

REPRESSION, LANGUAGE, RESISTANCE: AN
ANALYSIS OF JACKSONIAN AMERICA
THROUGH A FOUCAULDIAN
LENS

by

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Presented to the Faculty of the Graduate School of
The University of Texas at Arlington in Partial Fulfillment
of the Requirements
for the Degree of

MASTER OF ARTS IN HUMANITIES

THE UNIVERSITY OF TEXAS AT ARLINGTON

MAY 2010

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ACKNOWLEDGEMENTS

I would like to thank my wife Vonda for her love, support and patience as I endeavored to finish this thesis and degree. My daughter Faith was also a great encourager to me and an inspiration as she excelled in her school work. I would also like to thank my parents Rod and Mary Vestal as they have were an abundant source of love, strength and encouragement. I also owe a debt of gratitude to Dr. Robert Phillips, my grandpa, who has always inspired me to excel academically and his wife Opal, who never doubted that I would finish. I also posses a sincere appreciation for Frank and Pat Vestal, my grandparents, who have always inspired with their generosity and love of life.

I would also like to thank those who assisted me academically. Dr. Cole, thanks for being of director of my thesis and helping me write in a way that maintained the integrity of two distinct academic disciplines. Dr. Hekman, thanks for helping me in countless ways these past five years from registration questions to being an inspirational professor in the classroom. Dr. Morris, thanks for your suggestions. I think they really helped the historical integrity of my thesis. I would also like to thank my Spanish tutors; Kim Edwards and Jonathan Chesney. I would not have been able to pass my translation test without your assistance. Most importantly, I would like to thank the God of Abraham, revealed in Jesus Christ. Without you, none of this would be possible. "Todo lo puedo en Cristo que me fortalece."

April 15, 2010

ABSTRACT

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The University of Texas at Arlington, 2010

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During the age of Andrew Jackson (1824-1845), the United States experienced a social and political sea change that would leave the country changed forever. As Jackson served his country first as general and ultimately as president, his name came to represent a new brand of American Democracy. This expression of democracy that emerged during Jackson's life extended a political hand to the "common man" as represented by the yeoman farmer and urban laborer. However, as universal suffrage was granted to these common white men and the political landscape shifted from an elitist republic to a meritocracy, there were other politically disenfranchised groups that were pushed farther to the social margins of society. These men, with Jackson as their leader, attempted to create an America that perpetuated their power while simultaneously continuing the repression of free and enslaved Black Americans, American Indians and women.

Socio-political philosopher Michel Foucault asserts that "there are no relations of power without resistances." In other words, as one group (white men) creates knowledge

(the constitution) to perpetuate its power, there will inevitably be resistance by other groups that are repressed by this field of knowledge. Using the lens of Michel Foucault's socio-political theory, this thesis examines the mechanisms of repression that existed in Jacksonian America and the emergence of lingual and physical resistance to those systems of repression. It will reveal that the perpetual social cycle of knowledge creation and resistance has been an integral part of the social and political formation of the United States.

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CHAPTER 1

REDEFINING A NATION: FOUCAULT AND JACKSONIAN AMERICA

When the young Thomas Jefferson scribbled the words “all men are created equal” on what would become America’s Declaration of Independence in 1776 he was asserting the social and political identity that the new country that would take generations to define. For Jefferson and those who gave the liberating document their mark it was an expression of resistance to a regime that exerted its oppressive power over the economic, political and cultural aspects of their colonial life. However, when the battlefields ceased to bellow with cannonade and revolutionary rhetoric subsided, the new United States appeared to be a country where if men were created equal they certainly didn’t live that way. As the fragile republic began to take shape there were elements that were in contradiction with the ideas put forth in the Declaration, such as suffrage being limited to propertied men, ideology in the country’s awkward silence on slavery, and unfulfilled promises in relation to the country’s native inhabitants. It appeared as though the United States had thrown off the oppressive power structure of Great Britain only to create one of its own and some Americans disagreed. After enduring the politically and economically inept Articles of Confederation, witnessing the draft of a Constitution that provided southern slaveholders with representative supremacy, a second war with Great Britain and the exploitation allowed by the emerging market revolution, people who had experienced a fractured democracy in America began to express doubts about what America was becoming.

As Jefferson lay dying at Monticello he commented with cautious delight on the emerging force of popular resistance to what some considered an elitist republic. While he was alarmed at the thought of Andrew Jackson becoming president, his ascendancy and the people's infatuation with him confirmed his belief that "Men divide naturally into two parties, 'aristocrats and democrats,'" he wrote. "On one side stood 'those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes'; on the other stood 'those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, altho' not the most wise depository of the public interests."¹ However, these "people" whom Jefferson claimed confidence in were almost exclusively the working classes of white men. And it was these white subsistence farmers and factory workers, with Jackson as their leader, who began to successfully resist the American political elite and demand political and economic power. Regrettably, as these white men attained universal suffrage, they had no desire to share their gains with the rest of disenfranchised America. Therefore, while one particular group of Americans was enjoying the new fruits of its enfranchisement, other socially marginalized groups seemed to be moving further away from inclusion.

Presumably, those left out "wanted their piece of the proverbial pie" as well. Within the context of this multifaceted pursuit of political and economic equality cultural conflicts concerning race, religion and gender commenced. These conflicts "cut across economic lines rather than coinciding with them" and transcended class warfare.² The most vulnerable in this cultural clash were "blacks and women, who bore the special burdens of racial and sexual discrimination."³ Also, due to the prevailing attitude of manifest destiny, especially among subsistence farmers, Indians were in an equally precarious position as they found themselves in the path of a nation pursuing perpetual

¹ Quoted in ChalesSellers, *The Market Revolution* (New York: Oxford University Press, 1991), 269-270.

² Daniel Walker Howe, "Identity in Whig-Jacksonian America," in *The Market Revolution in America*, ed. Melvyn Stokes and Stephen Conway (Charlottesville: University Press of Virginia, 1996), 266.

³Sellers, 29.

expansion. By outlining the cultural, political and economical elements of Jacksonian America this chapter offers an alternative reading of the era while laying the foundation for an examination of resistance to a repressive regime of power. Overall these elements reveal a tendency on the part of those in power regardless of class to create and expand a white male hegemonic society that subjugated all others. Using Michel Foucault's theories on power/knowledge as a theoretical skeleton, it will observe how the franchise, workings of the market, and popular culture shifted in ways that limited the power of those who were not white and male. Ultimately, while it will reveal how power can be used as a tool for repression, it will also show how power can be used by those who are oppressed to resist and challenge oppressive systems of power.

At its primary level, power "is above all a relation of force" that is "deployed and given concrete expression" in a myriad of arenas including but not limited to the individual and the state. However, "the exercise of power itself creates and causes to emerge new objects of knowledge and accumulates new bodies of information" that ultimately support and disseminate power. In other words, "the exercise of power perpetually creates knowledge and, conversely, knowledge constantly induces effects of power." In sum, "knowledge and power are integrated with one another."⁴ According to Foucault, power is essentially expressed in repression. "Power represses nature, the instincts, a class, individuals"⁵ and therefore an analysis of power should first and foremost be an analysis of the mechanisms of repression. The struggle for truly universal suffrage in Jacksonian America clearly demonstrates the aptness of power.

At the inception of the United States' republican experiment those who were in power and therefore those who were creating systems of knowledge to perpetuate their power viewed "the people" as those who were wealthy, educated landowners. They based their knowledge on the political theory of "republicanism" which determined true

⁴ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, New York: Pantheon Press, 1980), 51-52.

⁵ Foucault, 89-90.

citizens had to be virtuous and independent, only educated landowners could possess these qualities and thus merited a political voice at the ballot box. Those in power were wary of extending the suffrage beyond property holders because they asserted that they had no will of their own, did not demonstrate a permanent interest in the community and in the words of John Adams that “such is the frailty of the human Heart, that very few Men, who have no Property have any judgment of their own.”⁶ However, there were other groups who believed they belonged in Jefferson’s category of “the people” as well and in the years preceding the age of Jackson changes in the economy opened the door to a new brand of republicanism. By the early nineteenth century, with a new market society taking shape, property was not the stable force it once had been. Now prized for its malleability and productivity, property no longer connoted the qualities that had made it “synonymous with virtue and independence.”⁷ After much resistance and debate, a new theory on suffrage began to surface that posited, “the qualities of independence, virtue, and intelligence—once associated with property ownership—were in fact found within each and every [white] man.”⁸ This shift in ideology ultimately culminated in the expansion of universal white male suffrage at numerous State Constitutional conventions of the 1810’s, 1820’s, and 1830’s.⁹

This initial altering of the American political landscape reveals another important element in Foucault’s theory that “there are no relations of power without resistances.” Furthermore, resistances that are effective “are effective because they are formed right at the point where relations of power are exercised” which in this case were with the formation of the state and the ideas (knowledge) that supported its oppressive

⁶ Letter from John Adams to James Sullivan (May 26, 1776), in *4 Papers of John Adams* 208, 210 (Robert J. Taylor ed., 1979) in Jacob Katz Cogan, “The Look Within: Property, Capacity, and Suffrage in Nineteenth Century America,” *The Yale Law Journal*, 107, no. 2, (Nov. 1997): 477.

⁷ Jacob Katz Cogan, “The Look Within: Property, Capacity, and Suffrage in Nineteenth Century America,” *The Yale Law Journal*, 107, no. 2, (Nov. 1997): 477.

⁸Cogan, 484.

⁹Cogan, 478.

policies.¹⁰In other words, resistances are effective that begin within popular culture and are enforced by halls of legislation or vice versa.

As universal white male suffrage reshaped state constitutions in Jacksonian America and all “common men” began to enjoy the democratic fruits of their resistance, they unilaterally began to create laws that would further disenfranchise blacks and women. Blacks paid the highest “price of suffrage expansion, for the majority of the new constitutions traded the property requirement for racial exclusion.” Whiteness became the only property necessary to wield the rights of full citizenship. The word ‘white’ entered the franchise stipulations, and blacks lost the vote.¹¹ Before this happened, free blacks had enjoyed limited suffrage in most states per the property requirement that allowed wealthy men to vote. However, as the deluge of white male egalitarianism swept through the country what few civil rights free blacks did have began to disappear. For example, at the New York state convention in 1821 a democratic-republican faction known as the Bucktails who often represented popular white racism had no qualms about agreeing that blacks (who voted Clintonian/Federalist) ought to be virtually disenfranchised. “We feel an insurmountable repugnance to mix and associate with them as equals,” the Regency newspaper declared. Over the conservative opposition, the convention prohibited blacks from the polls unless they paid taxes on \$250 worth of property.¹² This would ultimately be considered a generous civil measure compared to the rest of the country (who vetoed their right to vote completely.) Other than the minute black population in Northern New England and the few well-to-do blacks in New York, the legal possibility of free black suffrage survived a little longer only in Rhode Island (until 1822), North Carolina (until 1835), and Pennsylvania (until 1837).¹³

¹⁰Foucault, 142.

¹¹ Patrick Rael, “Market Values in Antebellum Black Protest Thought,” in *Cultural Change and the Market Revolution in America*, ed. Scott C. Martin (Lanham: Rowman and Littlefield Publishers, 2005), 17.

¹²Quoted in Sellers, 113.

¹³Sellers, 127.

The arguments commonly used to support the disenfranchisement of blacks possessed an eerie similarity to the “deficient judgment” premise previously used to keep the common white man on the fringes of the political landscape in America’s infancy. Those who supported universal white male suffrage initially bemoaned that the minds of the blacks were not competent to vote.¹⁴ Others asserted that if blacks were allowed the elective franchise that they lacked integrity and therefore, “would be at the call of the richest purchaser.”¹⁵ Ultimately, some sidestepped the capacity arguments in their totality and asserted that blacks would be forever disenfranchised because they were simply devoid of U.S. citizenship. Of all the reasons given, those making the laws and perpetuating their power always made the point of issue some intrinsic fault in the character of black Americans. There was never an admission of fear or anger that blacks, once forcefully placed at the dregs of society, were beginning to make economic gains and compete with white Americans. Ultimately their certainty that blacks were not forced into slavery but that it was their “natural condition” meant that when blacks resisted that truth by succeeding economically whites did not interpret it the same way they did white success. Rather they reinforced their understanding of nature by limiting free blacks’ political power.

In order for white men in Jacksonian America to keep the power of suffrage exclusively theirs, they would have to develop some innovative arguments, because the racial inferiority used for blacks would clearly not suffice for white women. While black men had a long journey on the road to universal suffrage, the female crossing of the chauvinist political valley to enfranchisement was in many respects more arduous. Due to legal restrictions concerning property, the patriarchal familial structure that existed during this time and the bleak economic opportunities available to women, few questioned the restrictive gendered boundaries. Though unmarried propertied women did vote in New Jersey until they were disenfranchised in 1807, men presumed that

¹⁴Cogan, 490.

¹⁵Cogan, 491.

women did not really desire the vote and often were right.¹⁶ However, as the changing market began to “thrust women into new roles” they began to pursue “greater autonomy, community, and leadership outside the all-encompassing patriarchy of the stem family,” for many women, that autonomy encouraged a desire for female suffrage.¹⁷ As a few activists began to question their oppressive mold and assert their right to vote, men tried to cut off the possibility by constructing a defense of their elective exclusivity along gendered lines of “capacity.”¹⁸

Advocates of male suffrage asserted that they alone had the appropriate capacity to vote with intelligence, prudence and integrity and that conversely, a woman’s mind was “more fit for the sphere in which [God] intended her to act, [and so He] had made her weak and timid, in comparison with man, and thus placed her under his control, as well as under his protection.”¹⁹ Women such as Elizabeth Cady Stanton countered that the concept of separate spheres was flawed and that men often failed at the ventures they undertook whether it be in business, “the pulpit, at the bar, or in our legislative halls.”²⁰ Their questionable service record, therefore, cast doubt in the minds of many women that patriarchal power was not an act of God but of men who did not want to share their political “toys.” It also led women (and even some men) to assert that the sexes were “equal in intelligence and virtue” to men and that [women] were as well qualified as men to share in the responsibilities of government.”²¹ However, with the advent of the second Great Awakening and the refurbished “capacity” arguments, the concept of separate spheres effectively, if temporarily, rebutted the claim, asserting that women and men had dissimilar capacities: one public and political, the other private and familial.²² It is interesting to note again, that those in power asserted that their elective

¹⁶Cogan, 485.

¹⁷Sellers, 205.

¹⁸Cogan, 486.

¹⁹Virginia Convention of 1829-1830, (Statement of John R. Cooke), in Cogan, 486.

²⁰Letter from Elizabeth Cady Stanton to George C. Cooper, in Cogan, 487.

²¹2nd Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio, 1850-1851 (statement of Norton Townsend), in Cogan, 487.

²²Cogan, 489.

monopoly was not a product of their own desires. Rather they attributed it to a divinely inspired order of things, which by happenstance enabled them to retain their power. This type of passive aggressive argumentation irritated many women, including Susan B. Anthony who bemoaned "I distrust those people who know so well what God wants them to do, because I notice it always coincides with their own desires."²³ Yet, it would take more than logic and a "God card" for white American men to maintain their dominance once the market brought about an unprecedented sea change in social and economical life.

By the late eighteenth century, land shortages, speculation and tenantry had increased significantly. Agriculture, driven by profits, had become increasingly demanding, commercial and specialized. U.S. manufacturing grew. Because of these changes, society became more market oriented. Such basic changes affected the internal structure of the family and outward organization of the community.²⁴ The mantra of market success, perpetually proclaimed by the successful, claimed that opportunity was rife and that success or failure depended on effort and character alone.²⁵ However, deep within the wellsprings of American culture there existed other formidable forces that would have bearing on whether or not one triumphed in the market. There were those who owned the factories, the land and the plans for improving the interior of America so that they might utilize every possible market advantage for their own. Not only did they own the means of production but the market they created held sway over the government as well which kept state interference to a minimum and state support at a maximum. For example, the state legislatures did their part to support the market by passing incorporation laws and legislation to begin constructing canals and railroads. As Sellers clarifies, the conclusive reshaping of the law to the demands of the market was

²³ http://www.brainyquote.com/quotes/authors/s/susan_b_anthony.html, (accessed March 20, 2010).

²⁴ Carroll Smith Rosenberg, "Sex as Symbol in Victorian Purity: An Ethnohistorical Analysis of Jacksonian America," *The American Journal of Sociology*, 84, Supplement: Turning Points: Historical and Sociological Essays on the Family. (1978): S 217.

²⁵ Sellers, 27.

accomplished by “lawyers and judges, both Federalist and Republican in the state courts.”²⁶ The tremors of this judicial shift were even experienced in the criminal courts as their concern for communal morality began to erode and they reallocated their focus to enforcing the market’s property relationships.²⁷ For example, in Massachusetts offenses against morality dwindled from a majority of prosecutions before the Revolution to seven percent of the criminal offenses after 1800. They were replaced by crimes against property, with prosecutions for theft rising to over forty percent of the cases.²⁸

While there were many apparent advantages for the producers in the market revolution such as amplified incomes and increased access to consumer goods there were other elements that were less appealing. Protracted involvement in the market economy subjected millions to the power of the business cycle for the first time, and previously independent producers, whether urban artisans or rural yeoman, felt the belittling sting of dependence on the social and economic superiors.²⁹ This dependence at times was so damaging that, in 1826 it led Langton Byllesby, a wage worker in New York to assert that, through money and private property capitalists had destroyed fair exchange and plunged the producing majority into “resourceless distress, and intense misery.”³⁰ The potential for misery made the producer’s life a precarious one, thereby inclining him to exploit differences in race and gender especially, developing his own economic advantage out of the limited political power attached to each.

As blacks and women entered the market they yearned for a gender/race-neutral place where the seeds of virtue and hard work would reap a harvest of material and social success. Unfortunately, according to Patrick Rael, “prejudice violated this order, introducing aberrations and irrationalities into American society to the detriment not only

²⁶Sellers, 47.

²⁷Sellers, 47.

²⁸Sellers, 47.

²⁹ Harry L. Watson, “Slavery and Development in a Dual Economy: The South and the Market Revolution,” in *The Market Revolution in America*, ed. Melvin Stokes and Stephen Conway (Charlottesville: University Press of Virginia, 1996), 45. They fought back but lost- see Sean Wilentz, *Chants Democratic*.

³⁰Sellers, 286.

of blacks but of the market itself and the social and political order built on it.”³¹ This prejudice made it necessary for many blacks to endure the malicious racism of insecure working-class whites who competed with blacks for “society’s crumbs.”³² This racial tension found expression in politics as blacks were excluded from the protection of labor unions, suffered a reduction in wages and were victims of bloody conflicts, especially when they were brought in as strikebreakers, as they often were.

As free blacks struggled to carve out an existence, their brethren in bonds were not faring any better. While the U.S. outlawed the transatlantic slave trade in 1808, just as the use of the cotton gin expanded cotton production increasing planters desire to put more land under cotton cultivation. These factors drastically increased the need for more involuntary laborers at a time when the supply was thinning. The need for larger numbers of slaves who were mobile led to an increase in dehumanizing practices, including slave breeding and splitting up families on the auction block. This cruel treatment coupled with a resurgence of the humanitarian spirit fueled by the Second Great Awakening served to intensify the abolitionist movement.³³

Some who were opposed to slavery (such as William Leggett) had sincere motives and esteemed blacks, but most campaigned for black freedom with only a paternal concern for blacks at best. At worst, their motivation derived remained solely from commercial anxiety about the market. The tensions of economic competition led them to create more “free soil” for white men. Many anti-slavery activists who were a part of the movement to colonize free blacks in Africa would have agreed with the governor of Virginia Thomas Mann Randolph who, in 1820, advocated ridding his home state of blacks because they were “degraded by slavery if not by nature.” Moreover, when criticizing slavery, fellow Virginian Thomas Jefferson, revealed his fears concerning “amalgamation” by insisting that emancipated blacks must be deported as he expressed

³¹Rael, 24.

³²Sellers, 129.

³³ Sellers, 130-131.

