To the Graduate Council:

I am submitting herewith a dissertation written by Cinnamon Brown entitled "'The Youngest of the great American Family': The Creation of a Franco-American Culture in Early Louisiana." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in History.

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“The Youngest of the great American Family”:
The Creation of a Franco-American Culture in Early Louisiana

A Dissertation
Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

Cinnamon Brown
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Dedication

This dissertation is dedicated to all of those who come from The Ranch. It is also dedicated to the memory of the late Dr. David Bowen.

Acknowledgements

It is always nice when you get to sit down and write your acknowledgements because it indicates that your project is almost done. However, I find this part as daunting to write as my many chapters. In thinking back to all the people who have helped in the completion of this project, I fear that thanking them all would become a dissertation-length project.

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I would like to thank Dr. Joe Wilkins and Dr. Bruce Wheeler. Your continuous friendship has kept me going. Thank you both for making me want to be a historian. I also want to dedicate this project to the late Dr. David Bowen. From helping me get into graduate school to securing my first teaching appointment, Dr. Bowen was an integral part of my career and my life. You are dearly missed, but fondly remembered. I would also like to thank the faculty and staff at the University of West Alabama. I wrote the bulk of this project while serving as a Visiting Professor in Livingston and they were there every step of the way. Thank you to Dr. Rob Riser for giving me a dream schedule and secluded office to write. Also thank you to Mickey and Lolita Smith for providing the perfect country sanctuary for me to get this project done.

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I once heard someone say that the key to stardom is the other members of your team. Indeed, this project has been a team effort. Some of the main members of my team are my closest friends. Sarah Krisko has inspired me with her own passion and drive. Also my old friends Desie Stephens and Katie Albers were there always reminding me that I could finish. You are all the true definition of a friend and you continue to amaze and astonish me. Another crucial member of "Team Cinnamon" is Mark. Not only did he edit every chapter and provide useful suggestions, but he endured my fits of frustration and constant mental lapses. Your love and encouragement has meant more to me than you will ever know. Thank you for lightening the load.

I would like to extend my most heartfelt gratitude to my family. It is to them that this project is dedicated. My three brothers could have cared less about territorial New Orleans, but they asked about it anyway. I love you all so much and I know I am a better person for having you all in my life. Last, but certainly not least, thank you mom and dad. Your support and unconditional love are unwavering. Whether providing helpful advice or the occasional loan, you always know what I need. I am certain that everything good about me came from you both. No one will ever love you like I do.

Abstract

On April 30, 1803, the Jefferson administration purchased French Louisiana. Initially American lawmakers rejoiced at the prospect of American domination of the Mississippi River. Yet within a few short months this optimism was replaced with uncertainty and alarm as lawmakers faced the task of incorporating Lower Louisiana into the Union. As Americans tackled the many unintended consequences of the Louisiana Purchase, Louisianans also had to confront the ramifications of the landmark acquisition and the encroachment of a new American government in their lives. From 1803 to 1815, American lawmakers and Louisianans embarked on a parallel journey to incorporate Lower Louisiana into the political, social, and cultural infrastructure of the young republic.

The American part of this historic journey has been well documented as many historians explore how American lawmakers passed key legislation and implemented programs of Americanization to bring Lower Louisiana into the Union. Louisianans' perspective, however, has remained quite secondary. By exploring the lives of individual Louisianans, this project examines how they too shaped the incorporation of Lower Louisiana and how their class, race, and ethnicity influenced their participation in that process. In highlighting the experiences of Creole elite families, prominent political figures, and Lower Louisiana's free people of color, it becomes clear that Louisianans employed vital strategies of negotiation to sufficiently assimilate to gain American citizenship and acceptance, while also preserving vital aspects of their French identity. By utilizing tools such as political activism, military service, and the conversation of attachment, Louisianans came into the Union on their own terms and ultimately created a Franco-American culture that still pervades Louisiana today.

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Introduction: "A Beloved First Mistress": Setting the Stage for a Franco-American Culture in Lower Louisiana

On December 20, 1803, Pierre Clément de Laussat, the French colonial prefect for Louisiana, left his home rehearsing in his head the order of events that would transpire that day. As he walked through the streets of New Orleans, he not only noticed the uncharacteristically warm weather, but also the group of French commissioners, military officials, and loyal citizens that followed closely behind him. As he hurried to City Hall, Laussat looked upon familiar administrative buildings, local businesses, as well as balconies full of French women and children gathering for the upcoming ceremony. Laussat and his entourage passed by American soldiers lined in formation along the *Place d' Armes* as the sound of drums beat in the distance. Upon arriving at City Hall, Laussat exchanged pleasantries with American commissioners including newly-appointed territorial governor William C.C. Claiborne.[1] Laussat, Claiborne, and American General James Wilkinson made their way to the City Hall balcony overlooking a large crowd who had come to watch the official transfer of French Louisiana to the United States.

In a solemn moment, spectators watched as the French flag was lowered and replaced by the American stars and stripes. When the two flags met in the middle there was a brief pause as cannon fire marked the momentous event.[2] Following the flag raising ceremony, Governor Claiborne addressed the crowd congratulating them on "an event so advantageous." He welcomed

[1] William C. C. Claiborne was born in Sussex County, Virginia in 1775. In 1794, he moved to Tennessee and served on the state's Supreme Court until 1797 when he was elected to the House of Representatives. After several years in Congress, he was appointed the Governor of the Territory of Mississippi in 1801. In October of 1803, he and General James Wilkinson were assigned commissioners to take possession of Lower Louisiana from France. Later that year he would be appointed the official governor of the Orleans Territory.

[2] Pierre Clément de Laussat, *Memoirs of My Life to My Son During the Years 1803 and After, Which I spent in Public Service in Louisiana as Commissioner of the French Government for the Retrocession to France of That Colony and for Its Transfer to the United States*, ed. Robert D. Bush (Baton Rouge: Louisiana State University Press, 1978), 90.

Louisianans as fellow countrymen and promised them the benefits and privileges of American citizenship. He went on to encourage Louisianans to foster a strong attachment to the United States and to become acquainted with the American political apparatus so that they and their children would one day "appreciate the intrinsic worth of the Government transmitted to them."[3]

The day's festivities culminated with dinner, dancing, and a string of loquacious speeches. The final toast of the evening brought Spanish, French, and American diplomats together in a "toast to the three nations" accompanied by an orchestra of cannon fire.[4] Late that evening Governor Claiborne sent a letter to Secretary of State James Madison happily reporting "that we are now in possession of this City."[5] This atmosphere of merriment and show of international friendship in reality masked the feelings of anxiety, apprehension, and anguish Americans and Louisianans shared regarding the Louisiana Purchase.

