC*, 5: 153-154, asserted the need to advance American authority to the Perdido River, per Madison’s proclamation, and to establish a post from which to ward off Spanish moves and launch an offensive against Mobile when authorized. Claiborne also asserted his military authority as governor per various acts of Congress, but indicated that he would not seek to exercise it.

restraining the brigandage of filibusters-turned-marauders. The general did send Gaines back from Stoddert to Mobile in March, when Claiborne requested assistance against banditry, but the marauders turned out to be on the Pascagoula, where as many as 300 U.S. troops were sent in pursuit of a band led by Sterling Dupre. Filibustering against Spain remained acceptable among American frontiersmen, and a grand jury sitting in Toulmin's court refused to indict Reuben Kemper for violations of federal neutrality law.³⁵

Tensions between the United States and Spain continued; in May Folch declared that U.S. ships would not be permitted to pass Mobile without permission from his superior, the governor general of Cuba. Two months later, U.S. gunboats maneuvered up a side channel in the Mobile River to threaten the Spanish fort, compelling the Spanish to allow an American ammunition vessel to pass. That autumn the army began building roads from Fort Stoddert to Baton Rouge, the Tennessee River, and Fort Hawkins (essentially modern Macon), in Georgia, consolidating the American hold over West Florida outside Mobile and preparing for future power projection against Indians and Spain. Probably tired of surveying roads (he had done an early survey for the Natchez Trace), Gaines took furlough in August; the sympathetic Claiborne offered him a commission as judge for the new parish of Bay St. Louis. Despite his exertions to maintain peace and constitutional authority, Cushing was found guilty of "taking an improper and unauthorised [sic] attitude with his command contiguous to the town of Mobile,"

35. Secretary of State Smith to Folch, January 28, *TP*, 9: 922; Folch to John McKee, February 27, enclosed in Cushing, February 27, file C-396, SWLR:Reg.; Bridwell, "The South's Wealthiest Planter," 583 and 608; Rembert W. Patrick, *Florida Fiasco: Rampant Rebels on the Georgia-Florida Border, 1810-1815* (Athens: University of Georgia Press, 1954), 36; Cox, 580-581; Hampton to Covington, May 9, enclosed in Covington, May 22, file C-414; Claiborne to Secretary of State James Monroe, March 22, *LBWCCC*, 5: 187; Major John Darrington to Lt. George Birch, February 22, in Birch, "Private Journal," Birch Family Papers, Historical Society of Pennsylvania; Toulmin to Madison, March 14, *PJM*, 3: 221; Davis, 270. See Claiborne to Secretary of State Smith, December 23 and 28, 1810, and January 3, 1811, *LBWCCC*, 5: 59, 66, and 70, for the governor's belief that U.S. troops were necessary to maintain civil order around the Bay St. Louis. See Toulmin to Madison, March 6, *PJM*, 3: 201, and Washington *National Intelligencer*, "Our Southern Frontier," May 7, *Gale Nineteenth Century American Newspapers* online database (http://0-infotrac.galegroup.com.usmalibrary.usma.edu/itw/infomark/0/1/1/purl=rc6_NCNP?sw_aep=west10360, (accessed 25 June 2013), for rumors of unrest and resistance to U.S. authority among West Floridians, especially along the Pascagoula.

but acquitted of giving "alarm and apprehension to the officers of a foreign power in amity with the United States." (The judge advocate, essentially the prosecutor, was Captain Winfield Scott.) Faced with such vague charges, the colonels escaped serious sanction; Sparks followed Cushing to the colonelcy of the Second Infantry, while Cushing went on to match Hampton's rank as an adjutant general during the War of 1812. Both were discharged in 1815, after twenty-four years' service. In April 1812, Congress added the territory between the Pearl and Perdido Rivers to the Mississippi Territory, and Holmes organized the area as a county that summer, but the United States did not attempt to govern within Mobile or its immediate environs until James Wilkinson compelled its surrender early the following year, after war with Britain had begun. The army's discretion, autonomy, and accountability had been sorely tried during the Mobile crisis. Aside from Cushing's caution, confused communications, personal and institutional jealousy, and Spanish obstinacy proved the most important factors that sustained the army's accountability to constitutional authority, preventing an illegal assault on Mobile.³⁶

The Mobile crisis, and the U.S. military occupation of West Florida more generally, present several instructive conclusions. First, diplomacy was conducted as much by federal military officers

36. New York *Public Advertiser*, May 22, *Readex America's Historical Newspapers* online database; Washington *National Intelligencer*, July 30, "Floridian Affairs," and November 11, "From Mobile," *Gale Nineteenth Century American Newspapers* online database (http://0-infotrac.galegroup.com.usmalibrary.usma.edu/itw/infomark/0/1/1/purl=rc6_NCNP?sw_aep=west10360, (accessed 25 June 2013); Claiborne to Secretary of State James Monroe, August 14, and to Gaines, August 15, *LBWCCC*, 5: 334-335; John D.W. Guice and Thomas D. Clark, *Frontiers in Conflict: The Old Southwest, 1795-1830* (Albuquerque: University of New Mexico Press, 1989), 86. See Cushing, March 6 and 27, files C-380 and 395, *SWLR:Reg.*, with enclosures, for the dispute between Hampton and Cushing, which intensified as Cushing refused to report for arrest and trial at Cantonment Washington, in Mississippi Territory several hundred miles from Mobile, due to a "tumor" (apparently either hemorrhoids or a groin infection) that made it difficult for him to ride. Hampton took this as insubordination and threw the book at him, perhaps as a substitute for his inability to do so against Claiborne or Eustis. The court sentenced Cushing to a public reprimand in general orders. Hampton disagreed with the findings but confirmed the sentence. See the charges and extracts from the court-martial against Cushing, and a related general order, published in the *New Orleans Gazette and Daily Advertiser*, May 14, 1812, attached to Hampton to Eustis, May 9, 1811, file H-346, *SWLR:Reg.* This file encloses an "extract from general orders," April 27, 1811 stating that it enclosed the court-martial proceedings for Sparks, but they are not on the microfilm reel.