“To the mixture of colour here, I have great aversion.”³⁴ Attitudes like Randolph’s and Jefferson’s were rampant in Jacksonian anti-slavery rhetoric and concerns about the market often propelled their pseudo-benevolence. As one scholar of the era has noted, “At times the anti-slavery Jacksonians’ concern about slavery’s effects on whites appeared to outdistance (or even to preclude) any concern for the slaves. ‘I am not now contending for the rights of the Negro,’ Thomas Morris bluntly stated in 1838, ‘I am contending for the rights of the free person in the free States.’”³⁵ Similar words would be echoed by Democratic anti-slavery leader, and author of the much debated Wilmot Proviso, David Wilmot, who often remarked that he undertook his antislavery efforts on behalf of the white man, not the black man, in order to “preserve to free white labor a fair country, a rich inheritance’ in the West.”³⁶ More paternalistic attitudes led other anti-slavery activists to oppose deporting freed blacks to some African colony or banning them from the north to keep the labor market white, they were in fact eager for black participation in the labor market. Historian Charles Sellers argues that,

“Abolitionism did more for benevolent entrepreneurs than endow them with virtue...by making chattel slavery a uniquely immoral form of human exploitation, abolitionism undercut the mounting working-class complaints about wage slavery and beatified the capitalist order. These abolitionists hated slavery not just for its inhumanity but also for impeding their vision of a capitalist society of free individuals whose labor could be freely exploited.”³⁷

Therefore, the market experience for blacks was both volatile and tyrannical as white men sought to minimize black existence and impact on the market and continue to direct the market to their own desired ends. This task would be easier said than done.

White men who established power/knowledge about the inherent worth of free markets to exclude or limit blacks had a different agenda for women. They sought to prescribe a gender specific role and minimize women’s immense commercial impact so

³⁴Sellers, 141.

³⁵ Quoted in Sean Wilentz, “Slavery, Antislavery, and Jacksonian Democracy,” in *The Market Revolution in America*, ed. Melvin Stokes and Stephen Conway (Charlottesville: University Press of Virginia, 1996), 211.

³⁶ Quoted in Wilentz, 206. See also- Eric Foner, *Free Soil, Free Men*.

³⁷ Sellers, 128.

as to keep intact a market ideology that was synonymous with masculinity. Historian Jeanne Boydston posits that,

“The workplace was by definition male—not because only or mainly men inhabited it (they did not) but because femaleness had been defined successfully as the absence from the workplace. Of course women remained in the labor force, but always on the terms of outsiders having to make anew the case for their seriousness, their respectability and their economic contribution.”³⁸

In the urban setting of Jacksonian America women were everywhere visible as aggressive and apparent independent economic agents. They worked as sailors, morticians, day laborers, iron mongers, and money lenders, as well as seamstresses, mantuamakers, and milliners.³⁹ While these working women helped to further define what it was to be a lower class woman versus a non-working woman of the middle class. This “visible” labor posed a threat to gender categories of labor and commerce. Laboring men and bourgeois (middle and upper class) women felt their respective categories threatened by these aggressive women and preferred them to play a less public, and more domestic role.

For some, these lower class women who worked non-domestic jobs aroused discomfort because they associated women’s work with the commerce of their own bodies. Femaleness, therefore, was inappropriate to the public realm of commerce and trade and could exist there only as a personal degradation (seduction) and a public danger (prostitution), both of these being social abnormalities. While full communal disclosure might be the mark of an honorable man, for women public visibility was the sign of dishonor and contamination.⁴⁰ These social exclusions were not limited to commerce but were present in politics and civic debate as well. Not only were these sanctions constructed social mores but they were manifest in and supported by state law. While this establishment of government that was implied at the federal level, it was

³⁸ Jeanne Boydston, “The Woman Who Wasn’t There: Women’s Market Labor and the Transition to Capitalism in the United States,” *Journal of the Early Republic*, 16, no. 2, Special Issue on Capitalism in the Early Republic. (Summer, 1996): 206.

³⁹ Boydston, 192.

⁴⁰ Boydston, 204.

overtly stated at state levels. States instituted in law longstanding prejudices against females in office and denied to women direct participation in legislative debates over the direction of the republic's political economy.⁴¹ Political disfranchisement accompanied economic disfranchisement, embodied in the legal ideology of *femme covert* that denied property to married women. As one scholar notes, "the growing importance of contract and free labor in the post-revolutionary United States could only put women at a severe disadvantage."⁴² Thus, the idea of "woman" that was fought for by those in political and commercial power was one that presented women as domestic, unskilled, timid and hidden while in reality lower class women were aggressively assisting in the creation of a new market dependent on their activities both within and beyond the household. This expanding economic role eventually prompted many women to question and even directly challenge political disfranchisement.

Native Americans were seldom directly engaged in a question of labor or voting rights, but their plight outside the power structure emerged from similar power/knowledge strategies initiated by the U.S. government. While Andrew Jackson as Indian fighter and land grabber is the most overt example of white men's determination to purify America from the so-called lower races, it is important to note the age of Jackson was actually the capstone of a long tradition of Indian removal marked at the outset of the nineteenth century with Thomas Jefferson. Jefferson predicted with the Louisiana Purchase in mind that the Indians would "either incorporate with us as citizens of the United States or remove beyond the Mississippi."⁴³ It was James Monroe, not Jackson, who drafted the first comprehensive presidential proposal for removal.⁴⁴ However, while the anti-Indian animus began early in the country's history it no doubt came to fruition during Jackson's administration. When Henry Clay was Secretary of State during the presidency of John

⁴¹Boydston, 201.

⁴²Boydston, 195.

⁴³ Quoted in James P. Ronda, "We Have a Country: Race, Geography, and the Invention of Indian Territory," *Journal of the Early Republic*, 19, no. 4, Special Issue on Racial Consciousness and Nation Building in the Early Republic (Winter, 1999): 740.

⁴⁴Ronda, 742.

Quincy Adams he callously surmised that, the Indians “were destined to extinction” and were “a race not worth preserving.” He considered them “essentially inferior to the Anglo-Saxon race” and “not an improvable breed.”⁴⁵ Regrettably, Clay was not alone in his low appraisal of the Indians. Andrew Jackson, continuing in the tradition of his forefathers, was determined to assist his fellow countrymen in expanding their landholdings by seizing land belonging to Native Americans. Combined with an intensifying demand for agricultural raw materials to finance the expansion of manufacturing, economic forces underwrote an attitude of impatience with Native Americans, who seemed in this context to be morally lax as they impeded the expansion of productive (white) America.

With bribes, shoddy treaties, and unveiled threats, Jackson and John C. Calhoun split the west up on a north and south axis and extracted massive land cessions from Native Americans. In the South, before the end of the War of 1812, General Andrew Jackson exacted territory from the Creek Indians. By using the strategies of intrigue and good, old-fashioned bullying; he coerced from them approximately 23 million acres that encompassed most of present day Alabama and a substantial piece of Georgia. The Creeks were subsequently driven to the barren northeastern corner of Alabama while the whites obtained a fertile site for an expansion of their cotton kingdom. Jackson wasn't finished; by 1820 Jackson negotiated treaties exhorting from the Cherokees, Choctaws, and Chickasaws millions of acres in North Carolina, Georgia, Alabama, Mississippi, Tennessee, and Kentucky, including the western fifth of Tennessee, the remarkably fertile Yazoo delta country of west central Mississippi, and a broad corridor through northern Alabama connecting the Tennessee settlements with the Creek session and the Gulf coast.⁴⁶ Secretary of War John C. Calhoun did his part in the North by expanding the frontier via military posts up the Mississippi River to the Great Lakes. Furthermore, he sent out expeditions to build forts up the Missouri to the mouth of the Yellowstone. Lastly, Calhoun achieved construction of a system of military roads connecting the Ohio

⁴⁵Quoted in Sellers, 279.

⁴⁶Sellers, 91.

settlements with the Michigan frontier and Tennessee with the Gulf coast at New Orleans and Mobile that were essential both to controlling Indians' actions and opening up markets for white settlers.⁴⁷

Ultimately, when president, Jackson would call for and carry out an inherited "solution" that would remove the Indians to lands beyond the Mississippi River by signing the Indian Removal Act. The irony was that Native people might become like their white neighbors but they would not do so. Civilization for Indians required segregation from whites.⁴⁸ Those troubled by this contradiction, especially new religious converts, demurred. Though his actions were justified by market logic, Jackson then had to add a benevolent spin to his removal policy. With religious groups protesting on moral grounds, those in authority asserted that only with complete government control could they "save" the Indians from complete extermination. At the same time he assured protestors, disingenuously claiming that his policy toward the Indians would be "liberal and just" and display a "humane and considerate attention to their rights and their wants."⁴⁹ As the American Board of Commissioners for Foreign Missions organized against Jacksonian Indian policy, the administration countered and organized an allegedly benevolent society to campaign for removal as the only way to save the Indians.⁵⁰ This so-called charitable effort to save the Indians from extinction revolved around "protecting" them from the "danger" of living too close to whites as well as imparting them the blessings of "civilization" such as agriculture and religion that would be delivered to them by missionaries. Regardless of what the Jackson administration said, its intentions were to exclude Indians, because their removal created an opening for white men who would stimulate the market.

The effort to monopolize white men's hold on the market and the nation, required more than legislating exclusive boundaries by limiting suffrage and market opportunity for

⁴⁷Sellers, 91.

⁴⁸Ronda, 743.

⁴⁹Quoted in Sellers, 303.

⁵⁰Sellers, 310.

those who were not the right color and/or gender. Those in power also had to capture the popular mind of Americans with an expansive creation and dissemination of oppressive information that would ultimately support its perpetual operation. This need emerged from the fact that, as Foucault has argued, “power isn’t localized in the state” and “nothing will change unless mechanisms of power outside the state change as well.”⁵¹ In other words, in order for those in political control to maintain their power, they must maintain the support and control of the people. Foucault asserts that “political power can only function when individuals’ cede their power” to the will of the state.⁵² There were numerous “factories of knowledge” in Jacksonian America that effectively persuaded white male inhabitants that any threat to their hegemonic control must be suppressed. Therefore, as they were convinced by the barrage of various types of information that surrounded them that this racial/gendered suppression was necessary, they willingly bolstered the state’s efforts.

The first, and arguably most effective, means of circulating this type of information was through the press. As literacy rates rose with the advent of more schools and colleges, and as printing technology improved, cheap and accessible newspapers owned and written by those in the middling class easily swayed popular opinion. The most notorious popular media outlets were the northern “penny press” newspapers, which gushed streams of “anti-black calumny to antebellum readers.”⁵³ In these papers, middle class white males, who were often proslavery apologists, exhorted the uninformed masses to despise blacks. Racial prejudice, which associated blackness with vice, entered the “public mind,” festered, and influenced the behavior of white Americans, who responded by imposing obstacles to black advancement.⁵⁴ There were also occasional rants about women rupturing the natural order by occupying non-domestic roles in the market and attaining more autonomy in general, or by not embracing their

⁵¹Foucault, 60.

⁵²Foucault, 88.

⁵³Rael, 24.

⁵⁴Rael, 25.

true roles as mothers, leaving children alone or with careless nurses.⁵⁵ In order to suppress effectively the rising tide of feminine clout, newsmen began to enlist the assistance of a more authoritative source than the meager opinion of the editorialist.

This aid came from the increasingly popular field of science. The newspaper was both the mold and a reflection of popular attitudes toward science; it was the one agency of information able, in De Tocqueville's phrase, to "put the same thought at the same time before a thousand readers."⁵⁶ Historian Donald Zochert poignantly observes that while the focus of science is its utilitarian ability to improve society in various ways it can also be used as a social instrument to advance "one's class, community, or nation" under the guise of scientific method.⁵⁷ While one concern was the origin of the American Indian, there were many in the medical field of science who had much to say about the nature of women and how their new attitudes on work, birth control and sex were not only endangering their own health, but by extension, the future of the nation as well. As some women at least began to question—and a few to outright challenge—their constricted place in society, science utilized medical and biological arguments to rationalize traditional sex roles as rooted inevitably and irreversibly in the prescriptions of anatomy and physiology.⁵⁸ A woman's "proper" role was of breeder and raiser of children and if she began to pursue education or divergent economic pursuits she was reprimanded accordingly by the scientific community and informed that a woman who lived "unphysiologically"—and she could do so by reading or studying in excess, by wearing improper clothing, by long hours of factory work, or by an inactive, lavish life—could produce only weak and debased offspring.⁵⁹

Beneath the surface, men were concerned that their social cartel on intelligence, market strength and political franchise was under rhetorical challenge. In the community,

⁵⁵Rael, 27.

⁵⁶ Donald Zochert, "Science and the Common Man in Antebellum America," *Isis*, 65, no. 4, (Dec. 1974): 499.

⁵⁷Zochert, 464.

⁵⁸ Carroll Smith-Rosenberg and Charles Rosenberg, "The Female Animal: Medical and Biological Views of Woman and Her Role in Nineteenth Century America," *The Journal of American History*, 60, no. 2, (Sep. 1973): 333.

⁵⁹Rosenberg, 338.

the rhetorical battle lines were almost exclusively drawn at childbirth and its physical and social implications. As women were exploring new market opportunities they were simultaneously looking for ways to have fewer children, and be less defined by their wombs and the ability to bear children. Women had long feared the physiological dangers of childbirth and the economic hardships too many children brought. With a desire to take care of the children they already had by generating more income outside the home, women began to utilize birth control to the chagrin of masculine America.⁶⁰

Proponents of birth control used many of the same arguments used by conservatives to attack women's activities outside the home; all those malevolent hereditary consequences threatened by over-education were seen by birth control advocates as resulting from the bearing of children by women unwilling and unfit for the task.⁶¹ While the male-dominated medical field had no physiological rebuttal to these arguments, they formulated their response along anthropological lines asserting that these women who were practicing birth control were essentially committing the Anglo-Saxon race to suicide. They insisted that it was not only a women's God-given duty to bear children for her husband but for her "race" as well. As the pace of westward expansion began to pick up and countless immigrants appeared on America's shores and moved west, one New England physician asked: "Shall [the west] be filled by our own children or by those of aliens? This is a question that our own women must answer; upon their loins depends the future destiny of the nation." Regardless of the outspoken medical profession, orthodox medicine, still ignorant of infection, antisepsis, and anesthesia, could not produce the scientific results to establish its authority and put a stop to the emerging challenge to the notion that women's only true identity was as mother.⁶²

⁶⁰Rosenberg, 340.

⁶¹Rosenberg, 348.

⁶²Quoted in Rosenberg, 351.

However, science did carry enough credence to give certain types of people justification for their domineering beliefs. Due to the fact that the scientific discipline was still in its infancy, sciences such as mesmerism and phrenology employed enough reasonable language and method to convince many of their scientific legitimacy. Well-meaning Americans had long believed, or perhaps needed to believe for the sake of their conscience, that black people were inherently inferior in intellect and, therefore, deserved their low station in life. Whether it was the curse of Ham found in the Bible or a scientific theory such as phrenology, white Americans wanted respectable proof that supported the contemporary view of black people and would sufficiently squelch any of their attempts to transcend their designated social station. As phrenology emerged on the public stage, some thought this scientific expression was the dependable source they were looking for to justify their “well-meaning” beliefs.⁶³

Phrenology, developed in the late eighteenth century in Vienna by Franz Joseph Gall, was essentially an attempt at neuroscience. Gall concluded that anatomical and physiological characteristics, particularly those of the brain, essentially determined character and intellect by measuring the size of the cranium and the contours of the skull.⁶⁴ The science also asserted that one could develop the various organs through exercise and thus cultivate the virtues or socially desirable tendencies; one could also inhibit the vices, or undesirable faculties by not exercising them.⁶⁵ After touring and lecturing in Europe and America, Gall's disciples, J.G. Spurzheim and George Combe had generated wide acceptance of phrenology in the U.S. by the early 1830's. Phrenology seems to have gained so much momentum because it was in line with the attitude of reform that was so prevalent during the age of Jackson and many Americans were simply curious of all things appearing fantastic. However, the fad of phrenology was short-lived, especially in the South. Skeptics challenged its validity by asserting that

⁶³ Peter McCandless, “Mesmerism and Phrenology in Antebellum Charleston: ‘Enough of the Marvelous,’” *The Journal of Southern History*, 58, no. 2 (May 1992): 200.

⁶⁴ McCandless, 203.

⁶⁵ McCandless, 204.

phrenologists were quacks on a mission to deceive the public and fill their pockets and that phrenology fostered radical religious and social views.⁶⁶ However, the proverbial nail in the coffin for southern support of phrenology was its reconsideration of the capacity of the black mind. Phrenologists in Britain and the North generally proclaimed the intellectual superiority of the European races, but they were often sympathetic to liberal causes, including anti-slavery. In the *American Phrenological Journal* in 1846, they asserted to the disappointment of southerners, that “the coloured man has more natural talent than is generally ascribed to him; and which culture will soon develop.”⁶⁷ Therefore, by the end of the 1840’s few physicians were taking phrenology seriously. Some dismissed it because they believed it was a science incapable of genuine scientific advance, others rejected it because it did not provide them with an authoritative source for the perpetuation of white male hegemony.

While the penny press’ popularization of science and the prevalence of oratorical tours did much to represent and mold the public mind, the theater also served as the popular pulse of Jacksonian America. Much of what was expressed on the Jacksonian stage represented America’s complex struggle for its identity in the midst of a racially diverse land and its attempt to regulate any existent threats to the social power structure. One revealing example of this complex dynamic was the blackface minstrel show. As white men dressed up in blackface to sing, dance, and talk in a manner attributed to black culture before a predominantly white male audience, it was no doubt catering to the vulgar working class’ racist common sense. However, as historian Eric Lott observes, there was much more happening beneath the surface. This popular form of “manufacturing race” was mixed with racial insult and envy. This theatrical expression “began to take the form of a complex dialectic: an unsteady but continual oscillation between fascination with ‘blackness’ and fearful ridicule of it, underscored but not necessarily determined by an oscillation between sympathetic belief in blackface’s

⁶⁶McCandless, 211.

⁶⁷Quoted in McCandless, 212.

authenticity and ironic distance from its counterfeit representations.”⁶⁸ In other words, on one hand black minstrel shows were celebrating genuine elements of black culture such as singing and dancing that perpetuated white interest in that culture. While on the other hand, the counterfeit expressions were meant to direct popular perception and limit black agency by revealing them as lazy, intellectually obtuse, and licentious. Therefore, the counterfeit was a means of exercising white control of subversive cultural forms as much as it was an avenue of racial ridicule.⁶⁹

However, blackface minstrelsy was not the only popular expression of a public wrestling with its fascination with and attempt to control knowledge concerning race. One of the most widely followed plays of Jacksonian America was *Metamora*. Based loosely on the historical Metacombet, or King Philip, as the English called him, *Metamora* recounted the struggles of an Indian chief attempting to protect his family and tribe against Puritan expansion and aggression in seventeenth-century New England.⁷⁰ Like blackface minstrelsy it also oscillated between fascination of Native Americans and a derision of their culture that legitimated their existence as a people. On one side of the coin, the play asserted positive themes of the “noble savage” who is brave, loyal and patriotic as he resists the English colonists who were dichotomized as treacherous and land hungry by the playwright. However, conversely, the play also portrayed the futility of resistance against the inevitability of white hegemony. Historian Scott C. Martin notes that some of the play’s popularity may be attributed to the fact the leading man was played cross racially by the attractive, half-naked, muscular and captivating Englishman Edwin Forrest. Moreover, the play posited a theme of “the paradoxical man who was civilized because he was uncorrupted by civilization” that would have held sway over an audience of common people who had experienced first-hand the corruption of

⁶⁸ Eric Lott, “The Seeming Counterfeit: Racial Politics and Early Blackface Minstrelsy,” *American Quarterly*, 43, no. 2, (June 1991): 227.

⁶⁹Lott, 229.

⁷⁰ Scott C. Martin, “Interpreting *Metamora*: Nationalism, Theater, and Jacksonian Indian Policy,” in *Cultural Change and the Market Revolution in America*, ed. Scott C. Martin (New York: Rowman and Littlefield Publishers, 2005), 249.

capitalism.⁷¹ However, Martin also admits that the stage production did submit to white America's notions of progress, race, and territorial expansion. If it did not directly advocate removal, it may well have pandered to the racist ideology that underpinned the policy and made it acceptable to white Americans.⁷²

Having established the varied ways Americans came to "know" that white men were superior, Foucault's assertion that "there are no relations of power without resistances" seems particularly important. Foucault asserted that no knowledge is total and therefore there is always something else that can be said.⁷³ As white males attempted to dominate the formation of Jacksonian America by utilizing its virtual monopoly on political, economic and social power, there were many instances of resistance. Those who were being pushed to the margins of America were pushing back; examples include Nat Turner's rebellion, radical black abolitionists and women's exceptional leadership of countless reform movements. Yet, many of these social movements would not come to fruition until after the Civil War. One reason for the limited effectiveness of resistance of marginalized groups during the Jacksonian era was that they weren't formed at the point where relations of power were exercised, i.e. places where knowledge is produced such as Congress or factories of cultural knowledge such as the press and theatrical stage. Another reason they failed to illicit significant change was due to the occurrence of surveillance that is indicative of a densely populated area. As people began to move to the city to profit from the market revolution this created a dynamic where it became easier to "watch" others. The press, politics, religion, pop culture and labor market restrictions reinforced this collective "gaze," and did much to stifle attempts to subvert the existent paradigm. Foucault asserts that the state would use this act of illumination to "prevent even the possibility of wrong doing, by immersing people in a field of total visibility where the opinion, observation and discourse of others

⁷¹Martin, 267.