Most Americans first learned of the Louisiana Purchase in June 1803 when newspapers such as the *Boston Independent* featured such bold headlines as "Louisiana Ceded to the United States!"[6] Following months of negotiations and rumors of a possible war, the Jefferson administration had peacefully secured not only New Orleans, but all of French Louisiana. Many celebrated the purchase hoping that it would ensure American economic and political mastery of North America. Congressman David Campbell of Tennessee jubilantly commended the Jefferson administration for securing free navigation of the Mississippi River and an "immense and fertile

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[3] William C.C. Claiborne to a Large Assemblage of Citizens in the Grand Salee of the City Hall, 20 December 1803, *The Letter Books of William C.C. Claiborne, 1801-1806*, ed. Dunbar Rowland (Jackson: Mississippi State Archive, 1917), I: 309-10.

[4] Laussat, *Memoirs of My Life*, 90-91.

[5] Claiborne to James Madison, 20 December 1803, *Letter Books*, I: 306.

[6] *Boston Independent*, 20 June 1803.

country."[7] Many others shared Campbell's pleasure and admiration. Yet apprehension soon tempered this excitement as many American lawmakers were confronted with the daunting task of incorporating a large foreign population into the United States. Pennsylvania Representative John Lucas, for example, expressed serious reservations regarding Lower Louisiana's foreign population. He believed Louisianans' colonial past infused them with despotism, rendering them ill-prepared for a republican government.[8] Lucas's perceptions reveal how many congressional members came to the realization that the constitutionality of the purchase and the task of incorporating such a diverse population into the Union engendered many challenges to the fragile republic.

In Lower Louisiana the news of the purchase also generated an assortment of reactions. For the majority of inhabitants, Creoles born under the French and Spanish colonial regimes, the purchase shattered their hopes of living under the rule of their mother country. For Lower Louisiana's Spanish, German, Acadian, and free black population that had adopted the French language, culture, and legal and political institutions, the transfer created feelings of displacement and trepidation over an uncertain future. The cession treaty between the United States and France did, however, offer some assurances for concerned Louisianans. The third article of the treaty guaranteed them a quick and easy incorporation into the United States, stating that Louisiana inhabitants "shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights,

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[7] Dumas Malone, *Jefferson the President: First Term*, 1801-1805 (Boston: Little Brown and Company, 1970), 325.

[8] 1st Congress, 2nd sess., *Abridgment of the Debates of Congress, 1789-1856* (New York: D. Appleton & Company), III: 145-147. John Lucas was born in France and moved to Pittsburg in 1784. He later became a district judge in the Louisiana District serving until 1820.

advantages, and immunities of citizens of the United States."[9] It also provided protection of private property and promised that Louisianans would be extended the same rights guaranteed all Americans. While such measures allowed many inhabitants to take solace in the prospect of living under a free government, there still remained many more who resented the new American presence and the threat it posed to their French heritage. Although the events of December 20 appeared to mark the peaceful transfer of French Louisiana to the United States, they also ushered in a twelve-year long struggle for American lawmakers and Louisianans to incorporate Lower Louisiana into the ideological, cultural, and political infrastructure of the United States.

Historians have produced a prolific historiography examining this incorporation process and its impact on the United States. Everett Somerville Brown's *The Constitutional History of the Louisiana Purchase, 1803-1812* examines the major constitutional questions raised by the unprecedented acquisition, providing valuable insight into the larger political issues occurring within the young republic and how lawmakers attempted to redefine the bounds of the Constitution to accommodate the purchase. Beyond constitutional history, many historians examine the Louisiana Purchase and its impact on American expansion. In *This Affair of Louisiana*, Alexander DeConde argues that the acquisition of Louisiana was not just a case of good fortune, but rather a byproduct of a strong expansionist ethos inherited from early Anglo-American settlers. In *Filibusters and Expansionists,* Frank Owsley and Gene Smith contend that the Louisiana Purchase planted the early antecedents to Manifest Destiny, perpetuating Thomas Jefferson's vision of an "empire of liberty." These works demonstrate how the Louisiana Purchase served as a harbinger for further American expansion. More recent works explore how the Louisiana Purchase redefined ideas of

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[9] Treaty Between the United States of America and the French Republic, Article III, 30 April 1803. Found in Records of U.S Government; Record Group II: National Archives.

American identity. Peter Kastor's *The Nation's Crucible* explores "the way the Louisiana Purchase shaped people's conception of what it would mean to be American and a nation."[10] Kastor's methodology opens many new channels of inquiry concerning not only Louisiana, but also the early republic. The purchase of a vast amount of land containing an ethnically diverse population was unprecedented in American history. Such a monumental event brought many new challenges to national values and institutions that historians need to further address.

These works have greatly enhanced the field of Louisiana history. Yet they tend to focus on how the Louisiana Purchase affected American policies, ideas, and aspirations, while overlooking the experiences of Louisianans. Although these studies include key Louisiana leaders and events, they fail to examine and address how Louisianans from different socio-economic, ethnic, and racial backgrounds transitioned from French and Spanish colonial rule to life in the American republic. Coming at such a precarious time in American history, the incorporation of Lower Louisiana forced American lawmakers and Louisiana inhabitants to embark on a parallel course of self-discovery. The American path has been well documented, while Louisianans' journey has remained secondary. The following chapters will illustrate how Louisianans actively took part in the incorporation of Lower Louisiana and how their class, race, and ethnicity shaped their participation and influence in that process. This work examines how Louisianans responded and adapted to the new American government and actively negotiated a place for themselves in the young American republic, ultimately creating a Franco-American culture that still pervades Louisiana today.

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[10] Everett Somerville Brown, *The Constitutional History of the Louisiana Purchase*, *1803-1812* (Berkeley: University of California Press, 1920); Alexander DeConde, *This Affair of Louisiana* (New York: Charles Scribner's Sons, 1976); Frank Owsley and Gene Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa: The University of Alabama Press, 1997); Peter J. Kastor, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven: Yale University Press, 2004).

To fully understand the challenges Louisianans faced during the territorial period, one must first understand how the confluence of a century of migration, settlement, and ethnic and racial blending characterized colonial Louisiana. In 1504, French explorers claimed the vast expanse of Canada for the French Crown. Nearly a century passed before the French managed to erect a permanent settlement in Quebec. By the 1660s, French settlers learned from their Indian allies that a great river bisected the continent from Canada to the Gulf of Mexico. Control of such a strategic waterway would greatly enhance France's position in the imperial struggles for North America. A French exploration party set out from Quebec in 1673, following the Mississippi River to its mouth located at the 33rd degree of latitude.[11] Robert de LaSalle, ten years later, made another voyage down the Mississippi River naming the land where the great waterway met the Gulf of Mexico Louisiana in honor of King Louis XIV. Hoping to attract settlers to its newest southern colony, the French Crown in 1718 granted John Law a twenty-five year contract to send 6,000 white settlers and 3,000 slaves to Louisiana. Under Law's Mississippi Company, hundreds of French families made the voyage to the swamps and fertile farms lands of Louisiana. These first settlers made their new homes in New Orleans, Natchitoches, and Alexandria. Immigration to the new colony proved erratic and at times stagnant, never quite reaching the Crown's initial hopes. By 1765, the colony's population stood at only 5,556 inhabitants.[12]

Following the Seven Years' War, France lost most of its North American possessions including Canada to Great Britain and Louisiana to Spain. Life under the Spanish colonial regime changed

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[11] Francois Barbe-Marbois, *The History of Louisiana: Particularly of the Cession of That Colony to the United States of America* (Baton Rouge: Louisiana State University Press, org. pub. 1830, reprint 1977), 104-103.