as by civilian officials or non-state actors. This was national, federal, and military diplomacy, as well as "local diplomacy" by settlers and their political representatives and allies. Much as in the Sabine crisis in 1806, the civilian federal territorial governors, Claiborne and Holmes, took a back seat to military officers who commanded forces at the scene of the crisis, including young Gaines and the middle-ranking colonels Cushing and Sparks, as well as Hampton. In other words, scholars create a false dichotomy when they contrast a "local diplomacy" of civilian officials, oriented toward local and regional interests (though the leading civilian officials were in fact federal appointees, like the governors and Judge Toulmin) with a national diplomacy conducted from Washington. The reality was a multifaceted, overlapping spectrum of local, regional and national perspectives, in which federal military commanders served as a crucial link, because they commanded physical power on the spot that the governors, dependent on the poorly disciplined militia, lacked. Though many of the military officers felt strong local and regional attachments, their institutional interests, in autonomy from direct civilian command by governors or in covering themselves against charges of irresponsibility, ultimately led to restraint.

Under these circumstances, when Spanish officials could see little difference between territorial militia, armed volunteers, filibusters, and brigands, control over the use of force emerged as a critical dimension of U.S. foreign relations and diplomacy. Control over military force meant that the international crisis was also a crisis of domestic law and order and a crisis of civil-military relations. International, domestic social and political, and military institutional order and stability were inextricably linked. (A current analogy might be to the Afghan-Pakistan borderlands or the war in Iraq, where the identity and authority of armed groups have often been unclear, bedeviling U.S. diplomacy and security efforts.) The federal military commanders, particularly Cushing and Hampton, were able first to successfully assert their autonomy from civilian control (by Governor Claiborne), then to escape any sanction, probably because the Madison administration realized that Claiborne, rather than the army's senior leaders, had threatened international peace and administration objectives.

Control over the use of force proved decisive to the outcome of the West Florida revolution and the American threats against Mobile. The officers of the national standing army juggled the Madison administration's encouragement for the revolution

with desires for local, regional, and international stability, their expansionist sympathies with their oaths to uphold the Constitution and national sovereignty over international relations, cooperation with belligerent territorial civil officials with their desire for institutional autonomy. They had no standing orders, no "rules of engagement," and no officially designated civilian political advisers on the scene to guide them. Practically, the army's presence meant that West Florida did not become a separate polity outside the United States, where it might have drawn American settlers and trade, become a haven for privateers or banditry, or tempted Britain as a possible base for operations against the United States. The army prevented local filibusters like Reuben Kemper and Joseph Kennedy from precipitating further conflict with Spain, while deterring Spanish officials from any attempt to retake West Florida. In either case Britain was denied pretexts for intervention, and large-scale bloodshed was averted. Despite their desire for territorial expansion and greater national power, the officers who led the American occupation ultimately served national interests and international harmony as peacekeepers in the imperial borderlands between New Orleans and Pensacola.

Domestic and international law and order, American territorial expansion, and national security came together in the extension and consolidation of U.S. national sovereignty. That sovereignty could not be extended or consolidated legitimately by filibusters, or by militia, prone to marauding and almost indistinguishable from filibusters. One of the most fundamental attributes of national sovereignty, in international custom and practical matters of law and order, is a monopoly, as far as can be established, over the legitimate use of large-scale violence. U.S. Army officers could reconcile national security and territorial expansion with domestic and international stability by restraining armed non-state actors—filibusters and brigands—while intimidating Spain. Neither full-bore expansionists nor strict enforcers of international law, they were nevertheless the most effective peacekeepers present in West Florida during the upheavals of 1810 and 1811. Perhaps Harry Toulmin, the American official most committed to upholding law and order without resorting to "base intrigue," obfuscation, or manipulation, put it best. Though he expressed "considerable anxiety" about the military's conduct when "in feeble hands" like Sparks's—over whom the filibusters "gained a perfect ascendancy"—the judge credited Thomas Cushing with directing

"the military power" "sole[ly] to the honour and interests of the nation." Lamenting that the colonel had been called away to answer Hampton's charges, Toulmin concluded that "the authority given to governor Claiborne, instead of . . . extinguish[ing] illegal enterprise [filibustering], has only given a new direction to it[.] . . . [N]othing probably but the timely . . . arrival of Col. Cushing with a competent force, has really saved this country from becoming a scene of plunder and desolation."³⁷

37. Toulmin to Madison, January 10, February 27, and March 6, *PJM*, 3: 111, 192, 202.