⁷²Martin, 267.

⁷³Foucault, 142.

would restrain them from harmful acts.”⁷⁴ Under this constant social surveillance, “each individual under its weight will end by interiorizing to the point that he is his own overseer, each individual thus exercising this surveillance over, and against, himself.”⁷⁵ For example, some censored their own contradictory thoughts when the press or a play called out others as marginal, or otherwise marked them as outside norms.

However, with the rapid territorial expansion of the United States during the Jacksonian era there were varying degrees of social surveillance and therefore a varying degree of the country’s ability to control all avenues of social resistance to the white male dominion. The concentration of Jacksonian knowledge construction, surveillance and therefore power was in the east, but borderlands of the south and west presented more potential for alternative expressions. In these places, whites were the occasional minority, Native Americans and their culture were firmly entrenched, blacks possessed freedom and power, and women enjoyed a form of enfranchisement that was yet unknown in the east. Such differences meant that resistance to white male hegemony could emerge, especially due to the fact that distance increased the difficulty of surveillance and diversity brought ambiguity to ascertaining the dominant class, race or gender. The uncertainty of who possessed the most power/knowledge in these areas of expansion made its cultural soil ripe for revolution. Ultimately, there would be various insurrections of subjugated knowledges and peoples against the contradictory-filled institutions of Jacksonian America. The following chapters turn to acts of resistance that began with discursive language in Congress, the place where relations of power are constructed and disseminated, and will culminate with physical resistance in Florida, the periphery of the United States, a site where the social idea of “America” seemed up for grabs.

⁷⁴Foucault, 153.

⁷⁵Foucault, 155.

CHAPTER 2

LANGUAGE AS RESISTANCE: SLAVERY, JACKSONIAN CONGRESS, AND JOSHUA GIDDINGS

“Perhaps no vice is more general among mankind than a desire to represent ourselves, and our country and government, to mankind and to posterity as just and as wise, whatever the real truth may dictate.”¹ Joshua Giddings, an aging representative from Ohio uttered these words in 1858 after nearly twenty years of verbal combat in the U.S. House of Representatives against the institution of slavery. Within a few years of Giddings’ lament, this battle of words led to a physical struggle, the American Civil War. What were these words that possessed the power to persuade a nation to fight against itself? What ideas did they represent? For Giddings and the men he argued with in Congress, clearly the words represented ideas that got to the core of the identity of a nation, and were worth fighting about. Slavery had always been a proverbial “plank in the eye” of a nation founded on the ideas of liberty, equality and individual rights. Historian William Lee Miller referred to it as the “melancholy democratic paradox in American political culture.”² The spread of ‘Jacksonian Democracy’ and its emphasis on the ‘common man,’ only accentuated that basic paradox. By the time Giddings arrived in Congress in 1838 southerners had no desire to discuss the merits of slavery or any petitions to see it abolished in the District of Columbia or anywhere else. Furthermore,

¹ Joshua R. Giddings, *The Exiles of Florida: or, The Crimes Committed by Our Government Against the Maroons, who fled from South Carolina and other Slave States, Seeking Protection Under Spanish Laws* (Columbus: Follett, Foster and Co., 1858), 264.

² William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1995), 12.

most northerners either had not made up their minds about slavery or were intimidated enough by the southern slave power, their threats of secession, and the newly instituted gag rule to keep quiet. Giddings, along with John Quincy Adams and a few others, were determined to pull the curtain back to reveal inconsistencies surrounding the institution of slavery, and thus to expose the United States for what they were, “whatever the real truth may dictate.” This essay will examine the power of language through the lens of the sociopolitical theory of Michel Foucault. On one hand, it will reveal language’s ability to create oppressive knowledge and on the other its ability to resist it. This study will focus on the language of the United States Congress in reference to slavery from its beginnings in 1787 until the repeal of the gag rule in 1844. It will also consider the role Joshua Giddings played in using the Seminole War to begin the process of overturning the gag rule in congress and thereby creating a platform for sustained verbal resistance.

The philosopher Michel Foucault asserts that “Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse which it accepts and makes function as true.”³ In other words, the establishment and dissemination of truth in any society hinges on its ability to control language. The U.S. Congress, a place where discourse is manufactured, in Foucault’s terms, it was created initially by the “dominant class, which determined what was ‘right’ or ‘not right,’”⁴ that American society “accepts and makes function as true.” The function of Congress is to “produce”⁵truth by legislation and “disseminate this knowledge”⁶which at its base is the exercise of power. Congress from its beginning was not interested in “discourse” about slavery because the members of Congress were in some sense from two different societies with two emerging views on slavery that were increasingly divergent. How does a government that is composed of members from two different economic regions with equally unique cultures work together

³ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (New York: Pantheon, 1980), 131.

⁴Foucault, 3.

⁵Foucault, 93.

⁶Foucault, 34.

and form one national identity? In the case of the young republic they decided to focus on what they had in common and not talk about issues of contention. When constructing the Constitution of the United States, the founders included a virtual gag in reference to any discussion or action concerning the slave trade. In Article 1, Section 9, paragraph I, the fathers asserted that “ The Migration or Importation of such Persons [slaves] as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight.” In other words, no lawful action may be taken against the slave trade until the twentieth anniversary of the Constitution. It was assumed that if this allowance would stifle any anti-slavery law for the next twenty years, that it would be equally effective in quenching any anti-slavery petitions or any discussion of said subject. This was done in order to diffuse the power of language on the issue of slavery in hopes of avoiding a civil rupture in the fragile young republic. Therefore, even at the nation’s inception, those in power were aware of the power of language to create systems of knowledge and resist them.

There were many during Reconstruction and the Jim Crow era who asserted, “You can’t change hearts by law.” As the first session of Congress reached its midpoint in February of 1790, there were men who possessed hearts that were not concerned about the Constitution’s declarations concerning slavery and they were not prepared to wait eighteen years for their grievances to be heard. On February 11, 1790, two Quaker delegations, one from New York and the other from Philadelphia, presented petitions to the house calling for the United States government to put an immediate end to the African slave trade.⁷ As a few members in Congress moved to refer the petition to a committee, many southern delegates erupted in protest fearing that any acknowledgement of petitions of this nature would be a “foot in the door” for advocates of total emancipation. The southerners would be correct in their predictions as the next morning another petition was presented by the Pennsylvania Abolition Society that called

⁷ Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Alfred A Knopf, 2000), 81.

not for the end of the slave trade, but for the abolition of slavery itself. And while the first two petitions were submitted by Quakers whose patriotism was suspect due to their pacific refusal to fight in the American Revolution, the third and most extreme petition had the signature of the American pantheon Benjamin Franklin affixed to it. Franklin's signature, according to historian William diGiacomantonio, meant that James Madison's preferred quiet method of forwarding the petition to a committee and thereby squelching public debate would not be realistic.

The ensuing debate caused the chagrin of many congressmen who supported the precedent that suggested silence on the subject of slavery. When the Founders debated slavery while writing the Constitution, it was done under the strictest code of confidentiality. Also, there was no specific mention of "slavery," "slaves," or "Negroes," in the final document of the Constitution. This explains the initial reaction of southern representatives who did not even want the petitions being read in the halls of Congress.⁸ As much as southerners desired to avoid debate, the catalyst for discussion was when Thomas Scott of Pennsylvania acknowledged that the Constitution forbade ending the slave trade but was silent about abolishing slavery itself. As the debate continued hotly for more than two days, James Madison, attempting to shut Pandora's Box, proposed a committee, by which all debate was supposed to cease in exchange for the unprecedented step of inserting the reports of both the select committee and the Committee of the Whole in the House Journal.⁹ Some representatives from the South feared that the precedent of printing the select committee's report would lend legitimacy to the resolutions it had proposed and that it would create the "undesirable impression that 'it was business of great importance.'¹⁰ Ultimately, the middle states passed Madison's motion and by inserting the reports in the House Journal effectively buried them in an unmarked grave. Famous Quaker Abolitionist Warner Mifflin, determined to

⁸Ellis, 84.

⁹ William C. diGiacomantonio, "For the Gratification of Volunteering Society": Antislavery and Pressure Group Politics in the First Federal Congress, *Journal of the Early Republic*, 15, no. 2 (Summer, 1995): 192.

¹⁰diGiacomantonio, 193.

carry on the crusade single-handedly, submitted an anti-slavery petition to the second session of the Second Congress. The House wasted no time tabling that petition as well. Two days later it took the unusual step of returning “the paper purporting it to be a memorial,” thus setting the stage for the infamous gag rule that would later distinguish the antislavery petition campaigns of the early nineteenth century.¹¹

While Congress did not necessarily want to talk about the merits of slavery or its future, their legislation, according to Joshua Giddings’s much later perspective, had much to do with slavery whether it was overtly stated or not. In reflecting amidst his fight of the 1850’s, Giddings noted that, “The first exercise of our treaty making power under the Constitution, was put forth for the benefit of the slave interests of Georgia.”¹² This Treaty of New York was “concluded with the Cherokee [and Creek] Indians by which Georgia slaveholders were enabled to recover their fugitive slaves who had fled to the Spanish province of Florida and providing a perpetual annuity of fifteen hundred dollars as compensation to said Indians for their services in the recapture of such fugitives.”¹³ The young Congress continued the tradition of discretion concerning slavery in that the article “by which the United States stipulated to pay the Creeks fifteen hundred dollars, in all coming time”¹⁴ was a secret article. It also important to note that “the Creek chiefs, principal men and warriors should, in its first article, profess to act, not only for the upper and lower Creek towns, but for the Seminoles who were in Florida, protected by Spanish laws. They had not been invited to the negotiation.”¹⁵ Naturally, the Seminoles refused to recognize the treaty, insisting that they were not bound by any compact to which they were not a party and they insisted “that they were a separate, independent tribe.”¹⁶ This refusal of the United States to recognize the Seminoles as a nation independent from the Creeks was one root of the Seminole Wars, and later, Giddings worked to highlight it as

¹¹diGiacomantonio, 197.

¹²Giddings, 12.

¹³ George Washington Julian, *The Life of Joshua Giddings* (1892), 41.

¹⁴Giddings, 13.

¹⁵Giddings, 13.

¹⁶Giddings, 16.

an attempt by Congress to perpetuate slavery without talking about it. However, there would be moments before the days of the gag rule when Congress would precariously breach the topic of slavery.

While chords had been strained on occasion (Northwest Ordinance) in the short history of the new republic, the first serious test to the ties that bound the union together came during the period 1819-1821 when Congress debated “the Missouri Question.” The issue of contention in this debate according to one observer was “with respect to the constitutional right of Congress to prohibit by law the introduction of slavery into the Territories of the United States,” which consequently roused the “inordinate and unjustifiable passion” of Congress and the whole country as threats concerning the “dissolution of the Union” were made.¹⁷ While its ultimate resolution admitted Missouri as a slave state and Maine as free, the path to resolution brought about the first southern threats of secession and other nefarious effects that would make Congress hesitate to discuss slavery again. One historian suggests that the debates “preceding and surrounding the Missouri Compromise offer an instructive glimpse at the development of antislavery doctrine and rhetoric.”¹⁸ This rhetoric revealed a transformation in “language and substance of the Northern Antislavery impulse” as they embraced the early abolitionist arguments that centered on the “natural right of man” but also added that slavery’s victim was “as much white America as the black slave” as it was an institution that disrupted the moral and economic fiber of the nation.¹⁹ This new shift in language alarmed the South and motivated southerners to strengthen the defense of slavery and find a way to silence the new abolitionists. Moreover, one reason southern congressmen had no desire to argue openly about the merits of slavery after the “Missouri debates” was because among its most disturbing aspects, to South Carolinians

¹⁷ Letter from Linn Banks, Feb. 20, 1820, in “Missouri Compromise,” *The William and Mary Quarterly*, 10, no. 1 (July 1901): 20.

¹⁸ Joshua Michael Zeitz, “The Missouri Compromise Reconsidered: Antislavery Rhetoric and the Emergence of the Free Labor Synthesis,” *Journal of the Early Republic*, 20, no. 3 (Autumn, 2000): 449.

¹⁹Zeitz, 452.

and other white residents of the slaveholding states, had been the awareness that the free black Denmark Vesey had been moved to plan his slave revolt in Charleston by reading the arguments in Congress on the Missouri Question. That was what came of “unrestrained discussion of human rights in any setting in which slaves and blacks could overhear.”²⁰ This southern fear of open dialogue about slavery reveals their acknowledgement of the power of oppressive language not only to incite lingual resistance on the part of northern anti-slavery congressmen, but physical resistance from anyone who could read. As the price of cotton continued to rise, so would southern sensitivity to any potential threat to slavery. And in the Age of Jackson threats against slavery were beginning to intensify, as was the resolve of southern congressmen.

It is important to understand what fueled the southern resolve to protect its “peculiar institution” during this era as it had not always possessed fortitude. At the genesis of the nation there was an unbridled confidence that the stain of slavery would be removed from the United States within a couple generations. Beginning with the gradual emancipation method that northern states adopted, as well as the congressional postponing of any antislavery legislation both speak to the hope that future generations would be able to handle it without rupturing the union, the young republic was optimistic that slavery’s days were numbered. Even Thomas Jefferson in his work *Notes on the State of Virginia* had devised a plan whereby all slaves born after 1800 would eventually become free.²¹ However, as proceeding generations came and went through the congressional halls the institution of slavery seemed to be growing stronger. As the industrial revolution began to gain momentum in global markets and in the Northern states, the nature of slavery and agricultural production began to change. Economic theorist Philip McMichael suggests that during the antebellum period beginning during the Jackson era,

²⁰Miller, 31.

²¹Ellis, 90.

“slave labor was subordinated to the competitive requirements of the regime of industrial capital” and that “slave plantations assumed a new intensity in scale and management, referred to by Dubois as a shift ‘from a family institution to an industrial system.’ And slave labor itself assumed a new meaning as planters acquired slaves less for social status, and more as commodity-producing labor. In this movement slave labor became a phenomenal form of value-producing labor.”²²

Therefore, as slavery became the centerpiece of the southern economy, the good intentions of previous generations deteriorated into a determination to silence any resistance to its commercial and cultural lifeblood. The South’s first line of defense was to control language, believing that if the merits of slavery could not be discussed in the halls of Congress or even read about by the people (including slaves) of the South, then it would be insulated from the dangers of lingual resistance.

Furthermore, while the South feared any lingual resistance to slavery in the legislature as it threatened the South’s way of life, it also had to control language at home as its unlimited expression threatened their very lives. In the late 1820’s and early 1830’s free and enslaved black Americans were becoming increasingly militant in their resistance to slavery. These militant black Americans contributed to setting the stage for a great congressional battle during the years 1835-1844. David Walker, a free black originally from the south, in 1829 initiated this militant attitude in a pamphlet entitled the Appeal where he urged slaves to revolt against their masters and kill them. Copies of the Appeal were discovered in Savannah, Georgia, within weeks of its publication.²³ Walker’s Appeal caused such an uproar in the South that plantation owners offered a three thousand dollar bounty for his death and ten thousand to anyone who could bring him to the south alive. Legislative bodies all over the south attempted to control language’s ability to incite action by passing harsher laws against teaching slaves to read. Moreover, they prohibited manumission and severely restricted the movement of

²² Philip McMichael, “Slavery in Capitalism: The Rise and Demise of the U.S. Antebellum Cotton Culture,” *Theory and Society*, 20, no. 3, Special Issue on Slavery and the New World (June, 1991): 321-322.

²³ PBS, “Africans and America,” www.pbs.org/wgbh/aia/part4/4h2931.html (accessed April 14, 2009).

blacks, free and slave.²⁴ While Walker's Appeal may have inspired many enslaved Africans to resist, the next militant act that enthused blacks and horrified whites of the South, was allegedly inspired by God. Nat Turner's bloody slave revolt in 1831 that resulted in the deaths of at least fifty-five whites in Virginia instigated a perpetual uneasiness in all residents of the South, not knowing where another insurrection might erupt. In response, the state legislature in Virginia considered abolishing slavery, but in a closed vote opted to dig their heels in and support a repressive policy against black people, slave and free.²⁵ Regrettably, this obstinacy expressed by Virginia after Nat Turner's rebellion was shared by the rest of the south as they collectively enacted stricter measures to safeguard slavery. However, these expressions of militancy were ever present in the minds of southern congressmen throughout the "gag rule era" as they would become enraged when it seemed to them that abolitionists and some northern congressmen cared more for those who were not white. In referring to northern congressmen (including Giddings) during the Twenty-Fifth Congress representative Charles Downing of Florida asserted that, "all their tender feelings were reserved for Indians and negroes."²⁶ It seemed southerners could not conceive a world shared equally by free blacks and whites and they interpreted abolitionism as the overestimation of black life and the underestimation of their own and consequently an insult of their honor. This attitude ultimately led to a refusal to engage in open debate as southern congressmen had objection "to the reception of...memorials on slavery and the slave trade" and tabled them immediately "so the memorials were not received."²⁷

According to historian Julie Roy Jeffrey, the 1830's were the "heyday of antislavery organizational efforts."²⁸ If blacks were intent on instigating rebellion and attacking slavery physically, whites, inspired by the Second Great Awakening and the

²⁴ John C. Inscoe, University of North Carolina: <http://docsouth.unc.edu/nc/walker/bio.htm> (accessed April 14, 2009).

²⁵ PBS, "Africans in America," www.pbs.org/wgbh/aia/part3/3p1518.html (accessed April 14, 2009).

²⁶ 25th Congress, 2nd Session January 24, 1838, 537.

²⁷ 25th Congress, 1st Session in *Gales and Seaton's Register*, October 5-9, 1837, 512.

²⁸ Julie Roy Jeffrey, *The Great Silent Army of Abolitionism* (Chapel Hill: The University of North Carolina Press, 1998), 53.

recent international success of abolitionists abroad were equally militant with their rhetoric. While abolitionism was an idea as old as modern slavery, American abolitionists were recently influenced by the example of their English counterparts—Wilberforce and the others—who had finally succeeded after years of struggle, in 1833, in achieving by a vote in Parliament the abolition of slavery in the British possessions in the West Indies.²⁹ This victory of English abolitionists, while somewhat dissimilar to the servitude situation in America, served as fuel to the fire for American abolitionists as they became determined to petition congress again on matters concerning slavery. By 1834 most abolitionists had realized the importance of petitions as a weapon in the antislavery movement. Antislavery petitions began pouring into Congress in unprecedented numbers after 1835.³⁰

While the story of abolitionists such as William Lloyd Garrison, Frederick Douglass and Oliver Wendell Holmes are well known, it is important to note the essential contribution of women in the abolitionist movement, especially in the massive petition drives undertaken by female abolitionist societies. Some historians have relegated women to a peripheral role in the movement and only mention the success of a few female abolitionists who were feminist celebrities such as the Grimke Sisters, Lucretia Mott and Sojourner Truth. In actuality, thousands of common women, according to William Lloyd Garrison and other abolitionist leaders, formed the backbone of the movement and were central to its success. In 1847, Garrison's abolitionist newspaper, the *Liberator*, asserted that "the Anti-Slavery cause cannot stop to estimate where the greatest indebtedness lies, but whenever the account is made up, there can be no doubt that the efforts and sacrifices of the WOMEN, who helped it, will hold a most honorable and conspicuous position."³¹ According to Jeffrey, for more than three decades common women "raised money, created and distributed propaganda, circulated and signed

²⁹Miller, 73.

³⁰James M. McPherson, "The Fight Against the Gag Rule: Joshua Leavitt and Antislavery Insurgency in the Whig Party, 1839-1842," *The Journal of Negro History*, 48, no. 3 (July, 1963): 177.