[12] Lewis William Newton, "The Americanization of French Louisiana: A Study of the Process of Adjustment Between the French and the Anglo-American Populations of Louisiana, 1803-1860" (Ph.D. diss., Chicago: University of Chicago, 1929), 6-7.

very little for many Louisiana inhabitants as Spanish officials were unsuccessful in supplanting the predominance of the French language and culture. The port in New Orleans continued to draw traders and merchants from up and down the Mississippi River, including Anglo-American businessmen from the Northeast. Beginning in 1769, a prolific flour trade between Philadelphia and New Orleans marked the first extensive Anglo-American presence in the Spanish colony. By the 1790s, American merchants monopolized the incoming and outgoing trade in Louisiana and soon relocated their families and businesses to New Orleans and other Mississippi trading ports.[13] Southeastern planters also found the rural areas of Louisiana and the West Florida parishes ideal locations for expanding their enterprises. Planters from Georgia and the Carolinas were drawn to the isolated northern tip of Louisiana to expand their sugar and cotton operations.[14] Some Anglo-Americans migrated to Louisiana seeking more then just economic prosperity; a small group of Catholics from Pennsylvania moved to Opelousas in search of a religious haven. Anglo-Americans found their connections to Lower Louisiana quite advantageous during the Revolutionary War. Merchants from New York, Boston, and Philadelphia utilized the port of New Orleans to ship needed supplies to Continental forces, while British sympathizers migrated to a small English-speaking settlement just above Baton Rouge to escape the war.[15]

In 1795, Spain and the United States solidified their mutual commercial interests by signing the Treaty of San Lorenzo. The treaty granted American merchants free rights of navigation on the Mississippi River and unrestricted deposit at the port of New Orleans. Just five years later,

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[13] Dolores Egger Labbe, "The Encouragement of Foreigners: A Multicultural Population in a New Land," *The Louisiana Purchase Bicentennial Series in Louisiana History*, ed. Dolores Egger Labbe (Lafayette: University of Southeastern Louisiana, 1998), III: 543.

[14] Ibid., 543.

[15] *Newton,* "The Americanization of French Louisiana," 24-25.

however, this partnership crumbled as Spanish leaders began negotiations with France for the retrocession of Louisiana. The Treaty of San Ildefonso returned Louisiana to France and shattered American aspirations for unrestricted commercial access to the port of New Orleans and the Mississippi River. The return of France to North America also posed a potential threat to continued American migration into the lucrative region.

These events created a sense of urgency for American lawmakers. Some advocated peaceful diplomacy and the purchase of New Orleans and West Florida, while more aggressive congressional leaders argued that war was the only method of securing American commercial interests. President Thomas Jefferson himself asserted bellicosely that "the day that France takes possession of New Orleans …. we must marry ourselves to the British fleet and nation."[16] Ultimately, Napoleon solved Jefferson's dilemma by agreeing to sell his North American colony. Facing an impending war with England and a massive slave revolt in St. Domingue, Napoleon looked to sell French Louisiana as a means of securing much-needed funds to finance his dreams of European dominance. Although, on their diplomatic mission to France, American representatives James Monroe and Robert Livingston were only instructed to purchase New Orleans and West Florida, on April 30, 1803, they bought all of French Louisiana for $15 million.[17]

Along with a vast amount of land, the United States also acquired Lower Louisiana's diverse and alien population. The most numerous inhabitants were Creoles who resided in urban centers such

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[16] Thomas Jefferson to Robert R. Livingston, 18 April 1802, *Thomas Jefferson Writings*, ed. Merrill Peterson (New York: The Library of America, 1984), 1105.

[17] The American government agreed to pay $11.5 million and forgave $3.5 million in debt that France owed the United States from the Quasi-War (1798-1801) to equal the $15 million dollar price tag for French Louisiana. French Louisiana consisted of 530 million acres of land. It includes the modern-day states of Arkansas, Missouri, Iowa, Oklahoma, Kansas, Nebraska, South Dakota and portions of North Dakota, Minnesota, Texas, Colorado, Wyoming, and New Mexico.

as New Orleans and on plantations in rural areas such as Attakapas and Natchitoches. A small Spanish population also resided in Lower Louisiana, yet its numbers remained low throughout the colonial period. Two distinct groups of Spaniards remained prevalent in Louisiana. The first group settled near Attakapas and renamed the area New Iberia. A larger group, from the Canary Islands, established themselves in small settlements outside New Orleans. These Spaniards managed to maintain their native language and customs, unlike their counterparts living in New Orleans who were more inclined to speak French.[18]

Colonial Louisiana also served as a place of refuge for displaced peoples. The Acadians, descendants of French Acadians in Canada, migrated to Lower Louisiana following the Seven Years' War. From 1764 to 1803, nearly 2,500 Acadians dispersed throughout Attakapas, Opelousas, and in the Bayou Lafourche, later called the Acadian Coast. Today old Acadian settlements make up the famous Cajun country of Louisiana.[19]

Other ethnic groups of European descent were also attracted to Louisiana. German immigrants were some of Lower Louisiana's first settlers. They first established themselves along the Arkansas River, but later transferred their small settlements to the banks of the Mississippi River. Waves of German immigration continued throughout the 1700s, with influxes in 1754 and 1774. Most Germans, old and new, made their homes on what Louisianans called the German Coast (present day St. Charles and St. John parishes).[20] The Irish also sought a new life in Lower

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[18] Labbe, "The Encouragement of Foreigners," 541.

[19] Charles Gayarre, *History of Louisiana* (New Orleans: Armand Hawkins, Publisher, 1885), II: 116, 120-122; Carl A. Brasseaux, "The Emergence of Classes in Antebellum Period," *The Louisiana Purchase Bicentennial Series in Louisiana History*, ed. Vaughan Burdin Baker (Lafayette: Center for Louisiana Studies, 2000), XV: 28-29. Brasseaux's other work *Acadian to Cajun: Transformations of a People, 1803-1877* (Jackson: University Press of Mississippi, 1992), along with others such as *The Cajuns: Essays on Their History and Culture*, ed. Glenn R. Conrad (Lafayette, LA, 1978) argue that Acadians over time created the Cajun culture of today.