³¹*Liberator*, October 19, 1847: quote from Stevens, "From Generation to Generation," 344 in Jeffrey, 1.

petitions and lobbied legislations.”³²While most abolitionist women did not become feminists, “their commitment would challenge racial, social, and political arrangements in both the North and the South.”³³

The petition drive of the 1830’s that led to the “gag rule” constituted women’s most extensive “grassroots work” during that decade. The “gag rule” that was passed in 1836 in response to the petitions only added fuel to the abolitionist fire. From 1838 to 1840, it is estimated that petitions bearing the signatures of 2,400,000 Americans flooded the halls of Congress. Numerous studies have shown that women, who often worked for free, were “far more successful than men at this work” often tripling the number of petition names secured previously by paid male agents.³⁴ The ambitious activity of petitioning represented, according to Jeffrey, women’s entry “into the world of mass democratic politics and implicitly signified their rejection of quiet influence at the hearth for a voice in the civic sphere.”³⁵ As women collected signatures and endured the controversy their actions generated, it forced them to confront the tensions between their newly constructed identity as female abolitionists and more conservative definitions of womanhood. However, since women saw their labor as an attempt to alleviate the suffering of other women, many did not perceive it as an instance of identity construction but a necessary extension of a traditional feminine role. For example, women in Canton, Ohio stated in their preamble, “We consider that we are not moving out of our proper sphere as females when we assume a public stand in favor of our oppressed sisters.”³⁶ Therefore, in the case of women abolitionists, as they used language to resist the oppressive institution of slavery on the behalf of others, they were simultaneously using it to resist a regime of knowledge that sought to keep them silently submitted in the confines of the home.

³²Jeffrey, 2.

³³Jeffrey, 26.

³⁴Jeffrey, 86-88.

³⁵Jeffrey, 87.

³⁶Quoted in Jeffrey, 57.

Before Congress attempted to control language expressed in petition and public debate, they tried to control the language of the abolitionist press, thereby displaying a widespread acknowledgement that language matters in regard to social change. While an abolitionist could not safely attempt a speaking tour of the “Deep South” in order to appeal to the reason and morality of the slaveholder, they could mail them these same arguments. Even though most abolitionists were pacifists, the people of the South (and even the North, when it comes to the words of David Walker and Nat Turner) were not going to put up with the distribution of offensive abolitionist literature. In one instance, a group of highly motivated citizens of Charleston broke into the post office, tore open the mail sacks, removed the offending matter, and burned the pamphlets in the public square. Groups of citizens in other towns imitated this example of civil disobedience. Postmasters, with the encouragement of the postal authorities in Washington, took it upon themselves to suppress the pamphlets; the postmaster in New York, with the same encouragement, restricted the distribution of the pamphlets as well.³⁷ If disregard of the first amendment by the post office was not sufficient, the executive and legislative branches joined in too. President Jackson called for a federal law prohibiting the circulation of abolitionist publications. John C. Calhoun, nervous about federal control, suggested state laws with the same results as Jackson’s proposal.³⁸ Even though neither plan passed, the pamphlet controversy in that winter of 1835-1836 revealed to the broad public of the new nation that the defenders of slavery were proposing an intellectual blockade. In the spring of 1836, the House of Representatives, partly in response to the apprehensions about the suppression of the press that this controversy had generated, passed a bill prohibiting any postmaster from detaining publications or preventing their delivery. While the bill passed through both houses, the southern states

³⁷Miller, 94.

³⁸Miller, 98-102.

stood firm in their defiance and used old laws or passed new ones to prevent the distribution of “incendiary materials.”³⁹

While the South felt it had a handle on repressing the printed material of the abolitionists, other strategies were necessary in order to negate the power of language expressed in the petitions against the slave trade, slavery in Washington D.C. and immediate abolition that continued to flood Congress. Southern congressmen devised a plan to table the petitions for good. As they planned their strategy to get such legislation, several of them, many of whom were ex-lawyers, turned to the basic law tactic of character defamation. The southern congressmen used their privileged position of power to create with language a villainous caricature of the abolitionist, which they meant to serve as an “ideological barrier”⁴⁰ to abolitionist ideas being taken seriously in Congress. Not only did they want to suppress the language of their opposition, but they also desired to generate an offensive attack on their character with the hopes of undermining the abolitionist cause. It became a laughable competition about who could deliver the most stinging insult on the abolitionists. As anti-slavery petitions were submitted, southern congressmen shifted the focus from the issue to the character of the abolitionists describing them in mild terms as “ignorant fanatics,” “misguided,” “deluded and infatuated men,” “fanatics of the North,” and “agitators and fanatics of the North.” Southerners, knowing their words were being published, clamored for the most derogatory insult that would bring cheers and votes from their constituents and the description of the abolitionists became more inflammatory still. Waddy Thompson described them as “murderers, foul murderers, accessories before the fact, and they know it, of murder, robbery, rape and infanticide.” Not to be outdone, James Garland had the last word as he accused the abolitionists as being “fiends of hell.”⁴¹ What made this spectacle of verbal one-upmanship laughable was that virtually all of the abolitionists were pacific

³⁹Miller, 104.

⁴⁰Foucault, 17.

⁴¹Miller, 36-37.

Quakers, clergy and women. However, while it was comical to think of northern domestic women or Quakers brandishing machetes and initiating a violent uprising in the South, southern congressmen fought hard to attack their character and suppress their words, because they knew their message was just as dangerous to their way of life. John C. Calhoun of South Carolina, went beyond character defamation and audaciously attempted to “create knowledge” by arguing that slavery was no evil but a positive good.⁴²

Both Northern and Southern congressmen knew it was dangerous for the union to discuss slavery and the south was determined to harness the power of language to its advantage. Southerners like Calhoun and Hammond said, “we must meet the abolitionist fanatics at the threshold; we must hold them against the farthest outpost. If that outpost is yielded, if that threshold once is crossed, then all will be lost.”⁴³ Stopping the abolitionists at the threshold of Congress meant squelching their right to petition. In the opening weeks of the 1835-1836 session of Congress, after consuming a great deal of time arguing what to do with the mounting abolitionist petitions, the abolitionists were finally “stopped at the threshold.” Initially, James Hammond of South Carolina suggested that the petitions of abolitionists be denied reception completely.⁴⁴ However, Hammond’s rhetoric would prove too revolutionary as northern Whigs and Democrats would not stand for the destruction of the cherished right to petition, even if they disliked and were annoyed by the abolitionists. Therefore, Henry Pinckney of South Carolina came up with the idea of “Tabling” rather than receiving petitions because abolition was “inexpedient” rather than “unconstitutional.” Even though it was a slight change in words, Historian William Freehling notes that “Pinckney’s vocabulary gave Southern Democrats a loyally southern way of compromising with Northern Democrats” and thereby perpetuating their unity.⁴⁵ Despite the fact that the Whigs were against any gag, “the house finally adopted

⁴²Miller, 132.

⁴³Miller, 35.

⁴⁴ William W. Freehling, *The Road to Disunion: Secessionists at Bay*, (New York: Oxford University Press, 1990), 311.

⁴⁵Freehling, 331.

a rule stating that all petitions 'on the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid on the table and...no further action shall be had thereon."⁴⁶ While this gag stifled debate on the subject of slavery, it did not stifle the flood of petitions that were beginning to pile up in record numbers in the halls and storerooms of the house, which irritated many congressmen. Since the beginning of the petition flood in 1835 there had been southern extremists (i.e. James Hammond, Henry Wise, Waddy Thompson and William Cost Johnson) who demanded a gag which would not merely table antislavery petitions, but deny their very reception. On January 28, 1840, "the House adopted as its twenty-first standing rule that statement that 'no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or slave trade between the States or Territories...shall be received by the House."⁴⁷

The house was able to adopt this seemingly despotic rule for several reasons. First, even though the First Amendment of the constitution stipulates that, "Congress shall make no law...abridging...the right of the people...to petition the government," the Constitution also states (Article 1, Section 5) that, "Each house may determine the rules of its proceedings." How did Congress determine where the right to petition ceased and the right of Congress to establish its proceedings begin? While Congress asserted that, "The gag which denied reception was merely a refusal to consider petitions whose prayers had been repeatedly rejected in the past,"⁴⁸ the answer was not that simple. According to the assessment of Joshua Giddings' 1892 biographer (and son-in-law), George Washington Julian, "At no time in the history of the government had the supremacy of slavery been so unquestioned"⁴⁹ than it was during this era of Congress. Julian, also U.S. congressman from Indiana 1849-1871⁵⁰, asserted that the origin of this

⁴⁶McPherson, 177.

⁴⁷McPherson, 180.

⁴⁸McPherson, 178.

⁴⁹Julian, 80.

⁵⁰ Biographical Directory of the United States Congress, George Washington Julian, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000280> (accessed February 17, 2010).

problem stemmed from “slaveholding arrogance on the one hand, and Northern cowardice on the other.”⁵¹ One element that perpetuated their cowardice was South Carolina’s threats of secession, the other, according to Julian, was that “Party was paramount in all things...On the subject of slavery the South acted as a unit, while northern members of both parties [Democrat and Whig] deferred to their southern brethren, who thus ruled their respective organizations.”⁵² It is likely that the South acted as a unit concerning slavery because as abolitionism grew, no southern politician wanted to be seen as “soft on slavery” and have his southern loyalty questioned.⁵³

It was in this tumultuous political climate that Joshua Giddings, who would later be called the *Lion of Ashtabula*, entered the House for the first time in December of 1838. Giddings would play an instrumental part in the repeal of the gag rule and fighting the slave power in general for the next twenty years. Giddings’ life up to that point had prepared him for the ensuing verbal conflict. Over six feet in height, broad shouldered, and he had grown up enduring a rugged existence on the Western Reserve in Ohio and fought Indians in the War of 1812.⁵⁴ Julian noted that, “The story of his early years strongly resembles that of Lincoln’s, barring the difference between life in Kentucky and on the Western Reserve.”⁵⁵ Miller notes the Western Reserve was “a kind of filtered, and improved New England, with a change in manner toward openness and forthrightness, and disentangling from the moral encumbrances of the commercial ties of the wealthy centers—a satisfactory hybrid of New England and the Midwest. It was in any case prime territory for the development of antislavery convictions.”⁵⁶ While growing up his family “believed in the sacredness of human right because they accepted Christianity as ‘the root of all democracy.’ They had no respect for any distinctions

⁵¹ Julian, 44.

⁵² Julian, 79.

⁵³ Freehling, 295.

⁵⁴ Julian, 18.

⁵⁵ Julian, 13.

⁵⁶ Miller, 80.

resting among property, color, or race.”⁵⁷ His Christian upbringing and unusual zeal for knowledge gave him great respect for justice, which made the practice of law a good vocation for Giddings. Beginning with his admission to the Bar in 1821, and closing with his election to Congress in 1838, “he was arming himself for his great battle with the slave-masters, which ended only with his retirement from public life in 1859.”⁵⁸

When Giddings arrived in Congress in 1838, he recognized the audacity of the southern slaveholders that moved most of his Northern brethren to cowardice. After a short time in Congress he came to a conclusion asserting with the confidence of a man used to contending with danger, “ I have myself come to the honest conclusion that our Northern friends are in fact afraid of these Southern bullies...I would rather lose my election at home than suffer the insolence of these Southerners.”⁵⁹ While many of the northerners did not possess the boldness to stand up the southerners, Giddings was not completely alone in his determination to resist. Among the few he would enter the verbal fray with was his soon-to-be mentor and former president, John Quincy Adams. Julian noted that, “Giddings caught his [J.Q. Adams] spirit, and valiantly seconded his labors while he lived; and when the old hero and patriarch rested from his toils, his mantle fell upon his beloved disciple.”⁶⁰

If Giddings was resolved to not let the Southern slave power to intimidate him, he had no option but to assail the infamous gag rule and initiate what Foucault would term “an insurrection of subjugated knowledges.”⁶¹ These are knowledges that have been intentionally hidden or repressed by those in power and they are involved in an insurrection when they are uncovered and expressed by someone in an attempt at resistance to the status quo. For four regular sessions in a row the gag resolution had been enacted at progressively earlier stages: May 26, 1836; January 19, 1837;

⁵⁷ Julian, 15.

⁵⁸ Julian, 42.

⁵⁹ Julian, 52.

⁶⁰ Julian, 49.

⁶¹ Foucault, 81.

December 21, 1837 and December 11, 1838.⁶² After some preliminary attempts at direct assault were thrown back by the gag, Giddings joined William Slade of Vermont and J.Q. Adams in flank attacks, making his first important speech in the House on February 12, 1839. The issue of contention was a proposal for a free bridge to be built across the eastern branch of the Potomac River. Giddings began his flank attack by stating that, “the tax money of free-state citizens should not be used for improvements in the District so long as it remained a slave market.”⁶³ In reference to the gag rule and those it “gagged,” Giddings noted, “We refuse to hear them: we treat their petitions with contempt, but in answer, say ‘your money shall be taken for the improvement of this city, although it be a slave market; we will not hear your objections to the slave trade, but we will tax you to build a slave market.’”⁶⁴ While Giddings’ stance did not overturn the gag rule at this juncture, his fellow Congressmen did vote the bridge resolution down. This may have been because they agreed with Giddings or because they simply did not want to discuss the bridge or the issues connected with it any further.

Giddings would use this same lingual flanking tactic to successfully put the gag rule on the road to extinction and aptly display how language, more specifically subjugated knowledge, can be used to resist oppressive expressions of power. His “collateral” subject was the Seminole Wars, also known as the Florida War. Before Giddings’ intervention, martial conflicts on Florida’s soil had been shrouded in a cloud of ambiguity. When James Monroe gave a speech to the Senate on the causes of the First Seminole War on March 25, 1818, he asserted that “the hostilities of this tribe were unprovoked” and that the United States’ reason for participating in this war was the “principle of self-defence.”⁶⁵ In reality, however, the reasons found in congressional documentation are contrary to Monroe’s stated reasons. It is likely that Monroe would have been very aware of the military letter submitted to Congress (February 24, 1817)

⁶²Miller, 343.

⁶³Miller, 346.

⁶⁴Miller, 347.

⁶⁵*Annals of Congress*, Senate, 15th Cong., 1st Sess., 1818, 288-289.

from the field in Florida that “[The Seminoles] speak in the most contemptuous manner of the Americans, and threaten to have satisfaction for what has been done—meaning the destruction of the Negro Fort.”⁶⁶ This cryptic mention of the “destruction of Negro Fort” was a reference to a grisly event in 1816 when American sailors by order of General Andrew Jackson destroyed a fort in Spanish Florida inhabited by three hundred and twenty “Indians and Negro’s” who were using the fort for a refuge. The destruction of the fort killed two hundred and seventy of them while the others were massacred or sold into slavery.⁶⁷ This truly unprovoked event was one of the reasons for the Seminoles’ hostility, but it was virtually unknown to the American public and not discussed by those who knew about it.

Monroe would have also known about other military communications submitted to Congress explaining that the murders committed on the Florida frontier were done in retaliation to Indians murdered by “some worthless white men who reside on the frontiers of East Florida, and who live by plunder.”⁶⁸ The real reason is also found in military letters from the Florida war that were sent to Congress. In a letter from an Indian chief to the commanding officer at Fort Hawkins, after a long list of grievances concerning mistreatment at the hands of white people he closed with the words “You have sent to us respecting the black people on the Suwany river; we have nothing to do with them...We do not wish our country desolated by an army passing through it, for the concern of other people...we cannot get them [for you] now.”⁶⁹ Moreover, a letter sent in the midst of the melee by Arthur Ambrister, an English adventurer attempting to provide representative assistance to the Seminoles and Negroes, asserted that “The main drift of the Americans is to destroy the black population of Suwany,”⁷⁰ a town of blacks and Seminoles on said river. Therefore it seems that Monroe’s vague justification for the Seminole war being

⁶⁶ *American State Papers*, 15th Cong., 2nd Sess., 1818-1819, 681-682.

⁶⁷ David and Jeanne Heidler, *Old Hickory’s War: Andrew Jackson and the Quest for Empire*, (Baton Rouge: Louisiana State University Press, 1996), 74.

⁶⁸ *American State Papers*, 15th Cong., 2nd Sess., 1818-1819, 683.

⁶⁹ *American State Papers*, 15th Cong., 2nd Sess., 1818-1819, 685.

⁷⁰ Kenneth Wiggins Porter, “Negroes and the Seminole War, 1817-1818,” *The Journal of Negro History*, 36, no. 3 (July 1951): 271.

“self-defence” was in some sense true, but not in the usual meaning of defending American interests. Rather the war was prosecuted for the capturing of runaway slaves and the protection of the slave economy. As congressional precedence has shown, these matters were not discussed. Furthermore, as Congress debated why General Jackson went to war without their permission, they finally determined that “The tendency of these measures by the commanding general, seems to have been to involve the nation in a war without her consent, and for *reasons of his own, unconnected with his military functions.*”⁷¹ It is likely, based on Jackson’s previous conduct as a person and general in Florida, that his reasons “unconnected with his military functions” had everything to do with the capture of runaway slaves and nothing to do with securing the frontier from the threats of “savages.”⁷²

While Andrew Jackson flexed American might against the Seminoles and their darker comrades in arms, he was not successful in capturing any runaway slaves. He merely drove them deeper into the swamps of Florida and burned their abandoned towns. Therefore, it was no surprise when a second Seminole War broke out in 1835. As the war picked up momentum in 1836, President Andrew Jackson made it very clear to his commanders in the field that it was “very important that the movement against the negroes, women and children of the hostile Indians should be vigorously prosecuted...that the capture of these, and the destruction of their settlements, would best insure the speedy termination of the war.”⁷³ The capture of the Negroes would have been a higher priority than the women and children because they were reported to be the most dangerous foes in the field of battle,⁷⁴ they still were considered runaways and most importantly their existence served as a perpetual refuge for slaves residing in the Deep South looking for a way out.

⁷¹ *Annals of Congress*, Senate, 15th Cong., 2nd Sess., 1818-1819, 292.

⁷² Bertram Wyatt-Brown, “Andrew Jackson’s Honor,” *Journal of the Early Republic*, 17, no. 1 (Spring 1997): 18.

⁷³ *American State Papers*, House of Representatives, 24th Cong., 1st Sess., 1836, 441-442.

⁷⁴ John T. Sprague, *The Origin, Progress and Conclusion of the Florida War*, (New York: D Appleton Company, 1848), 309.

As the war began to drag on, and Congress spent three years appropriating substantial amounts of money for military expenditures that brought little decisive action, they were beginning to get irritated and wanted some accountability for the public money being spent. Even southerners were uneasy about how the war was being conducted as Mr. Henry A. Wise of Virginia, a representative 1832-1844, defiantly asserted that

“I will not, with my own knowledge, vote one dollar more for it, till we have some details, some intelligible account, as to the expenditure of what has already been given...Is there in fact a war at all? I have information from the best sources, ...which assure me that there is, at this moment, no war in Florida, but that which is kept up by the government officers, and by the people who are battering and fattening on the money of the nation voted by this house to prosecute that war...I say further, that this war has been conducted in a manner morally wrong. It has been marked on our part by perfidy after perfidy, and treachery upon treachery.”⁷⁵

Mr. Wise, however, would not go into what he thought these treacheries were, perhaps because they dealt with subjects that were “gagged.” While Congress wanted answers, due to the important role runaway black Seminoles played in the conflict, they didn’t want answers too specific for fear of opening the lid on the slavery debate. In a letter sent to the War Department in 1838, Congress submitted a list of eighteen questions demanding to know what was going on in the war and nowhere did it directly mention Negroes or runaway slaves. The closest the request for information came to mentioning these “banditti” was when it demanded “The number of other classes who have emigrated” and “The number still remaining.”⁷⁶ The language in General R. Jones’ response from the field was much less enigmatic than Congress’s, as he candidly reported the number of Indians and Negroes who had been killed, captured or voluntarily surrendered.⁷⁷ Over the next three years, public frustration mounted as the war in Florida seemed to have no clear objectives. When Congress attempted to appropriate more funds for the war without discussing the reality of the situation, Giddings took advantage of the moment

⁷⁵*Congressional Globe*, 25th Cong., 2nd Sess., 1838, 536-537.

⁷⁶*American State Papers*, Senate, 25th Cong., 2nd Sess., 1838, 992.

⁷⁷*American State Papers*, Senate, 25th Cong., 2nd Sess., 1838, 994.

and attempted to reverse the “gag rule’s” hold on open speech. In doing so, he revealed just how powerful he understood this ban on language to be.

On February 9, 1841, during the second session of the twenty-sixth Congress, Giddings made the most famous speech of his career: He proposed to test the extent to which they would be permitted to discuss subjects collaterally involving the question of slavery, by pursuing a “fugitive slave” angle. As Mr. Waddy Thompson of South Carolina introduced a bill requesting the appropriation of one hundred thousand dollars “for the removal of certain Seminole chiefs and warriors west of the Mississippi,”⁷⁸ Giddings made his move. After Thompson had spoken, Giddings rose and began by saying,

“While I would go as far as any member to bring this war to an immediate close, I think it important that we should carefully examine the causes that brought it on, the reasons of its repeated renewal and continuation, in order that we may be able to adopt such measures as will ensure peace at the earliest possible moment...The attention of our people has often been called to these facts; while few, very few, of them have been fully informed as to the original exciting cause of this war or the manner in which it has been renewed and conducted.”⁷⁹

Next he turned to the words of the Indian agent from Florida were to develop his cause.

As his biographer later argued, he wanted

“to show that the Seminoles refused to go west, lest the negroes, who had so long resided with them, should be seized and enslaved by the Creeks; that the object of constraining the Seminoles to emigrate was to enslave them; and that to effect this piratical object the nation had been plunged into war. He denied that the government was endeavoring to remove these Indians for the purpose of occupying their lands, and quoted the authority of General Jessup for the statement that ‘these lands would not pay for the medicines used by our troops while employed against the Indians.’”⁸⁰

These facts had never been brought to the public before, offended, southern members of Congress attempted to intimidate Giddings by gathering around him as he proceeded to read further documents “that the Florida War had been waged by the Government to aid the slaveholders in the capture of runaway slaves, and for the enslavement of Indians

⁷⁸Julian, 2.

⁷⁹*Congressional Globe*, House of Representatives, 26th Cong., 2nd Sess., 1841, 346.

⁸⁰Julian, 92.

and negroes who were free.”⁸¹ Some of the most incriminating evidence was Giddings’ use of field reports and military orders as he quoted the Indian agent asserting that the U.S. army “was put in motion to capture Negroes and slaves. Our officers and soldiers became slave-catchers...with the assistance of bloodhounds...they seized him [the flying bondman], and for the bounty of twenty dollars he was usually delivered over to the first white man who claimed him.”⁸² Giddings would later show that this twenty-dollar bounty was from public funds. In the midst of a speech that took three hours, he was constantly assailed by interruptions from southerners,

“Giddings explained that he had no intention of discussing the question of slavery; that he did not expect to examine its merits or demerits...that he only intended to show that it constituted the cause of the Florida War, while neither Congress nor the Federal Government had any authority under the constitution to involve the people of the nation in a bloody war to support the institution.”⁸³

After the speech, a chorus of southern congressmen accused Giddings of making an anti-slavery speech and heaped on him insults and threats of unusual intensity. Giddings’ biographer noted that, “This speech proved an invaluable agency in the political education of the people. It breathed a new life into the anti-slavery cause. The startling facts it embodied were for the first time dragged to light from their hiding-place among musty executive documents and put on public duty.”⁸⁴

Due to the fact that this type of bold language was so rare in the halls of a Congress so often dominated by the southern slave power, Giddings’ speech was immediately printed in pamphlet form and thousands of copies were expedited to every part of the North.⁸⁵ Referencing the speech later in life, Giddings said, “I prepared a speech on the Florida War, by which I intended to expose the despotism of slavery and of the gag-rules...in that speech I shadowed forth the doctrine that Congress possessed no constitutional power to involve the people of the Free States in a war for the recovery of

⁸¹ Julian, 93.

⁸² Julian, 94.

⁸³ Julian, 94.

⁸⁴ Julian, 99.

⁸⁵ McPherson, 183.

fugitive slaves.”⁸⁶ Perhaps southerners became so enraged by his “exposition” because they were well aware of the fact that Giddings’ speech marked the beginning of a dangerous new narrative. Southerners were so threatened by his attempt at lingual resistance, that they not only supported the gag rule, but wanted Giddings gagged as well. Moreover, southern congressmen were hesitant to bring up any legislative topic that could be connected with slavery fearing Giddings would use it as fodder for his new discourse.

Giddings attempted the same strategy again in 1842 during the second session of the twenty-seventh Congress when he hoped southern congressmen would bring up the Creole Case. This case surrounded a slave revolt on the American vessel Creole. After the revolt, the slaves forced the captain to take them to Nassau, where under the jurisdiction of British law all of them except those charged with murder were freed. This action by the British enraged southerners who demanded the return of their property. Giddings expected the southerners to bring up the issue as they had done in the Senate, but they were reluctant to bring up the matter fearing another anti-slavery speech in the same vein as Giddings’ “Florida War” rant. Giddings grew impatient and introduced the “Creole Resolutions” after which Southern Whigs, thirsty for revenge, voted to censure Giddings. The censure passed by a substantial majority March 22, 1842, after which Giddings returned home and immediately filed for reelection. Giddings won his election by a large majority and his first speech on returning to Congress was over the Creole case. Though frequently interrupted by angry southerners, “he was allowed to proceed with impunity. ‘From that date,’ wrote Giddings twenty years later, ‘freedom of debate was substantially regained’ and the gag ‘morally ceased to operate.”⁸⁷ Giddings’ professed strategy worked as it ultimately put the gag rule on the road to extinction thereby putting an end to Congress’ attempt to control the slave issue by checking any lingual reference to the subject.

⁸⁶ Julian, 380.

⁸⁷ McPherson, 194.

Giddings continued to serve through the end of the Thirty-fifth Congress in 1859. During his tenure, he took unflinching anti-slavery stances on slavery in the District of Columbia and California, the "Amistad" case, the Kansas/Nebraska Act and the Dred Scott Decision. He was also friends with John Brown and assisted him by "raising funds for his relief, having lost all his property in Kansas by border ruffian outrages, and now being poor."⁸⁸ When Brown committed his act of rebellion at Harper's Ferry, southern Democrats accused Giddings of encouraging him and made an extended effort to implicate him. Giddings acknowledged his acquaintance with Brown but asserted he knew nothing of Brown's plans until he read about his actions in the papers. In response to these statements "an advertisement appeared in the papers published at Richmond, Virginia, offering a bounty of ten thousand dollars to anyone who would bring Giddings to that city alive, or five thousand dollars for his head."⁸⁹ Giddings responded to these turbulent times by publishing a book that revisited the topic of the United States and its history with Florida and her native inhabitants. Using "documents in archives at Washington"⁹⁰ he went beyond the material of his Congressional speech that initiated the beginning of the end of the "gag rule" and explored new historical territory that would shock those who read it. According to Foucault, "history is the discourse of power."⁹¹ Therefore, revisionist historical discourse can be a "discursive weapon...used...within the political field."⁹² This expression of history can be used as a counter-history to the historical discourse that was put in place by the regime of state power that seeks to perpetuate its control and the status quo. Foucault suggested that the role of this "counter-history" is to

"disinter something that has been hidden, and which has been hidden not only because it has been neglected, but because it has been carefully, deliberately, and wickedly misrepresented...[and therefore it seeks a] re-appropriation of a knowledge that has been distorted or

⁸⁸ Julian, 370.

⁸⁹ Julian, 370.

⁹⁰ *The Independent*, April 22, 1858: New York; 10, 490; American Periodicals Series Online, 3.

⁹¹ Michel Foucault, "Society Must Be Defended": Lectures at the College de France, 1975-1976 (New York: Picador, 1997), 68.

⁹² Foucault, "Society", 189.

buried. It will decipher a truth that has been sealed...[and] demand rights that have not been recognized.”⁹³

While the counter-history that Giddings presented in his book *Exiles* covered the First and Second Seminole Wars in greater detail than he did in his Congressional speech, revealing even more atrocities committed by the U.S. government, the most alarming element of the book was its revelation that every administration “from Washington’s to Polk’s...was an accessory...to this national crime against a brave and helpless people.”⁹⁴ Beginning with the colonial Carolinians in 1700 and finishing with the end of the Second Seminole War in 1842, Giddings highlighted the fervor the slaveholders of the South had and the deceitful methods they used for recapturing their property and how they had eventually involved the U.S. government in their venture. Giddings also revealed that the Seminoles both red and black were not recent fugitives, but that

“long before the War of the Revolution, slaves fled to Florida, and at least three quarters of a century prior to the purchase of Florida by the United States, a colony of negroes had been established there who gradually mingled and became identified with the Seminole or Southern Creek Indians, who had also made it their refuge from Carolina slavery.”⁹⁵

With the publication of Giddings’ magnum opus, in 1858 at the end of a distinguished Congressional career, the nation was poised perilously close to war. During a pivotal time, his work was so essential because he spoke unabashedly to an issue that many had attempted to marginalize for much of the nation’s history and was subsequently dividing the country. The contemporary nature of his work made it a polarizing narrative that contributed to the emerging discursive knowledge that materialized with armed conflict three years later.

Exiles received praise from various media outlets including the *Atlantic Monthly’s* exhortation that, “Every American citizen should read it; for it is an indictment which recites crimes which have been committed in his name, perpetrated by troops and

⁹³ Foucault, “Society”, 72-73.

⁹⁴ Julian, 368.

⁹⁵ Julian, 366.

officials in his service, and all done at his expense.”⁹⁶In a letter printed by *The Liberator*, Josiah Quincy, former Massachusetts representative and Harvard president, noted that “it out ought to enkindle in the Free States, a feeling, a will, and a resolve, to relieve the Union of this incubus.”⁹⁷ Commenting on the timing of the publication, *The Liberator* noted that the

“work is most opportunely given to the public at this time, when the minds of men are awakened to the subject of slavery as a moral and political evil of the first magnitude. Earlier it would not have been so widely appreciated as it is now. It is just in time to meet the public demand for information on the progress of this national cancer.”⁹⁸

There was no question that Joshua Giddings was remembered by his contemporaries as a catalyst for social change on the congressional floor and via the written word as a producer of discursive “fields of knowledge” that had been hidden in the shadows.

In conclusion, as language creates discourse in a given society and regimes of power are established as a result of discourse, there will always be a counter-discourse. In the case of the United States, the country *began with slavery* as a part of its regime of power and a counter-discourse surfaced in various abolitionist societies very early in the American narrative. The lawmakers attempted to control the counter-discourse by controlling lingual resistance in the law-making body of the nation through various gag-rules. However, with the passage of each gag-rule, the abolitionist press and petition drives, held together by women, only increased in frequency and intensity. In order to counter this intense resistance, members of the legislative body created and disseminated discourse about those attempting to resist the established regime, by labeling them “fanatics” further minimizing their effectiveness. Eventually, however, significant resistance surfaced within the law-making body from John Quincy Adams and Joshua Giddings forcing a collision of local knowledges (North/South). However, according to Foucault, the dissemination of power only begins with language, in order for

⁹⁶ Julian, 368.

⁹⁷ *Liberator (1831-1865)*; Jul 23, 1858: 28, 30; American Periodicals Series Online, 118.

⁹⁸ *Liberator (1831-1865)*; Aug 20, 1858; 28, 34; American Periodicals Series Online, 0_1.

it to be recognized as power it must be put into action. The result of this collision of fields of knowledge will be discussed in the next chapter as it led to physical acts of resistance in the state of Florida and eventually the United States.

CHAPTER 3

THE PHYSICAL FRUITION OF LANGUAGE: NONCOMPLIANCE AS RESISTANCE

Social historian Michel Foucault said that, “It is not with ideas that history is made to move forward, but with material force.”¹ In other words, without action, ideas and language unable to cause change. As Joshua Giddings and John Quincy Adams led a battle of ideas against the “gag rule” and the slave power in Congress that would last nine years (1835-1844), the Second Seminole War, a material war, raged simultaneously in Florida (1835-1842). Many in America thought the origin of the war in Florida “probably grew out of attempts to remove these Indians beyond the Mississippi” and that much of the country in Florida was “overrun by hostile Indians”² who subjected “the whole circumjacent country to the terror of the scalping knife and tomahawk.”³ Widespread anti-Indian sentiment meant that the average American citizen had no qualms about the Executive asking for the means of “suppressing these hostilities.”⁴ However, there were multiple perspectives on the American Indian as well as the origins of the war in Florida. A few stalwart Representatives questioned “the manner in which the war had been conducted, and intimated that it was more immediately connected with the support of slavery than it ought to be.”⁵ This emerging discontent concerning the nature of the Florida War expanded to other members of Congress. Local publication of

¹ Michel Foucault, *PowerKnowledge: Selected Interviews and Other Writings 1972-1977*, (New York: Pantheon Books, 1980), 24.

² *The Adams Sentinel*, February 1, 1836, Gettysburg, Pennsylvania.

³ *The Hagerstown Mail*, MD, June 17, 1836.

⁴ *Adams Sentinel*.

⁵ 2nd Sess., 25th Congress.

Congressional debates meant opponents of slavery throughout the country came to oppose this war.

During this peculiar time when there was both a melee of words in Congress and one of bloodshed in Florida, the President and Commander in Chief, was eventually defied by his commanders in the field. Such refusals were very telling. Brevet Captain John T. Sprague, ruefully reflecting on what was believed to be an act of injustice on Native Americans before the Second Seminole War, noted “the demands of the executive, through the representatives in Congress, are too potent to be disregarded, and the government is compelled to acquiesce, and, through its agents, give instructions actuated more by the disposition to gratify the populace than to vindicate the rights of the savages.”⁶ Despite the potent power represented by President Van Buren, General Zachary Taylor, who himself would later ascend to the presidency as a war hero, reflected his perception of this president’s perfidy in refusing his order, claiming “I CANNOT FOR A MOMENT CONSENT TO MEDDLE WITH THIS TRANSACTION.”⁷ Taylor was not alone as four other officers during the Florida War were involved in acts of non-compliance and the adoption of policies that were contrary to the wishes of the executive.

If the president was attempting to “gratify the populace” with his orders concerning the Second Seminole War, why would some of his officers refuse to comply? Foucault asserted that, “The individual, with his identity and characteristics, is the product of a relation of power exercised over bodies, multiplicities, movements, desires, forces. There is much that could be said ... on the problems of regional identity and its conflicts with national identity.”⁸ It appears that one of the issues in this situation was the problem of regional versus national identity, also known as sectionalism. Thus, one reason for the

⁶ John T. Sprague, *The Origin, Progress, and Conclusion of the Florida War* (New York: D. Appleton & Company, 1848), 25. Sprague served in the army for thirty three years. He served as an officer in the Eighth Infantry during the Florida War (Second Seminole War). Ultimately he served under General William Jenkins Worth during the war and eventually married Worth’s oldest daughter.

⁷ Joshua R. Giddings, *The Exiles of Florida* (Columbus: Follett, Foster and Company, 1858), 226.

⁸Foucault, 74.

issue of noncompliance may arise from the fact that “the populace” the executive was attempting to oblige, was located in a particular *region* of the United States. This attempt on the part of the president to satisfy a group of constituents from one particular region of the United States and inadvertently support their “local knowledge” or perspective on matters of culture, religion and most importantly slavery led to resistance from those who were from another region of the United States or believed the mandates of the executive to be dishonorable. This chapter will examine issues of power and knowledge that arise from a regional/national dichotomy and will demonstrate that as regimes of power are resisted with discursive ideas, these resistant thoughts inevitably take form and express power via material force. Ultimately, it will reveal that the conflict led by soldiers in Florida was a material expression of the division marking Congress and the nation.

While Giddings’ efforts to speak against slavery suggested the sensitivity of the topic of slavery in the previous chapter, this chapter demonstrates a related point—how a national army could be used to enforce a regional institution. Each state in the young nation had colonial roots in regional autonomy concerning economics, culture and providing for its own *common defense*. Unless a rebellion or invasion occurred on a large scale, colonies were generally expected to handle martial matters independently, which led to diverse regional practices concerning the use of militia. While slavery existed in every colony during the era preceding the Revolution, historian Colin Bonwick reports that, 89 percent of all blacks lived in the South and most were enslaved.⁹This potentially explosive ethnic structure required the formation of a southern militia and eventually slave patrols that had very different roles from their northern brethren in arms. Most militia in the middle and New England colonies were concerned about invasions from Indians or the French. The militia of the southern colonies also sought to oppose and suppress Indian attacks but their chief concern had to do with the possibility of slave insurrections. In order to prevent these insurrections, paramilitary slave patrols were

⁹ Colin Bonwick, *The American Revolution* (New York: Palgrave Macmillan, 1991), 22.

formed that were drawn from the militia itself. Historian Harvey Wish notes that, “the spectre of a general insurrection haunted the minds of the white citizenry and large patrols were kept in constant service to prevent Negro meetings of all types.”¹⁰ Not only did these patrols attempt to uncover slave insurrection plots and stop slaves from running away but those in Georgia and South Carolina were on guard against the possibility of Spanish invasion from Florida. In addition to Spanish invasion, southerners used the slave patrols to stop runways from building maroon communities and escaping to Spanish Florida where they would be welcomed with open arms and exist as a living invitation to all those who would risk flight.¹¹ Spanish Florida’s policy of freedom to all slaves who could escape served as a perpetual thorn in the side of all southerners from colonial times until the U.S. acquired Florida via the Adams-Onis treaty in 1819. The United States, subservient to southern interests, eagerly pursued obtaining Florida from the Spanish so it would no longer be a haven for fugitive slaves. Once Florida was in U.S. possession, the nation pursued a policy of capturing all runaway slaves and clearing out native inhabitants.

While the relationship between the United States and Spain was a national issue, the problem of slaves escaping to Spanish Florida was a regional one and was enforced accordingly. As governor of Virginia, James Monroe used the federal cavalry to assist local militia in putting down attempted slave insurrections; and during the War of 1812 this practice increased in importance as rumors of insurrection were in the air.¹² But even when Monroe used Federal troops to assist as extra slave patrols, they served only to assist in stopping or preventing violent action by slaves, and seldom sought to *capture* them. Capturing runaway slaves who ventured into Florida during this time remained the task of southern militia and slave patrols. This regional autonomy is

¹⁰ Harvey Wish, “American Slave Insurrections Before 1861,” *The Journal of Negro History*, 22, no. 3, (July 1937): 314.

¹¹ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolina’s* (Cambridge: Harvard University Press, 2001), 15-23.

¹²Wish, 311-312.

revealed by the fact that in 1812, while U.S. troops were on the “look out” for a slave insurrection in Virginia, southern militia were preparing to wage an exterminating war in Florida. Joshua Giddings reported that,

“The executive of Georgia, apparently entertaining the idea that his State was competent to declare war and make peace, raised an army, which, ...entered Florida with the avowed intention of exterminating the Seminoles, who had so long refused to surrender the Exiles [runaway slaves]; while the real object was the recapture and re-enslavement of the refugees.”¹³

After the Seminoles and their black compatriots repulsed the first attempt, Giddings noted, the sovereign power of Georgia raised another army of

“hunters, trappers, vagabonds, and men of desperate fortunes, ... from that state, from East Tennessee, and from other Southern States, to number five hundred; and Florida was again invaded ...[T]hey burned two or three of the smaller Seminole towns, destroyed several cornfields that had been planted by the exiles, and drove back to Georgia large herds of cattle, which they had stolen from the negroes; yet the principle object of the expedition failed; They were unable to capture an individual, or family of the Exiles ...thus after a struggle of more than two years, the state of Georgia found itself unable to conquer Florida or the Seminoles, or to capture the exiles.”¹⁴

This state-led debacle became known as the “Patriot War.”

While the so-called Patriot War was in progress, a Pennsylvania newspaper noted that citizens of the northern region of the United States understood the intention of the conflict was to “punish the Indians for their late aggressions” and in the name of “public safety, combined with the necessity urgent enough to control *all* other considerations.”¹⁵ Americans who resided in the North expressed no apprehensions that their southern neighbors were doing anything more than defending themselves against Indian aggression as they shared these same attitudes; and in implicit anti-Indian expansionism had been woven into the fabric of northern consciousness since the colonial era. The Northwest Ordinance was a great example of this attitude as it initially displayed U.S. optimism “assuming that the nation would expand westward.” Moreover,

¹³Giddings, 30.

¹⁴Giddings, 31.

¹⁵*The Sentinel*, April 15, 1812, Gettysburg, Pennsylvania.

“it encouraged that expansion by guaranteeing that liberty and representative government would move across the mountains with the pioneers.”¹⁶ A part of shared American assumption was that that the Indians who stood in the way of this inevitable expansion would either be pushed further west or exterminated entirely. So as the “Patriot War” was concluding, Americans further North were enjoying the fruits of the Northwest Ordinance. With the recent “defeat of the Indians and the British in the War of 1812, pioneer families rushed into the Indiana territory and Ohio taking up rich, abundant [and formerly Indian] land.” By 1815, Indiana had a large enough population required by the Northwest Ordinance to petition for statehood.¹⁷

There was no doubt both northern and southern regions of the United States shared a contemporary understanding of what had to be done with Indians in the name of progress. Henry Goulburn, a member of the British negotiating team for the Treaty of Ghent, surmised that until he came to the U.S. he had “no idea of the fixed determination which prevails in the breast of every American to extirpate the Indians and appropriate their territory; but I am now sure that there is nothing which the people of America would so reluctantly abandon as what they are pleased to call their natural right to do so.”¹⁸ Due to this ideological cohesiveness concerning Indian removal, most Americans regardless of region embraced using the United States military to clear Indian lands for white occupation. The opinion of Major General Thomas Jessup, who came from a Virginia military tradition and commanded the U.S. army for two years during the Florida War, deemed that the removal of Indians was necessary “when they [Indians] are pressed upon by the white population, and their lands become necessary to the agricultural wants of the community.”¹⁹

¹⁶ James H. Madison, “Extending Liberty Westward: The Northwest Ordinance of 1787,” *The OAH Magazine of History*, 2, no. 4, The Development of Nationalism and the Northwest Ordinance (Fall 1987): 18.