Louisiana, settling mainly in New Orleans. Yet their numbers remained small until the 1830s and 1840s. Many worked alongside American merchants on the docks and commercial houses of the thriving port city, while others took on menial jobs for the Creole elite.[21]

Lower Louisiana also contained a distinct racial mixture. The first African slaves arrived in Louisiana in 1719 along with French settlers in John Law's Mississippi Company. As the slave population steadily grew over the next several decades, it took on a unique role in colonial Louisiana. Ill-prepared for the harsh conditions of the wilderness and lacking a strong defense force, white settlers relied heavily on slaves to provide much needed labor and military protection. By 1739, French colonial officials created a permanent company of slave soldiers to assist in combating neighboring Indians.[22]

Within a decade of settlement, free people of color appeared in colonial Louisiana. While little is known about the origins of these free blacks, over time their numbers steadily grew. Much like their slave counterparts, free people of color were also recruited into the French military to fight in Louisiana and other colonial outposts. These free black militiamen were even allowed to serve under black officers.[23] Lower Louisiana's free black population continued to grow under the Spanish regime.[24] Spanish officials helped to enhance these numbers through the O'Reilly Laws that codified the practice of *coartacion* which allowed slaves to purchase their freedom from

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[20] Newton, "Americanization of French Louisiana," 11-12.

[21] Labbe, "The Encouragement of Foreigners," 539.

[22] Alice Moore Dunbar-Nelson, "People of Color in Louisiana," *Creole: The History and Legacy of Louisiana's Free People of Color*, ed. Sybil Kein (Baton Rouge: Louisiana State University Press, 2000), 10; Kimberly S. Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803* (Durham: Duke University Press, 1997), 118.

[23] Dunbar-Nelson, "People of Color in Louisiana," 11-12.

[24] Ibid., 12.

imperial courts rather than from benevolent masters. [25] Spanish policies also granted free blacks more rights and freedom. Free blacks could arrange contracts, own and transfer property, and bring suit in civil litigation. Such privileges allowed many free blacks to accumulate enough wealth to own thriving businesses that contributed to the commercial vitality of New Orleans and adjoining areas. Besides participating in the commercial activities of colonial Louisiana, free blacks continued to serve in the military. The Spanish recruited more free black militiamen than their French counterparts by extending them the right of *fuero,* a set of military privileges that included the right to carry weapons and receive the same pay and retirement benefits as white soldiers.[26] These favorable policies placed free people of color in a middle stratum in between white Louisianans and slaves. By the time of the Louisiana Purchase, Lower Louisiana possessed not only a bourgeoning free black population, but also a distinct three-tiered racial hierarchy.

Despite colonial Louisiana's ethnic and racial patchwork, by 1803 most inhabitants spoke French, adopted French cultural mores, practiced Catholicism, and adhered to civil law. Yet these strong ties to French colonial traditions and institutions created an assortment of problems for Louisianans during the territorial period. American lawmakers expected Louisianans to cultivate not only a political but also a cultural attachment to the United States. Although many Louisianans looked forward to receiving the political and economic benefits that the Louisiana Purchase imparted, they did not expect that such rights should come at the expense of their cultural identity. Here rests the central dilemma facing Louisianans: As American lawmakers demanded that they relinquish ties to their colonial customs, language, and way of life, Louisianans were forced to find

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[25] Ibid., 25.

[26] Hanger, *Bounded Lives, Bounded Place*, 111-113.

ways of demonstrating sufficient assimilation to gain American approval, while preserving their French identity.

To illustrate the experiences of Louisianans and their attempt to create a Franco-America culture, this project will focus on the lives of individuals. By examining specific Louisianans one can gain a better sense of how they responded to such challenges and employed different techniques in order to integrate into the American system without surrendering aspects of their French heritage. These individuals have been selected based on their activities in the social, political, and economic landscape of territorial New Orleans as well as their inclusion in various social-economic, ethnic, and racial groups. Each chapter will feature the life of one or several individuals in order to examine how these factors determined their level of participation in the incorporation process. Although each chapter highlights the life of certain individuals, the experience of the larger group that they represent is not overlooked—rather these individuals serve as characters that exemplify the shared experience of different Louisianans.

The following chapters explore the years between 1803 and 1815. The United States purchased French Louisiana in April 1803, so naturally this is where the story begins. Although the territorial period ended in 1812 when Louisiana became an American state, I have decided to extend this study to the Battle of New Orleans. I argue that statehood was not a product of American lawmakers' willingness to bring Louisiana into the Union, but rather an expedient wartime measure. Statehood, therefore, failed to secure Louisianans' acceptance as Americans, and as war with Great Britain seemed imminent many Americans continued to question the loyalty of their newest countrymen. Only after the Battle of New Orleans did Americans accept and welcome Louisianans as true citizens. Moreover, the Battle of New Orleans reveals how Louisianans used loyal military service as another vehicle of negotiation that allowed them to shape their place in the Union.

The central geographic focus of this study is New Orleans which served as the social, political, and economic nexus of Louisiana and was the backdrop for the major events of the territorial period. Consequently some groups are excluded from this study including the many Indians living in Lower Louisiana as well as Louisianans in rural parishes. They played some role in the incorporation of Lower Louisiana; however, the availability of sources and time in large part determine their absence here. This project examines the lives of historical participants who had the greatest ability to shape the incorporation process. Although recent scholarship demonstrates that slaves had a certain amount of control over their private lives through kinship networks and religion, they were deprived of the ability to influence public affairs or access instruments of power. For this reason, a discussion regarding slaves and the incorporation of Lower Louisiana is not present.

Furthermore, Lower Louisiana's rich ethnic and racial composition often makes identifying various groups quite complex. For the sake of clarity, I need to explain the terminology used throughout this project. As previously mentioned, Creoles made up the majority of inhabitants residing in Lower Louisiana. The term Creole has become a hotly contested term in the historical community. Creole derives from the Portuguese word *crioulo* meaning a slave of African descent born in the Americas. Yet in Louisiana, Creole took on a much different connotation following the Louisiana Purchase. Used as an ethnic distinction, the label Creole came to differentiate those born in Louisiana of French or Spanish descent from Americans. Creole, therefore, came to designate a native identity to combat the encroachment of Americans in territorial Louisiana.[27] Over time, however, white Creoles wanted to distinguish themselves further from Creoles of color

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[27] Joseph G. Tregle, Jr., "Creoles and Americans," *Creole New Orleans: Race and Americanization,* ed. Arnold R. Hirsch and Joseph Logsdon (Baton Rouge: Louisiana State University Press, 1992), 138.

and began referring to themselves as the *ancienne* or *ancient* population showcasing their ancestral ties to white French and Spanish settlers. In the following chapters, the term Creole and *ancients* will be used interchangeably in discussions regarding native-born white Louisianans.[28]

By rigidly defining Creole, I have intentionally excluded free people of color from this category. Although many historians consider Lower Louisiana's free people of color to be Creoles, since they too were born in colonial Louisiana, I have decided to refer to them as free blacks or *libres*. Under the French and Spanish regime, free people of color were called *gens de couleur libre* while *gens de couleur* was the name designating African slaves. The cornerstone of their racial identity rested in the word *libre*, meaning free in both French and Spanish. Since *libre* characterized their free status and separation from the slave population, free blacks often referred to themselves simply as *libres*. Following their lead, I will continue the use of this term throughout my discussion of Lower Louisiana's free people of color.