¹⁷ Madison, 17.

¹⁸ Lynn Hudson Parsons, “A Perpetual Harrow upon My Feelings: John Quincy Adams and the American Indian,” *The New England Quarterly*, 46, no. 3 (Sep 1973): 340.

¹⁹ *Letter from Major General Commanding Thomas H. Jessup to J.R. Poinsett, Secretary of War*, Quoted in Sprague, 199.

Despite all this unanimity, one ideological barrier did exist, opposition to slavery. A few dissenting voices believed removal to be unjust and more importantly had a problem with the fact that the land would be used to perpetuate a form of agriculture that depended on involuntary servitude. George W. Julian, a historian and congressman of the age revealed his chagrin when he asserted that "The National Government assisted in expelling the red man from seven of eight states of the South at the cost of many millions, so that the white man could enter with his peculiar institution where it was otherwise forbidden."²⁰

While the United States had a longstanding tradition of encroachment and seizure of Indian lands in the name of agricultural and commercial expansion, it also used Indians for the dirty and often dangerous job of catching slaves. Historian Sally Hadden asserts that during the colonial era "proprietors repeatedly insisted to the colonists that without the Indians 'you can never get the Negroes that run away.'" This may have been attributed to the fact that the Indians were willing to go into swamps and other isolated regions where whites feared to tread.²¹ However, while Indians occasionally hunted runaways throughout the colonial era, as relations with the colonists deteriorated, Native American assistance became less reliable.²² Unfortunately for Native Americans, as white society continued to expand and treaties became more frequent and necessary to maintain amicable relations, white treaty makers often included articles in the treaties that would force Native Americans to hunt down and return runaway slaves. In the 1730s, South Carolina included such runaway slave provisions in their early treaties, and even though the "Georgia Trustees forbade slavery in their infant colony, they also included provisions for the return of slaves in their first treaty with the Creeks."²³ In order to make the treaties more effective, slave bounties were used by slave-owning officials as an

²⁰ George W. Julian, *The Life of Joshua Giddings* (1892), 43.

²¹Hadden, 15.

²²Hadden, 17.

²³ Kathryn E. Holland Braund, "The Creek Indians, Blacks and Slavery," *The Journal of Southern History*, 57, no. 4 (Nov, 1991): 611.

additional method of persuasion. Historian Kathryn Braund notes that by 1763 “an Indian hunter was rewarded with a gun and three blankets for each captured slave.”²⁴ Once the United States began to take more definitive shape under the Articles of Confederation in 1785, the government attempted to treat with the Creek Indians, including a provision requiring them to return all “runaway Negroes.” Washington’s administration continued this effort as it attempted to treat with the Creeks and successfully negotiated the Treaty of New York in 1790 with an article requiring all Creeks to return runaway slaves.²⁵

But this treaty also included the provision that white slave catchers pursuing runaways on Creek land risked being charged with trespassing. While Creeks were hesitant to return slaves, being responsible for runaways was preferable to them, because it preserved their territorial sovereignty. Still not all Indians saw the press to serve U.S. slave interests in the same way, including the Seminoles who had once been affiliated with the Creeks, and whom the U.S. assumed would be governed by this treaty. The roots of all martial conflict against the Seminole Indians and their black brethren are found in the “runaway stipulation” in the Treaty of New York. The treaty bound the Upper and Lower Creek tribes that resided all over the southeastern United States to return fugitive slaves. The United States government believed that the Seminoles were a part of the Lower Creek Tribe, when in fact they had broken away from the Creeks after a bitter disagreement in 1750 and *saw themselves* as independent thereafter.²⁶ There were no Seminole delegates at the signing of the Treaty of New York, nor were they a part of the Creek nation and yet they were bound to abide by its stipulations. When Seminoles refused to return runaways, the U.S. nevertheless claimed it was a treaty violation. What can a country, or rather a region of a country, do when its savage peoples do not abide by its treaties? Initially, as evinced by the “Patriot War,” militias of the region unsuccessfully attempted to force the Seminole’s to abide by the treaty.

²⁴Braund, 611.

²⁵Giddings, 6-8.

²⁶Giddings, 1. This is also mentioned in John and Mary Lou Missall’s book, *The Seminole Wars: America’s Longest Indian Conflict*.

When this did not work, they turned to a new tactic as Georgians and Americans living in Spanish Florida “petitioned General Jackson for the forcible removal of the Indians, because they would not seize and bring in their fugitive slaves.”²⁷ Jackson, a slave owner, war hero and self-described “man of the people” responded to their call and set in motion a precedent of using the United States army for slave-catching expeditions, he vaguely cloaked this expedition by proclaiming they were intended to control an aggressive Native American population. However, the ruse did not work, especially for those who were increasingly influenced by the discourse about free labor. Thus, conflict predictably arose in the U.S. over the legitimacy of government sponsored slave-catching expeditions.

Jackson’s first foray in 1816, briefly mentioned in the previous chapter, was a mission to destroy a “Negro Fort” located on the Apalachicola River in Florida and return its mostly black inhabitants to their previous owners. This event and its contradictory representations at the time illustrated national and regional tensions. According to John Quincy Adams, who was Secretary of State at the time, the Fort was abandoned by the British after the War of 1812 that “remained on the Spanish territory, occupied by the banditti to whom [the British] had left it, and held by them as a post from whence to commit depredations, outrages and murders, and as a receptacle for fugitive slaves and malefactors, to the great annoyance both of the United States and of Spanish Florida.”²⁸ Before Jackson invaded Florida, he had “written Governor Mauricio de Zuniga at Pensacola in April 1816 to complain about the fort and to demand that the Spanish do something about it.”²⁹ Jackson threatened that if the Spanish government took no action, he would, apparently assuming he had the authority to do so. Adams soon determined that Jackson was justified in such an action because “the Spanish force in

²⁷Giddings, 258.

²⁸ John Quincy Adams, *Memoirs of General Andrew Jackson: Together With The Letter of Mr. Secretary Adams* (Bridgeton: 1824), 26.

²⁹ Sean Michael O’Brien, *In Bitterness and Tears: Andrew Jackson’s Destruction of the Creeks and Seminoles* (Westport: Praeger Publishers, 2003), 192.

Florida was inadequate for the protection even of the Spanish territory itself, against this mingled horde of lawless Indians and negroes; and, although their devastations were committed within the United States, they immediately sought refuge within the Florida line(their own territory).”³⁰Giddings, however, later rebutted Adams’ judgments, with the assertion that the fort was “intended as a defense against the forays of slave-catchers, who were not expected to bring with them heavy artillery”³¹and claimed that “General Gaines [who witnessed its destruction]...was conscious that they [the exiles] had taken possession of the fort solely for their own protection.”³²

Despite what Giddings later surmised, General Jackson stated at the time, that he had little doubt of the fact that the fort had “been established by some villains for the purpose of rapine and plunder, and that it ought to be blown up, regardless of the [Spanish] ground on which it stands” and in conclusion Jackson ordered his men to, “destroy it and return the stolen negroes and their property to their rightful owners.”³³While Andrew Jackson involved the soldiers of the U.S. army in the melee, he also continued a longstanding tradition of using Indians to capture slaves. Giddings noted that,

“the Creeks, having entered into the treaties of New York and Colerain, by which they bound themselves, twenty years previously, to return those exiles who fled from Georgia, and having failed to perform those stipulations, now cheerfully united with the American army in this first slave-catching expedition undertaken by the federal government.”³⁴

The melee did not last long as Jackson’s forces had the fortune to fire a red hot cannonball shot directly into the powder magazine of the fort causing a tremendous explosion that killed nearly three hundred of the fort’s Indian and black inhabitants.³⁵ Those slaves who survived the explosion “were afterwards delivered over to claimants in Georgia” while others “were taken back with Colonel Clinch to Georgia and delivered

³⁰ J.Q. Adams, 28.

³¹Giddings, 33.

³²Giddings, 35.

³³Giddings, 37.

³⁴Giddings, 39.

³⁵ John K. Mahon, *History of the Second Seminole War 1835-1842*, (Gainesville: The University of Florida Press, 1967), 23.

over to men who claimed to have descended from planters who, some three or four generations previously, owned the ancestors of the prisoners.”³⁶ Jackson’s view seems to have won public opinion in that one newspaper of the era makes no reference of what was done with the survivors but made it clear that the three hundred men, women and children that were killed were a “horde of banditti.”³⁷

The Seminoles, both red and black, were outraged by what happened at Negro Fort and began to prepare for the possibility of war. A year passed, filled with more border incidents and threats from Seminoles to annihilate any Americans who stepped foot on their land. After 1816, when the Seminoles massacred a party of forty under Lieutenant R.W. Scott coming up the Apalachicola River (in retaliation to the massacre that occurred at Negro Fort), Andrew Jackson was determined to lead a punitive expedition. General Jackson was given permission by the Secretary of War (not Congress) to bring the Seminoles under control unless they should take refuge inside of a Spanish fortress.³⁸ Initially, the war did nothing but destroy deserted villages and crops and push the Negroes and Seminoles further into the swamps of Florida. However, from the beginning Jackson thought the whole of east Florida should be “seized and held as an indemnity for the outrages of Spain upon the *property* of [American] citizens”³⁹ and Jackson saw this conflict as an opportunity to seize Spanish territory. According to Adams, Jackson believed he was acting under permission from the administration when he

“took possession, therefore, of Pensacola and of the fort of Barrancas, as he had done of St. Marks, not in a spirit of hostility to Spain, but as a necessary measure of self-defense; giving notice that they should be restored whenever Spain should place commanders and a force there, able and willing to fulfill the engagements of Spain towards the United States, of restraining by force, the Florida Indians from hostilities against their citizens.”⁴⁰

³⁶Giddings, 42.

³⁷ Extract of a letter to a gentleman in Charleston, dated Camp Crawford, August 4, in *Connecticut Courant* (1791-1837): Sep 10, 1816.

³⁸ Mahon, 24-25.

³⁹ AJ to James Monroe, January 6, 1818, *Papers of Andrew Jackson*, ed. Harold Moser et al. (Knoxville, Tenn., 1994), IV, 166-67.

⁴⁰ J.Q. Adams, 30.

If Jackson conquering East Florida were not enough to give Congress something to fret over, Jackson also captured and executed two British citizens, Arbuthnot and Ambrister, two men whom he believed were stirring the Indians and Negroes to rebellion. The actions of Jackson caused a firestorm on Capitol Hill as many denounced his actions as unconstitutional. Secretary of War John C. Calhoun, along with a few other cabinet members argued that the government should disassociate itself from Jackson and court martial him for his actions; Speaker of the House Henry Clay gave a speech to Congress denouncing Jackson's behavior. Historian Daniel Walker Howe states that President Monroe adopted a toned down response to Jackson's actions by holding to a plan conceived by John Quincy Adams that "avoided antagonizing the general's popular following while denying the administration's complicity in waging an undeclared war."⁴¹ Monroe returned Jackson's territorial acquisitions back to Spain. However, he did not inflict punishment nor did he pass a censure upon General Jackson because his actions were "patriotic" and done in the name of "self-defense."⁴² Joseph Pizarro, the Spanish Minister to the United States, did not agree with President Monroe as he asserted that

"The Americans have no claim, either founded or unfounded, to the territory which General Jackson has attacked—no real or pretended revolution of the inhabitants could serve as a pretext—no previous attack by robbers, which was alleged as a reason for the unjust seizure of Amelia Island; the Spanish flag was flying on the fortresses of San Marcos and Pensacola, when they were attacked."⁴³

Joshua Giddings also asserted that the first Seminole War "had been commenced for the destruction of the Exiles [runaway slaves],"⁴⁴ he continued that "In all these cases, the most assiduous efforts were exerted to misrepresent the real state of facts."⁴⁵ In the end, no runaways were seized and the United States government would not treat with black men because they were black, and they would not treat with the Seminoles

⁴¹ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848*, (New York: Oxford University Press, 2007), 103.

⁴² J.Q. Adams, 30.

⁴³ J.Q. Adams, 21.

⁴⁴ Giddings, 54.

⁴⁵ Giddings, 52.

because they were still considered a part of the Creek Nation. The U.S. departed Florida without a treaty.⁴⁶

Historian Bertram Wyatt-Brown asserts that Jackson's actions in the first Seminole War "were a study in flagrant disobedience, gross inequity and premeditated ruthlessness."⁴⁷ The fact that General Andrew Jackson was able to invade foreign soil with a force composed of regulars, militia and Creek warriors without the permission of Congress, essentially seize a foreign state, execute citizens of another country without due process and end up being commended for it, speaks to the popular attitude of the day and Jackson's personification of it. While many in powerful public places such as Congress and newspapers around the world denounced Jackson's actions, his tremendous popularity with the people gave him just enough leverage to endure the incident without serious consequences. While Jackson would not be president for another ten years, his popularity was such that the executive of the United States was more concerned with remaining an ally of a popular general than punishing overt violations of the Constitution and the commission of explicit injustice. Howe suggests that, "the choice of Jackson [for the Florida campaign] showed a disposition in Washington for a commander of demonstrated energy and aggressiveness (he was also known to disobey orders, having refused instructions to return lands to the Creeks in 1815)."⁴⁸ Therefore, it is reasonable to conclude that Monroe, who was eager to obtain Florida, was not only aware of Jackson's aggressiveness as a general but counted on it. Furthermore, Monroe was cognizant of the breadth of the General's emerging "social power" that in some sense placed Monroe and Jackson in role of shared executive because he recognized that some of his power was grounded in his support of Jackson. Only Jackson could wage an undeclared war and show the Spanish that they could not adequately defend Florida making them more willing to treat and cut their losses. The

⁴⁶Giddings, 57.

⁴⁷ Bertram Wyatt Brown, "Andrew Jackson's Honor," *Journal of the Early Republic*, 17, no. 1 (Spring 1997): 3.

⁴⁸Howe, 99.

South in general did not have had a problem with Jackson's actions because of its long history of conflict with Florida and its love for Jackson as a southern man of humble origins. The North, while it detested Jackson's unconstitutional behavior and disregard for international law with the execution of Arbuthnot and Ambrister, understood that Indian aggression must be kept in check and had not forgotten Jackson's exploits at New Orleans and Horseshoe Bend. Also, while Giddings asserts it was a war for the recapturing of slaves, it was not explicitly stated in any field correspondence and therefore the U.S. soldiers accompanying Jackson would not have had cause to doubt the honor of their mission. Ultimately, Monroe successfully acquired Florida shortly after, Jackson kept his popularity, and those who attempted to punish the general for his actions (Clay, Calhoun and select cabinet members) would never be forgiven by Jackson.⁴⁹

Foucault's social theory suggests that the president and the majority of the American people's support of Jackson despite his unethical actions was due to the fact that Jackson was the personification of a changing soil of American identity. Foucault asserts that

"Between every point of a social body, between a man and woman, between the members of a family, between a master and his pupil, between everyone who knows and everyone who does not, there exist relations of power which are not purely and simply a projection of the sovereign's great power over the individual; they are rather the concrete, changing soil in which the sovereign's power is grounded."⁵⁰

President Monroe supported Andrew Jackson not because Jackson was a projection of the executive's power, but because Jackson had the love of the people and was the emerging symbol of what it meant to be American. He provided "the soil" Monroe's power as sovereign was rooted in.

Due to the fact that the U.S. army left Florida in 1818 after the first Seminole War without a treaty, between the first and second Seminole Wars the federal government

⁴⁹Howe, 105.

⁵⁰Foucault, 187.

attempted, through various (unsuccessful) treaties that to corral the Seminoles on reservations and force them to give up their darker brethren. According to Giddings, it was a perpetual insult to General Jackson that runaway Negroes still resided with the Seminoles and it was Jackson's idea in 1822 "to reunite the Seminoles with the Creeks with the hopes that the Negroes would be returned to their masters if this occurred."⁵¹ Jackson, however, did not get what he desired as in 1823 the Seminoles (who were now officially treating as a nation independent from the Creeks) signed the Treaty of Camp Moultrie which placed them on a reservation near Tampa Bay and under the "care and patronage of the United States."⁵² However, while the Seminoles refused to move, knowing they would be reunited with the Creeks and the black Seminoles taken from them, they agreed to article seven of the treaty which stated that the Seminoles must be

"active and vigilant in preventing the retreating to, or passing through, the district of country assigned to them, of any absconding slaves, or fugitives from justice; and further agree, to use all necessary exertions to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expense incurred."⁵³

If the government could not obtain the runaways that already resided with them, it was determined to prevent more from joining their standard, even if it meant using U.S. tax dollars as a reward for returned runaways.

The Treaty of Moultrie, however, was a failure in that it could not protect the Seminoles from starvation or from deadly conflict with whites. While the Seminoles were given compensation for the move to the reservation, this money was divided among all the tribe members and quickly spent on goods that traders brought to the reservation. Therefore, not long after, the Seminoles were forced to subsist upon the coutee, brier root and cabbage tree for sustenance. As Sprague later recounted, the Indian agent Gad Humphreys lamented their condition as he asserted that "The situation of some of these people is wretched, almost beyond description; those particularly who during the late

⁵¹Giddings, 318.

⁵²*Treaty of Moultrie*, Article 3.

⁵³*Treaty of Moultrie*, Article 7.

alarm were robbed of their guns, have been absolutely famishing. Their appearance is sufficient to excite the commiseration of the hardest heart.”⁵⁴ As Indian agent, Humphreys was also forced to play judge when a slave was claimed by both a white person and a Seminole, to which, he often had great difficulty ascertaining the truth. While Humphreys was ordered by the national government to respect the Seminoles’ slaves that existed under a slave system more akin to feudalism where annual tribute was required, he was also given strict instructions from the governor of Florida concerning the many free blacks that coexisted with the Seminoles. Governor Duval’s instructions to “remove out of the Indian boundary, all free negroes”⁵⁵ were clear. But how Humphreys would carry out this removal was less clear since the first Seminole War had shown at least one method, force, was ineffective. Despite or perhaps because of Humphreys’ genuine concern for Seminole justice, the “popular current” represented by citizens of Florida, began to rise against his policy of returning runaway slaves, as they complained directly to the executive powers in Washington D.C.⁵⁶

Lieutenant Sprague, the commander in Florida who witnessed these actions, noted that during this uproar in the South

“the Demands for the negroes said to be among the Indians, continued to agitate the country, threatening the most serious results. These applications were now made upon the president of the United States, who through the secretary of war and commissioner of Indian affairs, required them to be surrendered by the Indian agent.”⁵⁷

Moreover, despite explicit instructions from the Department of War to the agent stating that, “the military cannot be employed in arresting negroes”⁵⁸ the agent had already requested their help, and Major Glassell commanding at Fort King and Colonel George M. Brooke offered their assistance. However, as soon as the black Seminoles received word of the approach of the military, they disappeared in the swamps as they had during

⁵⁴Sprague, 38.

⁵⁵Sprague, 35.

⁵⁶ Sprague, 35-36.

⁵⁷Sprague, 41.

⁵⁸Sprague, 48.

the First Seminole War. In 1828, a conference was called between the Seminole Nation and the military whereby MicoNopy, one of the nation's head chiefs cut to the quick of the injustice that they were experiencing as he stated "We are told there is a white man come into our country after certain negroes. I want to know what right has he to come after them; we have been told that white people should not come into our country: besides, these Negroes are ours, and the whites have no right to them."⁵⁹ Jumper, another Seminole chief, offered a list of grievances, and concluded his remarks by stoically proclaiming, "that the justice of the government is for the whites and not for us."⁶⁰ Afterwards the white agent gave many promises the Seminoles did not believe because they had heard them before. Sadly, the Seminoles' opinion of American justice was not far from the truth. It seems that, at bottom, many Americans simply believed Indians did not deserve justice because they were Indians. With an air of frustration, Agent Humphreys asserted that the Indians' neighbors in Florida and Georgia and perhaps beyond estimated the Seminoles "lives to be of as little value as those of the vilest beasts of the forest."⁶¹

Despite the talks and treaties, the deluge of runaway slave claims and the accompanying political pressure to satisfy those claims continued to intensify. Despite the fact that the Seminoles complied, and did return a few recent runaways, they also continued to protect the ones they owned and the ones who had resided with them for an extended period. Colonel Brooke, who was brought in to assist Agent Humphreys, prophetically alluded to a future conflict when he asserted that, he did "not believe that, without the consent of the Indians themselves, the negroes would have been had [recovered], without a considerable force and fatigue, and then with a risk of considerable consequences."⁶² Brooke, with a hint of apprehension, stated that, "So many claims are now made on them [Seminoles, for runaway slaves], that they begin to believe that it is

⁵⁹Sprague, 50.

⁶⁰Sprague, 51.

⁶¹Sprague, 32.

⁶²Sprague, 52.

the determination of the United States to take them all.”⁶³ Brooke proved to be right, as every subsequent time the Seminoles were “summoned for a talk, it resulted in a demand for negroes, which they repeatedly declared they would never surrender.”⁶⁴ Ultimately, despite Gad Humphrey’s diligence in his duty as Agent to the Seminole Indians, his concern for justice made him a marked man among southerners. Sprague states that the “executive, as might have been expected, was inclined to defend and vindicate the whites” and Humphreys was relieved of his command after eight years of service in Florida as the Indian agent.⁶⁵ Humphreys admitted to doubting the justice of the policy toward the Indians.⁶⁶ While he stated that he did his best not to let his opinions be an obstacle to his duty, in a letter to the governor this military man posited that what was happening in Florida was a

“most extraordinary lesson in humanity for a civilized nation to place before a people whose barbarism we so loudly and freely condemn” and that “any man who read the history of this inglorious war and its effects, will learn and see much which, as an American, a member of a nation calling itself *Christian*, he must blush at it.”⁶⁷

With Humphreys removed and replaced with Major John Phagan, a puppet for the administration, President Andrew Jackson was free to renew the designs for the Seminoles and their runaway compatriots that he had held as a general. Jackson’s intent was to reunite the Seminoles with the Creeks in Indian territory where, he was confident, the runaway negroes would be taken and returned to their masters. Therefore, it was necessary to treat with the Seminoles, persuade them to migrate to western lands and reunite with the Creek nation. Due to the fact the Seminole reservation was a veritable wasteland and they were involved with constant confrontations with the whites, they would likely be more willing to leave Florida than remain there and eke out an existence of perpetual hunger and conflict, Jackson believed. Making life in Florida unbearable

⁶³Sprague, 52.

⁶⁴Sprague, 65.

⁶⁵Sprague, 62.

⁶⁶Sprague, 61.

⁶⁷Sprague, original emphasis, 39.

may have been the state department's design as James Gadsden wrote to Andrew Jackson in 1829 that the idea behind the treaty [of Moultrie Creek] had been to "get the Indians concentrated in order to eventually move them west."⁶⁸ Observers at the time certainly thought so. As Sprague noted, to bring about this desired end, "Colonel James Gadsden, of Florida, was directed by the secretary of war, General Lewis Cass, early in 1832, to enter into a negotiation with the Indians for a relinquishment of their lands in Florida."⁶⁹

On May 9, 1832, the U.S. and Seminoles signed the treaty of Payne's Landing, a treaty with three notable elements for this analysis. The first, in the preamble, stated that after the treaty was signed a delegation of Seminole chiefs along with the Indian agent would be sent to "examine the country assigned to the Creeks, west of the Mississippi River, and should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people,"⁷⁰ the articles of the subsequent treaty would be binding. This clause meant that the legitimacy of the treaty was contingent upon the Seminole delegation approving of the land on which they would settle. Secondly, in Article I, the Seminoles agreed to relinquish all claims to land in Florida and emigrate to the country assigned to the Creeks "it being understood that an additional extent of country, proportioned to their numbers, will be added to the Creek territory."⁷¹ In other words, while they would reside in Creek country, land would be added to Creek territory that would be for the Seminoles. The third notable element occurs in Article VI and deserves to be quoted in its entirety:

"The Seminoles being anxious to be relived from the repeated vexatious demands for slaves, and other property, alleged to have been stolen and destroyed by them, so that they may remove unembarrassed to their new homes, the United States stipulate to have the same property [properly] investigated, and to liquidate such as it may be satisfactorily

⁶⁸Mahon, 49.

⁶⁹Sprague, 73.

⁷⁰Sprague, 70.

⁷¹ Sprague, emphasis added, 74.

established, provided the amount does not exceed seven thousand (7000) dollars.”⁷²

This essentially meant, that, “the Indians agreed to pay seven thousand dollars as an indemnity for all slaves then in their territory. This was accepted as full indemnity, and the slaves then resident with the Indians became free in law.”⁷³ The months of January to March, 1833, were spent examining the aforesaid country which the Seminoles found to be barren and dreary, probably due to the season.⁷⁴ While the circumstances remained a mystery, the delegation signed the additional treaty at Fort Gibson in Indian Territory, which meant they were satisfied with the country and committed their nation to emigrating within three years of signing. When the delegation returned to meet with the rest of the tribe and give their opinion, the delegates “denied their own acts, and asserted, most positively, that they had not signed any paper relinquishing their land, or which required them to remove from the country.” Sprague went on to note that “The oldest and most influential chiefs, who had governed the nation for years, were unheard in this relinquishment of their possessions, and they resolved to resist by force the first attempt to dispossess them.”⁷⁵ Despite Seminole cries of treachery and deceit on the part of the United States, President Jackson insisted, “that they shall be removed.”⁷⁶ After the Seminoles were informed that the stipulations of the Treaty of Paynes Landing would be enforced, they spent the next three years preparing for the conflict they assumed would begin when the U.S. army arrived to escort them west.

As both the United States and Seminole nation expected, hostilities commenced in 1835 when the Seminoles were supposed to move west. Tellingly Jackson revealed what he saw as the main reason to go to war when he asserted that “These runaway slaves,...must be removed from the Florida’s, or scenes of murder and confusion will

⁷²Sprague, 75.

⁷³Giddings, 145.

⁷⁴Sprague, 76.

⁷⁵Sprague, 78.

⁷⁶Sprague, 88.

exist.”⁷⁷By design, from the beginning of the war, soldiers of the U.S. army were used as slave catchers.⁷⁸ Joshua Giddings recounts a story where U.S. soldiers went to the plantation of a prominent Seminole named E-con-chattimico and proceeded to disarm everyone on the plantation and then assisted slave catchers in stealing every slave on his property.⁷⁹ After two years of hostilities the Seminoles desired a new treaty and agreed to move west provided that their Negroes would accompany them. Major General Jessup, who took command after General Winfield Scott stepped down in 1836, saw an opportunity to end the hostilities and jumped at the chance as any competent commander would. Due to the fact that the Indians would not enter into any arrangement “that did not guarantee to the Exiles equal protection and safety as it did to the Indians,” General Jessup yielded and had it written in the Articles of Capitulation that “the Seminoles and their allies, who come in and emigrate West, shall be secure in their lives and property; that their negroes, their bona fide property, shall accompany them West.”⁸⁰Some southern states such as Maryland were not aware of the stipulations of the treaty that involved Negroes, as one newspaper of the day hailed Jessup’s leadership and took pleasure in the fact that “the war in Florida has been terminated” and that a treaty was signed “stipulating that all hostilities immediately cease,—that by the 10th of April all the Indians be in at Tampa Bay with their families, to take transports for the West.”⁸¹However, southern states closer to Florida were aware of the stipulations and asserted that General Jessup had forgotten his place and unless he wanted to travel the same road of agent Gad Humpreys, his policy concerning runaways required an amendment. His compromising spirit

“was in direct conflict with the views and feelings of the slaveholders in Florida and the adjoining states. They understood the war to have been

⁷⁷Giddings, 71.

⁷⁸ It is appropriate here, to remind the reader that this essay is not an examination of important battles and people of the Second Seminole War, but rather, the slave-catching policies that ultimately led to non-compliance on the part of numerous commanders in the field.

⁷⁹Giddings, 91.

⁸⁰Giddings, 140. It is important to note, that the U.S. military did not make a distinction between slaves that had recently escaped and those that had lived in a vassal-like relationship with the Seminoles for generations.

⁸¹*The Hagerstown Mail*, March 24, 1837, Hagerstown, Maryland.

commenced for the purpose of re-enslaving the Exiles. These articles of capitulation constituted not only an abandonment of that policy, but actually operated as an emancipation of all the slaves who, having fled from service in Florida, Georgia and Alabama, had joined the Seminoles and taken up arms against their oppressors.”⁸²

Faced with the dilemma of ending the war or keeping his job, Jessup chose the economically beneficial route and began to “modify” the compact he had made with the Seminoles in 1837 and attempted to persuade the Indians and free Indian negroes (who had been born free) to “betray those [negroes] who had fled to them during the war.”⁸³ General Jessup managed to solidify this “arrangement” with an unimportant chief named Co-hadjo to the chagrin of the remaining Seminole chiefs. Therefore, when the Seminoles and their black allies arrived in Tampa Bay to commence the emigration by the stipulations that were agreed upon in the Articles of Capitulation, Jessup deceived them as “officers and men were detailed to take black prisoners—who had come in and surrendered with the expectation of emigrating West—from their places of rendezvous to certain points where it would be most convenient for the claimants to receive them.”⁸⁴ Blacks who were captured were sent to Tampa Bay while the Indians were sent to Charleston, which consequently separated many bi-racial families as all blacks were sent away, to be claimed or sold, not just the ones who had recently fled slavery.⁸⁵

While the Seminoles felt betrayed by Jessup’s actions in 1837, they would not have been surprised if they had access to his letters written during that year. These letters revealed the true intentions of the war and Jessup’s frustrations as he attempted to carry out a seemingly impossible task. According to Giddings, all of General Jessup’s letters written during his campaign in 1837 showed conclusively, “that the war was to be conducted by the organization of slave-catching forays, in which the troops were expected to penetrate the Indian Country for the purpose of capturing Negroes.”⁸⁶ The

⁸² Giddings, 143-144.

⁸³ Giddings, 147.

⁸⁴ Giddings, 153.

⁸⁵ Giddings, 180-181.

⁸⁶ Giddings, 159.

Florida militia contributed under Jessup's command as well, and they captured and restored more than three hundred Negroes.⁸⁷ However, due to Jessup's "arrangement" most of the Seminoles and their black allies fled deeper in the Florida swamps more determined to stay, which protracted the war and substantially increased the lives and money expended for its continuation. As General Jessup left his command frustrated, he lamented in a letter, further revealing the purpose of the war, that, "In regard to the Seminoles, we have committed the error of attempting to remove them when their lands were not required for agricultural purposes; when they were not in the way of the white inhabitants, and when the greater portion of their country was an unexplored wilderness."⁸⁸ His claim implies that the only real gain was one Southerners supported, the re-enslavement of Seminole Exiles.

The seeds of dishonor that were planted with Jackson's destruction of Negro Fort and his reckless waging of the undeclared First Seminole War, began to sprout with the questionable dismissal of the Seminole Agent Gad Humphrey's and were about bear the fruit of open defiance as the main intent of the war was no longer a mystery to those to waged it. If the southern militias had been used exclusively to catch the slaves during the Second Seminole War as they had been in the past there would not have been a problem as this was an acceptable practice in the southern region. However, using soldiers of the U.S. army as slave catchers was not only inappropriate, as the Secretary of War had noted in 1828, but it was also more likely to elicit resistance as the soldiers were from various regions of the United States and had equally divergent views on slavery. Giddings sums up the decaying situation and attitudes of the army that would soon ignite into an intentional dereliction of duty:

"Our officers and soldiers, serving in the Florida War, were duly conscious of the dishonorable employment in which they were engaged; that they were daily subjected to dangers and death for the purpose of enabling the people of Florida to seize men and women, and sell them into interminable bondage... nor can we wonder that the consciousness

⁸⁷Giddings, 187.

⁸⁸Giddings, 183.

of these facts should have created a feeling of hostility between our regular troops and the slaveholders of Florida, who were constantly charging them with inefficiency and want of energy in the capture of negroes. This feeling ran so high that the white men of Florida were charged with disguising themselves as Indians, and actually committing murders and robberies upon mail carriers and express riders, in order to continue hostilities and keep up the war."⁸⁹

Foucault asserted that, "Each individual has at his disposal a certain power, and for that very reason can also act as the vehicle for transmitting a wider power."⁹⁰ In other words, Foucault is saying that if two competing knowledges exist in a given society, (that is, that slavery is good or slavery is bad) an individual can act as an agent for simultaneously spreading one of these knowledges while resisting or suppressing the other. The U.S. soldiers on the battlefields of Florida were risking their lives and their honor to capture runaway slaves despite the promises of U.S. treaties and capitulations to do the contrary. Moreover, the conflict was happening amidst the backdrop of a national debate on the merits of slavery. In this conflict, Foucault's "individual transmitting a wider power" theory will be witnessed in the actions of the soldiers as they became political vehicles for broadcasting the emerging anti-slavery power with their actions.

As the battle against the gag rule was taking place in Congress, the abolition movement was becoming a "wider power" as it gained momentum in social circles other than clergy. One newspaper of the era asserted that, "If any danger threaten it [the United States], it is occasioned by slavery on the one hand and abolitionism on the other. The conflict of the two, cannot but create difficulty—and we regret to say, that such conflicts are becoming numerous."⁹¹ One of these "difficulties" was the pamphlet crisis that took place during the summer of 1836. This crisis stemmed from the northern abolitionist tendency to send mass mailings of their ideological newspapers to southern post offices in order to convey their views on the evils of slavery. This was the only

⁸⁹Giddings, 279.

⁹⁰Foucault, 72.

⁹¹*Hagerstown Torchlight & Public Advertiser*, December 1, 1842, Hagerstown, Maryland.

effective way of expressing their views on slavery, because if they went to the South in person they risked being assaulted or killed.⁹² Southerners were outraged by the mailings as they were insulted by their contents and also feared that they might “rouse and inflame the passions of their slaves against their masters” and instigate a revolt of slaves.⁹³ Therefore, President Andrew Jackson called for a federal law prohibiting the circulation of their publications. Soon after, John C. Calhoun of South Carolina introduced a bill that would allow postmasters to discard any material they deemed incendiary. Even though the bill was a blatant violation of the freedom of speech, it barely failed. The senators practically voted in block based on what region of the country they were from. However, there were enough southern senators who believed putting up with the annoying pamphlets was preferable to violating the first amendment, and the bill was defeated. One Ohioan newspaper echoed the relief of many Americans as it noted that

“The bill for muzzling the press, and giving postmasters power to suppress any public information they might consider incendiary, and which received the casting vote of Van Buren on its third reading, was REJECTED on its final passage, by a majority of six, both the Ohio Senators voting to reject the gag and preserve the Constitution.”⁹⁴

Historian William Lee Miller notes that as it was made clear that the protection of slavery included an “abrogation of civil liberty,” including civil liberties of citizens of the free states, the opposition to “the ‘slave power’ began to grow.”⁹⁵

Americans knew that Andrew Jackson was never one to follow the rules, but his support for the pamphlet bill indicated he would threaten the freedom of speech in order to silence anti-slavery dissent, and that was going too far. The time was ripe for an individual or group of individuals to act as a vehicle for a wider transmission of power and challenge the social and political status quo with more than rhetoric.

⁹² William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress*, (New York: Alfred A. Knopf, 1996), 76.

⁹³ Miller, 94.

⁹⁴ *Huron Reflector*, June 28, 1836, Norwalk, Ohio.

⁹⁵ Miller, 103.

As previously mentioned, under military orders Jessup betrayed both the Exiles and the Indians in a deal where their surrender and migration required only capturing and returning Negroes who were recent runaways or not claimed by the Seminoles. In direct defiance of that agreement, Jessup also captured many longtime Exiles and sold them into slavery. Amidst describing the mayhem of this act of deception, Giddings referred to a certain group of ninety Negroes who were “captured by the Creek warriors, and sent to Fort Pike [in New Orleans]” where they were fed and clothed by the U.S. government for more than a year.⁹⁶ Evidently, the time spent at Fort Pike was a holding time as the Administration was determining whom they belonged to. At the time, General Jessup said he had given the order, approved by the Executive, to pay the Indians eight thousand dollars for the Negroes giving the government ownership.⁹⁷ As the Negroes were now “property of the United States,” for the first time the nation’s government became a slave holder and ultimately a slave trader!⁹⁸ President Van Buren, General Jessup, and the Secretary of Indian Affairs had to determine how the money was to be taken from the treasury without the “supervision of Congress” and with the least amount of “agitation” as the public mind was “so sensitive upon the subject of slavery.”⁹⁹ However, contrary evidence arose that the Creeks had refused the money, thereby making them the true owners of the Exiles. While the government was attempting to decipher whom these ninety slaves belonged to, a slave dealer from Georgia named James C. Watson happened to be in Washington and was encouraged by the Secretary of War to purchase the ninety, which he did for an approximate sum of fifteen thousand dollars.¹⁰⁰ As the Creeks received word of what was happening to their slaves, they hired a lawyer and agent, Nathaniel F. Collins, and sent him to Fort Pike to either collect the slaves or continue the transaction with Watson. Just when it seemed things could not get more

⁹⁶Giddings, 191.

⁹⁷Giddings, 191.

⁹⁸Giddings, 192.

⁹⁹Giddings, 198.

¹⁰⁰Giddings, 201.

complicated, a slave owner named Love showed up in Louisiana and claimed to own sixty of the slaves. When the slave dealer Love sent a Sheriff to obtain his slaves from Fort Pike, General Gaines ordered his men to refuse the sheriff entry into the fort.¹⁰¹

Evidently, the commanders and soldiers who were participating in the Second Seminole War no longer desired to be used in transactions concerning slavery. Gaines justified this first act of resistance by couching it in quasi-legal military rhetoric. Gaines asserted that “The negroes were ‘prisoners of war’ of the United States, taken in combat with the Seminole Indians; that the control of the United States over said negroes, and their right to the control of such negroes as prisoners of war, could not be taken away by the sequestration issued.”¹⁰² It is worth noting that this was the same General Gaines who participated in the destruction of Negro Fort twenty-two years previously and with General Jackson ordered the fugitive slaves to be returned to their owners. While Giddings asserts that his “humanity was awakened” because of his close contact with the exiles and their families, there was no doubt a social change in the air concerning slavery that was gaining momentum in the United States as a whole and in the hearts of the soldiers in Florida.

In order to clarify the matter of who owned the slaves, it was sent to the state court of Louisiana where Gaines was a defendant in court. While in court, General Gaines exhibited an impressive defense of his actions based on the “laws of war.” However, despite Gaines’ persuasive argumentation and testimony from other officers, “the court...decided [to the] contrary, acknowledging the Indians alone as prisoners, and the Negroes as the property of the Indians.”¹⁰³ Even though the local court issued a verdict that the Exiles belonged to the Seminole Indians, the Military officers knew that the transaction agent Collins, who acted for both the Creeks and Watson, the speculator, was on his way to re-enslave the Exiles. It seemed the longer the slaves stayed at New

¹⁰¹Giddings, 207.

¹⁰²Giddings, 208.

¹⁰³Giddings, 212.

Orleans, the more claims were made on them by slave catchers. Therefore, Major Clarke and Lieutenant Reynolds loaded all but thirty-one of the Indians and Exiles in a boat and headed west because “they desired as soon as possible to get the hapless Exiles, who yet remained in their possession, beyond the reach of slave-hunters and slave-catchers.”¹⁰⁴ Those thirty-one who already had a claim placed on them had to stay.

The agent Collins arrived in New Orleans as the representative of Watson and the Creeks and with written orders from the Commissioner of Indian Affairs to deliver the slaves over to Collins. Fortunately for the Exiles and to Collin's chagrin, he arrived the day after Lieutenant Reynolds had taken the slaves west. Collins, wasting no time, immediately boarded a boat heading west and attempted to catch up with his principal's slaves. Collins caught up with Lieutenant Reynolds and the group of Exiles and Seminoles, whereby he handed the order from the Commissioner of Indian affairs to Reynolds. However, while Negroes that Collins claimed to own were there, so were approximately eleven hundred other Seminoles and Negroes who were also in the process of emigrating. Reynolds calmly replied that he could comply with the order without arousing violence from the other emigrants and invited Collins to come along and attempt to convince the Exiles to part with their families and return with him to a life of slavery.¹⁰⁵ Giddings asserted that Reynolds' exhibited little sympathy for Collins and that his “sense of honor” was insulted, but because “the Executive of the United States had become in fact a party in this disreputable transaction, he endeavored to manifest at least a respect for those officers of Government who had become participants in it.”¹⁰⁶ While stuck in Little Rock, Arkansas, due to low waters, Reynolds, attempting to appease Collins and the President, requested the military assistance of the Governor of Arkansas in separating the slaves from the Indians and handing them over to Collins. However,

¹⁰⁴Giddings, 212.