In trying to be precise in identifying the historical characters that make up this project, I have run the risk of almost being too specific. I have been careful not to refer to white or black Louisianans as Americans. Although the cession treaty between the United States and France guaranteed Louisianans immediate citizenship and the constitutional rights apportioned to all Americans, I hesitate to lump them together with natural-born or naturalized American citizens. Since the bulk of this work aims to illustrate how Louisianans shaped and manipulated the incorporation process, I have intentionally separated Creoles and free people of color from Americans as a means of highlighting Louisianans' specific activities from those of their American counterparts living in the territory. Therefore, in this work, American refers exclusively to either those natural-born or

[28] Ibid., 138-139.

naturalized Americans living in the United States or those in the territory that moved to New Orleans before or after the Louisiana Purchase.

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Although this project focuses on the experiences of Louisianans, it would be incomplete without mentioning American involvement in the incorporation process. Chapter Two, therefore, examines the major political events of the Orleans territorial period. It will center largely on the territorial government and policies Washington lawmakers implemented in Lower Louisiana. This chapter reveals how most Americans looked askance at Louisiana's foreign population and their ability to become true Americans. Yet such misgivings required lawmakers to define what made a "true" American. In turn, congressional members had to devise a plan or process to "Americanize" Louisianans and a means to judge their progress and suitability for citizenship. Since the major policies and regulations created by Washington lawmakers would be the very things that Louisianans confronted and even combated during the territorial period, this chapter provides a historical framework for the rest of the project.

Following the explanation of the American perspective, the rest of this work will focus solely on four groups of Louisianans exemplified by key individuals. Chapter Three highlights the political careers of Edward Livingston and Daniel Clark. After having a successful political career in New York and in the Jefferson administration, Livingston's involvement in an alleged money laundering conspiracy forced him to relocate to New Orleans shortly after the Louisiana Purchase. Unlike Livingston, Daniel Clark had lived in Lower Louisiana since 1786. Besides setting up a thriving shipping business, Clark also worked for Spanish Governor Don Esteban Miro. As the United States began negotiations for the acquisition of Louisiana, Clark was appointed the American consul to New Orleans and worked vigorously to assist Washington lawmakers in securing the

coveted port of New Orleans. After the Louisiana Purchase, Clark's cordial relations with the American lawmakers soured when President Jefferson failed to appoint him the territorial governor of the newly-created Orleans Territory. As the United States took possession of Lower Louisiana, both Livingston and Clark allied themselves with the *ancient* population and soon became the leaders of a growing anti-American faction. The territorial government erected by the 1804 Governance Act left many Creoles disappointed by their low grade of territorial status and the lack of a representative government. They also disparaged the Governance Act's prohibition on the importation of slaves into the territory. Many Louisianans viewed this provision as a violation of their most basic rights since the nationwide prohibition would not go into effect until 1808. Creoles also bewailed the excessive use of English instead of French in government documents and public proceedings as well as the introduction of common law into their court system.

Mostly for their own self-interest, Livingston and Clark became unexpected advocates for the Creole cause. Using his experience as a former politician, Livingston provided much needed insights into American political thought. He drafted the *Remonstrance of the People of Louisiana* (1804), which outlined Louisianans' main grievances with the territorial government. Livingston ensured that the memorial would appeal to American sympathies by invoking revolutionary rhetoric from the Declaration of Independence.[29] Besides drafting several petitions, Livingston used his legal expertise to help Creoles fight for the continuation of civil law. As Livingston provided vital political ammunition for Louisianans, Clark used his longtime influence to antagonize the Claiborne administration and to incite anti-American feelings. He even took his resistance campaign to the floor of Congress, serving as the Orleans territorial delegate in 1806. Although it seems strange to

[29] Julien Paul Vernet, "Strangers on Their Native Soil": Opposition to United States Territorial Government in Orleans, 1803-1809" (Ph.D. diss,. Syracuse University, 2002), 129.

dedicate a chapter about Creole resistance to two Americans, in actuality without the support of Americans such as Livingston and Clark, Creoles would have had little visible organized resistance. Handicapped by limited education as well as knowledge of American republican institutions, Creoles needed allies to aid them in their struggle.

As Livingston and Clark exemplify Louisianans' path of resistance, Julien Poydras represents the more accommodating stance that many Creoles adopted. Born in France, Poydras made his way to New Orleans via St. Domingue in 1768. Once in New Orleans, he began a trading business that stretched from Baton Rouge to St. Louis. Poydras's business interests kept him closely tied to New Orleans and he soon befriended Governor Claiborne. In 1804, Claiborne appointed Poydras to the Board of Directors for the new Bank of Louisiana and to the territory's Legislative Council. He served as president of the council for three years. In 1809, Poydras moved to Washington D.C. to serve as the Orleans territorial delegate to Congress. Upon his return in 1812, he was elected the president of the constitutional convention responsible for drafting Louisiana's new state constitution.

Chapter Four examines Poydras and his fruitful political career during the territorial period. Although many Creoles were active members of Livingston and Clark's anti-American faction, some also shared Poydras's belief that the key to Louisiana's success rested in working with American officials for a common purpose. Many Louisianans, through Poydras's urging, hoped to provoke change through cooperation rather than resistance. By accepting key positions in the Claiborne administration, Poydras became quite influential in territorial policymaking that helped to promote Louisianans' interests. More importantly, he served as a vital link between the American government and *ancient* Creoles. Poydras proves to be a complementary figure to Livingston and Clark. Their paths and careers were parallel in many ways even though they were almost always

at odds politically. They all represent the myriad of political strategies Creoles used to shape the incorporation process.

As the early chapters examine the more public forum of New Orleans politics, Chapter Five highlights the personal experiences of Creole families by exploring the life of the Favrots. Pierre-Joseph Favrot's ancestors arrived in Louisiana in 1732. His father, Claude-Joseph, served as a second lieutenant in the French Army. Pierre-Joseph would go on to serve in the Spanish military, reaching the rank of captain. Following the Louisiana Purchase, Pierre-Joseph ended his thirty-year long military career and became a full-time planter and slaveholder. The life of Pierre-Joseph Favrot provides an excellent example of how Creole families made the transition from French and Spanish colonial rule to life in the American republic. His extensive correspondence with his wife, children, extended family, and friends reveals the strategies French elites utilized to secure their status under the American system, while still remaining closely tied to their French heritage. Pierre-Joseph's children Louis, Philogene, Josephine, and Octavine all grew to maturity during the territorial period. He constantly instructed them on how to adapt to the new American presence while also ensuring that they did their part to assimilate into their new country.

Beyond public matters, the family itself remained Pierre-Joseph's central focus. Both at home and in their correspondence, the Favrots continued to communicate in French. They also remained strong Catholics and celebrated French holidays such as Mardi Gras. Moreover, they maintained strong ties with extended family to reinforce their French colonial roots and family status. The Favrot family shows how publicly many Louisianans did their part to assimilate into the American system while privately, within the enclave of the family, clinging to their French identity.

Much like the Favrots, Lower Louisiana's free black population also faced many challenges to its colonial heritage. *Libres* were forced to overcome unique obstacles in their quest for assimilation.