¹⁰⁵Giddings, 215.

¹⁰⁶Giddings, 217.

Governor Roane, a slave holder in a slave state, refused to provide any assistance asserting in a letter that he wished to avoid any violent “outrages” from the Indians in his state. While Governor Roane displayed prudence in stating that he wished to avoid a violent reaction from the Indians in his state, it is also likely that he exhibited a “strong repugnance to the policy adopted by the War Department.”¹⁰⁷

When the emigrating party finally reached Fort Gibson, the last stop before the Indian Country, they “were turned over to Captain Stephenson, the agent appointed to reside with the western Seminoles.”¹⁰⁸ It was here that Reynolds and Collins made one last unsuccessful attempt to convince the Seminoles to part with the Negroes that “belonged” to Watson and allow them to return to slavery. In this last effort, Reynolds requested General Arbuckle, who was in command at Fort Gibson, to provide him with a force sufficient to separate the Exiles from the Seminoles, to which Arbuckle refused. Among other reasons, Arbuckle’s main reason for not assisting was that the Seminole Chiefs invoked General Jessup’s articles of capitulation, which stated that they could keep their Negroes if they headed west, he had no way of proving or disproving this allegation. Arbuckle apparently did not know that Jessup rescinded the order (under pressure from the administration), making instead a second, questionable deal with a little known chief, which Arbuckle, nor the migrating group knew about. Regardless, Arbuckle was aware that the Commissioner of Indian affairs, who outranked Jessup, ordered the Negroes be given to Collins. Therefore it seems there are other reasons for his refusal to assist that are not overtly mentioned. At this point, Collins, who later called the whole situation a “farce,” appears to have given up all as lost as “he realized that almost every officer of the army of west Florida, had conspired against his policy of enslaving the Exiles.”¹⁰⁹

¹⁰⁷Giddings, 219.

¹⁰⁸Giddings, 219.

¹⁰⁹Giddings, 221-222.

While a significant number of Exiles escaped to the western country there were still thirty-one in Louisiana claimed by the slave-hunter, Love. After the emigrating company of Indians and Exiles had left New Orleans under charge of Lieutenant Reynolds, "General Gaines assumed upon himself the whole responsibility of defending the thirty-one who remained in that city; for as yet there had been no trial on the merits of the case."¹¹⁰ As everyone expected, the court reached a verdict in favor of the claimant, Love, and Gaines was ordered to relinquish the thirty-one remaining captives over to him immediately. As the situation was unfolding throughout the summer of 1838, General Jessup stepped down from command and was replaced by General Zachary Taylor, a commander who had fought in the bloodiest battles of the war, had penetrated farther into the Indian country than any previous officer, but in Giddings' estimation he "manifested no particular zeal in the capture of negroes."¹¹¹ To prove this point, Giddings claimed that when Taylor assumed command of the army,

"there was a feeling of deep disgust prevalent among the regular troops [who were from all over the U.S.] at the practice of seizing and enslaving the Exiles...And [at] the Florida volunteers, [who] while nominally in service, appear to have been far more anxious to catch negroes than to meet the enemy in battle."¹¹²

While Taylor grew up a slaveholder in Louisville, Kentucky, and had a plantation of slaves in Louisiana, he took a moderate view on slavery as he opposed its expansion. He further revealed his moderate views on slavery as he commanded the army, when asked by the administration to assist in the return of the thirty-one negroes to Love, Taylor responded defiantly with the words, "I CANNOT FOR A MOMENT CONSENT TO MEDDLE WITH THIS TRANSACTION" asserting he was ready to remove them to their new homes west of the Mississippi, but was not concerned "for the benefit of Collins, the Creek Indians, or anyone else."¹¹³ Giddings suggested that General Taylor was permitted to get away with his refusal to obey orders because president Van Buren and

¹¹⁰Giddings, 224.

¹¹¹Giddings, 225.

¹¹²Giddings, 252.

¹¹³Giddings, 226.

the Secretary of War did not want the issue to become a public matter. When Collins arrived in New Orleans to attempt to acquire the remaining thirty-one slaves who were also claimed by the slave-hunter Love, he gave up and left the city frustrated exclaiming "after I saw a settled and determined purpose to thwart me there as well as elsewhere, I left."¹¹⁴ The day after Collins left, Reynolds sent the remaining thirty-one west to the Indian country. By this time, approximately nine hundred Seminoles and more than three-hundred Exiles had reached the Indian country.¹¹⁵ Through a train of mysterious incidents, these ninety Exiles had been preserved from bondage. Such an outcome would have been impossible, had not many military officers remained "active in their endeavors to defeat the machinations of the president and the War department."¹¹⁶ General Taylor and General Gaines and other officers of southern origin, appeared to be establishing an expression of southern honor that departed from Andrew Jackson's idea of honor, perhaps seeing Jackson as Bertram Wyatt-Brown characterized him, as one who "risked the moral integrity of the seeker of honor itself."¹¹⁷

Despite the fact that a significant number of Seminoles and Exiles had reached the western country, President Van Buren refused to comply with the stipulation in the Treaty of Paynes Landing that would give them their own tract of land. Van Buren disregarded all complaints from the Seminoles and Exiles and directed the Indian agent to take them to the territory assigned to the Creeks "subjecting the Exiles to Creek jurisdiction and consequent slavery."¹¹⁸ As the Seminoles and Exiles were more than willing to fight the Creeks and were currently without a home, in order to peacefully rectify the situation, the Cherokees allowed them to temporarily reside on their land until the problem could be resolved.¹¹⁹

¹¹⁴Giddings, 227.

¹¹⁵ It is worth noting that, thirteen years later, Watson successfully petitioned congress for the full payment of slaves he bought on speculation but never received.

¹¹⁶Giddings, 204.

¹¹⁷Wyatt-Brown, 2.

¹¹⁸ Giddings, 319, the matter is also discussed on 233, 255.

¹¹⁹Giddings, 232.

As those who had emigrated attempted to establish a life in the west, Taylor continued to command in Florida for another two years until 1840, during which time he built many roads and forts attempting to put an unbearable pressure on the remaining Seminoles that would induce them to emigrate. Concerning the capture of slaves, despite pressure from the Governor of Florida, the Secretary of War and President Van Buren, Taylor discarded Jessup's slave-catching policy and "his first efforts were to make the Indians and exiles understand that he sought their emigration to the Western Country, for the advancement of their own interest and happiness."¹²⁰ It appears that Taylor grew weary of fighting Seminoles and those in the administration who would have him be a slave catcher and requested transfer in 1840. General Armistead took over for a brief time and was dismissed for a variety of reasons (not having to do with a refusal to catch slaves),¹²¹ General Worth took command in 1841 and guided the war to its close. Worth had no patience for slavery or any war that was purported to support it as he was raised in New York State and had Quaker family origins. Furthermore, it was when Worth was in command that Joshua Giddings made his famous speech to Congress on February 9, 1841, concerning the true intent of the Second Seminole War. Worth's policy concerning capturing slaves was also contrary to the desires of the administration and locals of Florida as he made no

"effort to send any of his prisoners into slavery...like General Taylor, he treated them all as prisoners of war...General Worth appears to have felt authorized to send every Exile who surrendered, to the Western Country. If any of them were claimed by the slaveholders of Florida, he directed the proofs of ownership to be taken and the value of the negro estimated, and then, without waiting for further contest, the negro was treated as other prisoners, and sent West with his Seminole friends, leaving the government to pay for the slave or not."¹²²

Militarily, he advocated a simple injunction to "Find the enemy [and], capture, or exterminate" him. He also advocated year round offensives for the first time and a search and destroy tactic to put as much pressure as possible on the Seminoles to

¹²⁰Giddings, 253.

¹²¹Sprague, 265.

¹²²Giddings, 304.

emigrate. Worth's policy worked as he induced several influential chiefs to emigrate and convinced the Tyler administration to allow a small group "not to exceed two hundred and forty, of whom there are supposed to be about eighty warriors"¹²³ to stay on a small reservation of southern Florida temporarily, until they could be induced "to join their kindred in the west."¹²⁴

A few years after the Second Seminole War subsided, the Polk administration attempted to rectify the problem of the Seminoles lacking their own land. A new treaty was written in 1845 that provided the Seminoles their own tract of land in the jurisdiction of the Creeks. However, the trepidation of the westward emigrants proved to be justified, "for no sooner had the Exiles and Seminoles located themselves within Creek jurisdiction, then the Exiles were claimed as legitimate slaves of the Creeks."¹²⁵ Alarmed, the Exiles fled to Fort Gibson in Indian Territory and sought the protection of the commanding officer, General Arbuckle. Arbuckle, believing he was upholding the articles of capitulation that they had entered into with General Jessup in 1837, welcomed the Exiles and provided them with the protection they sought as he sent a report to Washington requesting direction.¹²⁶ The same General Jessup who relentlessly captured slaves and returned them to their masters during his tenure as commander, appears to have had a change of heart as he wrote Arbuckle before the president replied and asserted that the Exiles were "free" and should be protected. President Polk, a slaveholder, had no desire to make a controversial decision while the nation was engaged in perpetual tension concerning slavery and referred the matter to the Attorney General John Y. Mason of Virginia. Mason, also a slaveholder, asserted that while the Exiles were free, the U.S. could not protect them. The president remained silent while Arbuckle disregarded this decision and continued to protect the Exiles for another two years until another Attorney General, Isaac Toucey of Connecticut, asserted that the Exiles had a right to return to

¹²³Sprague, 476.

¹²⁴Sprague, 493.

¹²⁵Giddings, 324

¹²⁶Giddings, 325.

their homes in Seminole territory unmolested by the Creeks. Polk openly agreed with this decision and the Exiles returned to their homes in Seminole territory. However, their home in Seminole territory would not be permanent as they inspired slaves in Creek and Cherokee territory to both rebel and runaway. Historian Daniel Littlefield asserts that after a notable revolt in Cherokee territory, the Exiles were asked to leave.¹²⁷ Weary of the constant tension their presence in the Indian Territory created, some three hundred Exiles moved to Mexico in 1849 where they lived the rest of their days in peace, beyond the reach of a democratic country full of men who would see them die as slaves.¹²⁸

Foucault asserted that, "Every relation of force implies at each moment a relation of power and every possible relation makes a reference, as its effect but also as its condition of possibility, to a *political field* of which it forms a part."¹²⁹ Foucault is saying that as a nation-state or any other political entity endures a struggle of conflicting knowledges, expressions of force will be understood as fruits of this conflict. Beginning with Jackson's forays into Florida in 1816, the U.S. Army broke with historical precedence as they began to be used as slave catchers and culminated with the Second Seminole War where catching slaves was a clearly stated objective. These expressions of military force reference a political field that as chapter two has shown was dominated by the slave power in all three branches of the National government. The first serious challenge to the slave power was the congressional melee over the gag rule, which began to turn the tide. As Congress fought over the gag rule and these debates were published in papers across the country, the slave power, while still strong, began to lose its dominance over government and American culture. As the debate over the gag rule raged in Congress, the non-compliant actions of the U.S. Army during the Second Seminole War illustrated, and provided physical expression to, the political field that was in flux. While there is little doubt that the notion of military honor influenced the actions of

¹²⁷ Daniel f. Littlefield, Jr. and Lonnie E. Underhill, "Slave Revolt' in the Cherokee Nation," *American Indian Quarterly*, 3, no. 2 (Summer 1977): 127.

¹²⁸ Littlefield, 128.

¹²⁹ Foucault, 189.

the non-compliant officers, it is also likely that they were giving concrete expression to the lingual resistance occurring on Capitol Hill. Foucault succinctly stated that, "We all fight each other. And there is always within each of us something that fights something else."¹³⁰ Concerning the United States, the "idea" of what America should be has caused perpetual civil strife throughout its history. Who are "the people"? Who is included in "all men"? What does it mean to be "created equal"? Who is entitled to "life, liberty and the pursuit of happiness"? The Age of Jackson was a time where the United States attempted to reconcile itself with its founding documents and ultimately took the first step towards civil war. James Madison said, "Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit."¹³¹ For the men of Congress who resisted the gag rule and the officers who witnessed slavery's horrors in person and physically expressed the emerging frustration of a nation, it was a fight for justice.

Conclusion

From its beginning, the United States knew what ideological building blocks it would use to construct the new nation. However, while Americans agreed on the ideas that the United States would be built with, they did not always agree on what the ideas meant or who would benefit from their fruits. In the beginning, it was implied that white-male landowners would be the primary regulators of the new republic and they vigorously attempted to protect their monopoly of power through the control of knowledge. As the U.S. expanded ethnically, geographically, and commercially so did the perspectives on what the country was and what it should be. This led to an ideological resistance or an "insurrection of knowledges" from various regional and ethnic localities. While there were many conceptual battles in the young republic, this thesis has focused on the American ideal of "liberty" as stated in the Declaration of Independence and the country's contradiction of that idea with the institution of slavery and the treatment of American

¹³⁰Foucault, 196.

¹³¹ James Madison, *The Federalist Papers*.

Indians. Sadly, this collision of knowledges concerning slavery led to a physical conflict of force in the American Civil War. This war of physical force determined which local field of knowledge became law. As Foucault says, “the law is born of real battles, victories, massacres, and conquests which can be dated and which have their horrific heroes.”¹³² However, while the North won the physical struggle and recoded the “genealogical fragments” (i.e. slavery is immoral) into the “unitary discourse” and the new laws began to exert new “power-knowledge effects,” a new resistance surfaced from local discursivities that had been left out of the new unitary discourse.¹³³ According to Foucault, this happened because,

“Law is not pacification, for beneath the law, war continues to rage in all the mechanisms of power, even in the most regular. War is the motor behind institutions and order. In the smallest cogs, peace is waging a secret war...a battlefield runs through the whole of society, continuously and permanently, and it is this battlefield that puts us all on one side or the other. There is no such thing as a neutral subject. We are all inevitably someone’s adversary.”¹³⁴

In other words, the struggle over discourse or truth in a given society with multiple fields of knowledge is perpetual.

In the case of the United States, while Joshua Giddings revealed himself to be a man of courage and a paragon of moral aptitude, his life displays that even the best of people possess “deficiencies” in their local field of knowledge. These “blind-spots” are molded by personal experience within the realm of a local knowledge (i.e. the Western Reserve) where certain truths are rarely contested or resisted and often resulted in what Foucault refers to as the “contradictions among the masses” and are the ideological lines of battle on which society fights.¹³⁵ These “contradictions” occur when regional or “local discursivities” emerge within the larger context of a “unitary discourse” that is shared by divergent regions of a nation. One element of the unitary discourse that was shared by

¹³² Michel Foucault, *Society Must Be Defended: Lectures at the College De France, 1975-1976* (New York: Picador, 1997), 50.

¹³³ Foucault, “Society,” 11.

¹³⁴ Foucault, “Society,” 50-51.

¹³⁵ Foucault, 10.

many Americans in the nineteenth century, both north and south, was the idea of a “race war.” Foucault, defines this race war the:

“conquest and subjugation of one race by another...[and a] discourse of a battle that has to be waged not between races, but by a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from that norm, against those who pose a threat to the biological heritage... [and] the State is, and must be, the protector of the integrity, the superiority, and the purity of the race.”¹³⁶

From the beginnings of America, the white “race” had attempted to subjugate the black “race.” However, as the American narrative continued and the contrast, or “local discursivities” in “the unitary discourse,” between regions became more evident, so did the method for subjugating the so-called black race. The divergent method of subjugation emerged out of the north and south’s expression of power that emerged out of an “economic functionality.” This economic functionality of power, asserts Foucault with a Marxist bent, is “essentially both to perpetuate the relations of production and to reproduce a class domination that is made possible by the development of the productive forces and the ways they are appropriated.”¹³⁷ In the case of the United States, there are methods of production that are unique to each region and therefore, different appropriations of power. While black servitude and the ideas that perpetuated it were essential to the southern economy, the North could afford to depart ideologically from slavery, relegate the black “race” to a tool for production in manufacturing and simply subjugate African Americans socially, i.e. a denial of civil rights and holding fast to racism the idea of black inferiority.

In the case of Giddings, he reveals his “local discursivity” in his writings as he loathed slavery and believed that all men should be treated equally. However, there are also elements where he connects to the “unitary discourse” when he seems to assert that while red and black men should be treated equally, they are not really equal to the Anglo-Saxon race. When discussing what should be done with the rebellious slaves from the

¹³⁶ Foucault, “Society,” 81.

¹³⁷ Foucault, “Society,” 14.

Amistad in Congress Giddings asserted that, “The question was one which struck at the very existence of slavery. Were these degraded, ignorant, superstitious heathen entitled to life and liberty?”¹³⁸ For Giddings this question was rhetorical, where the answer was obviously, “yes,” but for Giddings that didn’t change the fact that they were still “degraded, ignorant and superstitious heathen.” There are also other moments where he allows for the possibility of African “indolence”¹³⁹ and refers to those living in Africa as “stupid heathen.”¹⁴⁰ This attitude, or participation in the “unitary discourse” of racism, was common during the Jacksonian/Antebellum era as there were many who thought slavery was a great evil but preferred “gradual emancipation” rather than “immediate.” Moreover, many of the same people who were proponents of “gradualism” were also in favor removing free Africans from white society and placing them on a colony somewhere in Africa, South America or the West Indies. For these people it was assumed that free whites and blacks could not live together equally and the threat to the biological purity of the race, i.e. amalgamation, was an overarching concern as well. While Giddings eventually became a supporter of “immediatism” and free blacks remaining in America, as previously mentioned he reveals in his writing that he did not think they were really equal to whites. This is a problem in that as Giddings was an agent of resistance against the system of slavery with his words and did much to weaken the institution. Even though he professed to believe in the equality of humankind, he inadvertently supported the attitudes that upheld the system of involuntary servitude in the instances of his resistance because he held onto the idea of “white superiority” present in the “unitary discourse”. Actions like Giddings and other agents of resistance would lead to a free society that would be forced to carry the burden of overt racism for generations as it was forced to deal with the implications of its “race war.”

¹³⁸Julian, 76.

¹³⁹Julian, 64.

¹⁴⁰Giddings, 131.

This open debate of the established discourse or “truth” with the counter-discourse eventually led to physical action in the American Civil War. After the war, a new discourse emerged from the collision in the form the 13th, 14th and 15th Amendments to the Constitution thereby establishing a new regime of power. However, while the counter-discourse abolished slavery and the provided equal rights for African Americans under law, it intentionally perpetuated popular racist beliefs about the intrinsic inferiority of the freed slaves. Therefore, the new discourse had “blind-spot” elements that were oppressive by nature, which would result in a new counter-discourse that would be actualized in the Civil Rights movement. In other words, the expression of power begins as language creates ideas and they are acted upon. However, as new regimes of power emerge there will always exist oppressive “blind-spots” in their discourse, necessitating a counter discourse or as Foucault would say a “series of cultural revolutions...in order to abolish contradictions.”¹⁴¹ This means that Giddings’ assertion that there is among mankind a “desire to represent ourselves, and our country and government, to mankind and to posterity as just and as wise,” is true but not completely possible. As any regime in power attempts to give the impression that all is well, there will inevitably be an element of resistance that seeks to resist what they see as false/oppressive knowledge. It is only in this continuing cycle of discourse, counter-discourse and new discourse that truth/power is dictated, deconstructed and becomes perpetually less oppressive as it comes closer to actualizing an established idea of the state, such as “liberty.” As “truth,” or commonly held knowledge, becomes less oppressive, power is legitimized as it traverses and produces things, it induces pleasure, forms knowledge and recognized for being much more than a negative instance whose function is repression.¹⁴² For the United States, this means that democracy would, in the words of Lincoln, eventually fulfill its capacity to “elevate the condition of men [and

¹⁴¹Foucault, 10.

¹⁴²Foucault, 119.

women], to lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all.”¹⁴³

¹⁴³ Abraham Lincoln, “Message to Congress in Special Session.” July 4, 1861, in *CW*, IV, 438 quoted in Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, (New York: Simon and Schuster, 2005), 90.

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BIOGRAPHICAL INFORMATION

Brandon Vestal received his B.A. in psychology and philosophy from Howard Payne University in 2001. During his masters studies at UTA he maintained a 4.0 grade point average as he studied humanities with an emphasis in history. He also presented a paper at the American Cultural Association Conference in Albuquerque, New Mexico in 2007. For the last seven years he has taught United States and world history to middle and high school students in Dallas and Garland. While he plans on teaching history in high school and community college for the next couple years, his ultimate goal is to pursue a Ph.D. in history and acquire a university professorship.