They not only had to combat Americans' strong white supremacist ideology, but also struggled to maintain their former colonial rights. Governor Claiborne and other American officials saw Louisiana's unique racial hierarchy as one of the most troubling issues facing the new territorial government. In 1806, territorial officials passed a new Black Code in hopes of establishing the same strict racial barrier found elsewhere in the United States. The primary aim of these laws was to solidify white supremacy within the territory while gradually forcing free blacks to a subordinate position. Within a few years, the new Black Code created a society of whites and non-whites leaving very little room for free people of color.[30]

Chapter Six of this project focuses on the struggle of *libres,* demonstrating how race played a vital role in determining how some Louisianans participated in the incorporation process. Despite their gradual marginalization in the political and social landscape of territorial New Orleans, *libres* made substantial efforts to maintain their colonial privileges. Kimberly S. Hanger's *Bounded Lives, Bounded Places* argues that during the colonial period free blacks used several strategies to express their autonomy. Through a variety of kinship relationships, real and fictive, free blacks were able to enlarge their economic and social standing.[31] Moreover, such bonds often provided free blacks with opportunities to interact with white society and secure valuable allies.[32] Archdiocese and census records reveal that this practice continued during the territorial period as *libres* attempted to cultivate beneficial kinship ties that improved their position in an increasingly hostile environment. Militia service also provided free blacks many advantages. Although American officials within the territory seemed reluctant to arm *libres*, Governor Claiborne allowed

[30] Kastor, *The Nation's Crucible*, 82.

[31] Hanger, *Bounded Lives, Bounded Places*, 89.

[32] Ibid., 108.

two battalions of free black troops to remain intact. According to Hanger, "Militia service provided free blacks in New Orleans … with an important instrument for political expression as a corporate body, an avenue for social advancement, and a means by which to gain honor, prestige, and recognition."[33] As in the colonial period, free blacks in territorial New Orleans hoped that their loyalty and noble military service would gain them respect and a means to negotiate their status.

The life of Noel Carrier Jr. illustrates the experience of New Orleans *libres* in the territorial period. Carrier's father, Captain Noel Carrier, had an eventful career as a black officer in the Spanish military. He also gained notoriety as a leader in the *libre* community. With his father's death just one year after the Louisiana Purchase, Noel Jr. faced the challenge of maintaining the privileges his father and other *libres* enjoyed. Noel Jr. employed political activism to secure a military position and turned to kinship networks to reinforce his status and the vitality of the *libre* community. The younger Carrier's activities reveal how free blacks continued to use the same strategies of self-preservation during the territorial period as they did during the colonial era. In many ways, men like Noel Carrier Jr. would invoke the legacies left by their fathers, hoping to secure a legitimate place as free men in the United States.

The project's concluding chapter focuses on the Battle of New Orleans. The Battle of New Orleans was a watershed event in American history—especially for Louisianans. Louisianans' sacrifice at the concluding battle of the War of 1812 earned them national recognition as heroes and ended their twelve-year long struggle to gain acceptance as true American citizens. In 1812, Louisiana joined the Union as the newest American state. Yet Americans continued to question if Louisianans were loyal American citizens. These suspicions only intensified as a British invasion of New Orleans seemed imminent. Many, including Governor Claiborne, feared that Louisianans

[33] Ibid., 134.

might join the British or assist the Spanish in conquering Louisiana. In the midst of such accusations and suspicions, Louisianans joined together in the fall of 1814 to prepare the city for an attack. Civil and military organizations worked in unison to procure ammunition and repair fortifications. Louisiana militia and volunteer units from all over the state mobilized for war. Concomitantly, Louisianans ardently professed their loyalty and attachment to the United States. By the time General Andrew Jackson arrived in New Orleans, he was greeted by Louisianans who were ready, willing, and able to defend their new country.

Immediately following the victory at Chalmette, American attitudes toward Louisianans changed. Many welcomed Louisianans with open arms as countrymen, seeing their gallant efforts during the Battle of New Orleans as an indication of their loyalty and affection. Furthermore, in the chaotic weeks leading to the historic battle, the major characters of this project--and the groups that they represent—came together to defeat a common foe and marched forward to take their rightful place in the young American republic. Although Daniel Clark died mysteriously in 1813, Edward Livingston and Julien Poydras came together to create the Committee of Defense, hoping it would allow Louisianans to show their loyalty. Louis and Philogene Favrot, coming from a strong military lineage, did not hesitate to fight for their new country. For *libres* like Noel Carrier Jr., the Battle of New Orleans allowed them to prove that they too were citizens of the American republic, and many hoped their military service would help secure the status their ancestors once enjoyed. The Battle of New Orleans, therefore, provided another means for Louisianans to negotiate their place in the Union and gain acceptance in the great American family.

Yet more importantly, the Battle of New Orleans and the acceptance it imparted showed how Louisianans were successful in creating a Franco-American culture. For years, American lawmakers and Louisianans fought over what was required of them to become American citizens.

At the end of the day, valor on the battlefield helped secure what political protests, fighting in the streets, harsh editorials, and petitions alone could not: Louisianans gained acceptance because they were loyal. Even *libres* gained short-lived accolades for their gallant efforts and show of devotion to the United States. It did not matter if Louisianans spoke French or continued to practice civil law; what mattered was that they showed that they were willing to sacrifice their lives to protect the United States.

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Today Americans love to joke about the many idiosyncrasies of Louisianans who still practice civil law, call counties parishes, and suck the heads of crawfish. Tourists continue to flock to New Orleans to take in the unique cemeteries, French architecture, beignets, and Mardi Gras. Street signs still have French names and balconies, like the ones Laussat passed centuries before, still overlook festivities in the streets. Yet what few realize is that many of these famous anomalies were formed in the years of toil and struggle by territorial Louisianans who actively and often aggressively negotiated their place in the American republic. In 1837, one Louisianan explained his state's unique contours and culture by explaining that "a country is like a beloved first mistress: you can abandon her, you may love another, but you can never forget her."[34] This statement accurately portrays the impact Louisianans had on the incorporation process. Territorial Louisianans made the needed sacrifices to become Americans citizens, yet they never forgot or abandoned their French cultural ties. Ultimately, they found a balance between their old and new country and created a distinct Franco-American culture that is still celebrated today.

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[34] *La Creole* (St. Martinville, LA), 24 December 1837; Tregle, "Creoles and Americans," 149.

Chapter One: "The greatest curse that could at present befall us": Making True Americans in Lower Louisiana

On October 25, 1803, New York Representative Samuel Mitchill walked through the streets of Washington D.C. Although the fall breeze sent a chill down his spine, he decided to take the scenic route to the Capitol in hopes of clearing his mind. When he had heard the news of the Louisiana Purchase just a few months before, he applauded the calculated and appropriate measures utilized by the Jefferson administration in acquiring land that yielded endless benefits to the young nation. As the Eighth Congress reconvened in early October, the unprecedented purchase turned the Capitol into a political war zone. Federalists assaulted President Thomas Jefferson's abuse of executive power, while Republicans defended the diplomatic prowess of their fearless leader. Yet even the most ardent Jeffersonian could not deny that the Louisiana Purchase engendered many questions and challenges. As many of his congressional counterparts fought over the constitutionality of the purchase or succumbed to partisan bickering, Mitchill became consumed with one important question—How were American lawmakers going to incorporate Lower Louisiana's foreign population?[1]

A famous doctor and renowned scientist, Mitchill hoped that his keen sense of reason would help him find solutions to this pressing concern. For weeks he pondered the new congressional impasse from all perspectives. He felt conflicted about Louisianans' future in the United States, fearing the ramifications of allowing a foreign population into the Union while also worrying that

[1] Samuel Mitchill described his reaction to the Louisiana Purchase in a letter he wrote to a friend in January 1804. This letter can be found in *Transactions of Oneida Historical Society at Utica* (Oneida Historical Society, 1898), 166-168; 8th Congress, 1st sess., *Annals of Congress: The Debates and Proceedings in the Congress of the United States, 1789-1824* (Washington D.C.: Gales and Seaton, 1854), 477-80. Here Mitchill stood before the House and specifically asked, "What would the gentlemen propose we do with them [Louisianans]?" Also see Kastor, *The Nation's Crucible*, 49. Samuel L. Mitchill was born in North Hampshed, Long Island, on August 17, 1764. He served as a New York Representative in Congress in the Seventh and Eighth Congresses. In 1807, he was elected to the Senate where he served until 1809. Before his political career he studied medicine and natural science. He died in September 1831. For more readings on Samuel L. Mitchill see *Transactions*, 161-166; David Aberbach, *In Search of an American Identity: Samuel Latham Mitchill, Jeffersonian Nationalist* (New York: Peter Lang, 1988), 64-69.

depriving Louisianans of basic rights would prove an imprudent and perhaps a dangerous decision. As he walked past city buildings and meandered down unfamiliar streets, Mitchill soon approached the Capitol ready to divulge his plans for Lower Louisiana. Little did he know that on this day he would change the scope of the Louisiana debates and Louisianans' fate.

News of the Louisiana Purchase hit American newspapers in the summer of 1803 and immediately created a rush of enthusiasm and excitement. The *National Intelligencer* featured a poem that referred to Louisiana as a land "overflowing with milk and honey" that would serve as a new frontier for freedom and opportunity. Many American citizens and congressional leaders alike fashioned grand visions of American commercial prosperity and economic domination. Massachusetts Representative Jacob Crowninshield, for instance, contended that "we have acquired this country … that offers immense advantages to us as an agricultural and commercial nation."[2] Even President Jefferson's archrival Alexander Hamilton could not deny the importance of the acquisition, claiming that it provided the United States "unmolested" navigation of the Mississippi River.[3]

Just months later, however, this initial enthusiasm was eclipsed by apprehension as Congress confronted unprecedented questions engendered by the Louisiana Purchase. Just a few days after the Eighth Congress convened, Delaware Senator Samuel White bemoaned the United States' land acquisition, asserting that "this new, immense, unbounded world … will be the greatest curse that could at present befall us."[4] White's statement seems quite contrary to earlier reactions, yet it reveals an unexpected downside to the Louisiana Purchase. The economic and commercial

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[2] *National Intelligencer* (Washington D.C.), 25 January 1804, *Debates of Congress,* 8th Congress, 1st sess., III: 68.

[3] *New York Evening Post*, 5 July 1803.

[4] *Debates of Congress,* 8th Congress, 1st sess., III: 10.

advantages the purchase rendered undoubtedly made it essential to American prosperity, but coupled with these benefits came many questions regarding its constitutionality and how to incorporate Louisiana's diverse foreign population into the Union. These issues soon dimmed the initial fanfare of the purchase while intensifying partisan rivalries and concerns over the stability of the young republic.

Following the speedy ratification of the cession treaty with France, the constitutionality of the Louisiana Purchase consumed congressional deliberations. At the center of the debate was the question of whether or not the Constitution authorized lawmakers to acquire territories beyond the nation's original borders. Attention centered on how to interpret Article IV, Section 3 of the Constitution which stated, "New States may be admitted by Congress, into the Union…Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."[5] As it made no mention of acquiring new territories, congressional members undertook the task of interpreting this provision.

Constitutional questions regarding the purchase proved divisive, pitting a Federalist minority against a strong Democratic-Republican (or simply Republicans) Congress. Jefferson's ascendancy to the presidency in 1800 fostered strong Federalist suspicions of a political conspiracy. The Louisiana Purchase exacerbated these fears. Unable to defeat Republicans with votes, Federalists exploited the Louisiana debates in hopes of challenging Jefferson's growing power. In turn, the deliberations engendered a partisan rift that exposed the dwindling power of the Northeast but also Federalists' fears regarding the long-term implications of the Louisiana Purchase.

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[5] *The Constitution of the United States*, Article IV, Section 3.

Concomitantly, lawmakers had to decide how to prepare Louisianans for statehood. On that cold October day, Mitchill began these proceedings by suggesting that Louisianans undergo an "apprenticeship to liberty" that would serve as a probationary period to give them time to cultivate the skills necessary to be good Americans. Mitchill's plan met bipartisan support and helped shaped the Governance Act of 1804 that established the contours of Louisianans' territorial government and incorporation process. Partisan animosities subsided as both Federalists and Republicans harbored serious reservations regarding Louisiana's diverse population and their desire and readiness to become Americans.

The precedents set by the Eighth Congress left a lasting imprint on American history. The constitutional issues reconciled by congressional leaders alleviated future apprehensions regarding American expansion and also solidified conceptions of citizenship. The many congressional deliberations and acts passed, furthermore, had a lasting impact on the lives of Louisianans. They exposed the strong misgivings lawmakers had about Louisianans and would condition their future relationship and interactions. Moreover, lawmakers set specific criteria and expectations for Louisianans that would shape the incorporation process and territorial period. Ultimately, the Eighth Congress sought to address Mitchill's important question regarding Louisianans' future while making true Americans in Lower Louisiana.

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Following the official confirmation of the United States' acquisition of French Louisiana on July 4, 1803, President Jefferson began making preparations for the incorporation of French Louisiana. On July 17, Jefferson asked Daniel Clark, an American businessman who had lived in New Orleans for

nearly sixteen years, to collect information on the ceded land and its inhabitants.[6] He sent Clark and Mississippi territorial governor William C.C. Claiborne a list of questions regarding French Louisiana's borders, military apparatus, educational facilities, and legal systems.

As Jefferson attempted to become more acquainted with the new territory, he also began to tackle his own reservations over the constitutionality of the purchase. During his tenure as Secretary of State, Jefferson and his fellow Republicans strongly advocated a strict construction of the Constitution. For Jefferson, the Constitution served as a guide for Americans and their republican government. To him, deviation or loose interpretation only undermined the very substance of the sacred document. The Louisiana Purchase forced Jefferson to reconcile his strong desire to secure access to the Mississippi River with his strict constructionist views. Jefferson finally chose to endorse the purchase, an act that the Constitution did not specifically authorize.

To alleviate the contradiction between his early beliefs and his executive actions, Jefferson suggested adding an amendment to the Constitution that would place the acquisition well within the bounds of the Constitution. As early as January 1803, Jefferson mentioned his plans to Albert Gallatin, admitting that "it will be safer not to permit the enlargement of the Union but by an amendment to the Constitution."[7] Once the Louisiana Purchase treaty was signed Jefferson immediately began preparing this amendment. On August 12, 1803, Jefferson sent a draft to friend Senator John Breckinridge for his approval.[8] Days later a sense of urgency consumed the Jefferson administration when rumors

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[6] Jefferson to Daniel Clark, 17 July 1803, *The Writings of Thomas Jefferson*, ed. Andrew A. Lipscomb and Albert Ellery Berch (Washington D.C.: The Thomas Jefferson Memorial Association, 1903), X: 406.

[7] Jefferson to Albert Gallatin, January 1803, *The Works of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G.P. Putnam's Sons, 1905), X: 3n.

[8] John Breckinridge of Kentucky had been a longtime ally of President Jefferson. He assisted Jefferson in drafting the Kentucky Resolutions (1798). He was an integral part of the Eighth Congress. Through him Jefferson filtered and introduced key legislation regarding the Louisiana Purchase and the territorial government bill.

circulated that French officials were becoming reluctant to cede Louisiana.[9] Jefferson quickly notified Breckinridge of the new development and urged him to remain silent about a constitutional amendment that could jeopardize a quick ratification of the cession treaty.[10] This threat forced Jefferson to abandon his hopes for a new amendment. Jefferson, however, felt assured that Congress' "good sense of our country" would be able to address any constitutional issues the purchase engendered.[11] Thus Jefferson was unwilling to sacrifice Louisiana for the sake of his own strict constructionist convictions. Instead, he looked to the Eighth Congress to reconcile this constitutional quandary, encouraging its members to quickly ratify the cession treaty to secure the vast new territory.[12]

Heeding Jefferson's advice, the Senate immediately began examining the cession treaty. Feeling the pressure of expediency, congressional leaders were forced to avoid any major debates on the constitutionality of the purchase and ratified the treaty within three days. Although initial deliberations regarding the purchase provoked little debate, the months that followed allowed lawmakers to voice their concerns on a variety of issues regarding the acquisition and incorporation of French Louisiana. These debates exposed a strong partisan rift in Congress, but also generated vital questions concerning the stability of the young nation.

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[9] Jefferson to Wilson Carey Nicholas, 7 September 1803, Peterson, *Thomas Jefferson Writings*, 1139. Jefferson expressed his anxiety to Nicholas, claiming that "There is reason, in the opinion of our minister, to believe, that if the thing were to do over again [Louisiana Purchase], it could not be obtained & that if we give the least opening, they [French] will declare the treaty void."

[10] Jefferson to Breckinridge, 18 August 1803, Ford, *Works of Jefferson*, X: 7-8 n.

[11] Jefferson to Nicholas, 7 September 1803, Peterson, *Thomas Jefferson Writings*, 1140-1141.

[12] Third Annual Address, 17 October 1803, Ibid., 512.

After Jefferson's election in 1800, Federalist leaders saw their political power dwindling as Republicans secured both the presidency and a congressional majority.[13] The growing prominence of the Republicans convinced Federalists, particularly Massachusetts Senator Timothy Pickering, that there existed a Jeffersonian conspiracy to eradicate Federalist opposition.[14] One issue that shaped Pickering's suspicion was Jefferson's assault on the federal judiciary. The judiciary crisis, which claimed the career of one Federalist judge, appeared to Pickering as an effort by Republicans to destroy the independent federal judiciary by removing Federalist judges through the impeachment process.[15] Yet, ultimately the acquisition of French Louisiana became the Federalists' major point of contention against the Jefferson administration.

Pickering's conspiracy theories spread amongst Federalist circles. William Plumer, James Hillhouse, Uriah Tracy, and Roger Griswold all came to share similar fears. This coalition became so convinced of a Republican coup that they began making preparations to secede from the Union to save their party.[16] In devising this radical action, Pickering admitted that "I will rather anticipate a new confederacy, exempt from the corrupting influence and oppression of the aristocratic Democrats of the South."[17] This

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[13] Malone, *Jefferson the President: First Term*, 110. According to Malone, Jefferson exercised unprecedented power over the Eighth Congress as congressional leaders passed bills based on his recommendations. Jefferson also used senators such as Breckinridge to ensure that legislation he desired would be introduced and passed in Congress.

[14] Pickering to King, 4 March 1804, *The Life and Correspondence of Rufus King: Comprising His Letter, Private and Official, His Public Documents, and His Speeches*, ed. Charles R. King (New York: Da Capo Press, 1971), IV: 364. Pickering referred to Jefferson as a "coward" who "could feel an infernal pleasure in the utter destruction of his opponents."

[15] Gerald H. Clarfield, *Timothy Pickering and the American Republic* (Pittsburgh: University of Pittsburgh Press, 1980), 220-224. John Pickering was the Federalist judge removed from office. Judge Samuel Chase, in early 1805, faced impeachment, but Congress failed to get the two-thirds votes needed to remove him.

[16] King, *The Life and Correspondence of Rufus King*, IV: 347-349. Also see King to General Hamilton, 24, February 1804, Ibid., 353-359. Although a moderate Federalist, Rufus King's correspondence with Pickering and other Federalist members of the Eighth Congress provides insight into the supposed Jefferson Conspiracy and Pickering's secession plans.

confederacy was to include the New England states, New York, New Jersey, and Pennsylvania. Moderate Federalists empathized with their political brethren, but most saw separation as impractical and quite detrimental not only to the Federalist Party but also to the nation. Rufus King, Alexander Hamilton, and John Quincy Adams all expressed disapproval of Pickering's calls for secession. These moderate Federalists ignored the proposed confederacy, dooming it to failure.[18]

It is difficult to ascertain Jefferson's real intentions or the validity of Pickering's accusations. Jefferson did, however, express his desire to unite moderate Federalists with Republicans, while eradicating the menacing presence of radical Federalists like Pickering who he viewed as political insurgents.[19] During the Louisiana debates, Jefferson mocked Federalist accusations of a political conspiracy, contending that Pickering and his Federalist coalition created a Republican straw man made "of certain Jacobinical, atheistical, anarchical, imaginary caricatures … created to frighten the credulous."[20]

As plans for a northern confederacy subsided, Federalist leaders continued to lament the acquisition of French Louisiana. In his personal correspondence, John Quincy Adams bewailed the Louisiana Purchase, predicting that it would "diminish the relative weight and influence of the Northern section." Like his Federalist counterparts, he believed that states emerging from the new territory would enhance the clout of the slave South.[21] Adams feared that this rising slave power

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[17] Pickering to Judge Peters, 24 December 1803, *Life and Letters of George Cabot,* ed. Henry Cabot Lodge (Boston: Little Brown, and Company, 1878), 441.

[18] King to Cabot, Ibid., 438-441.

[19] Jefferson to Horatio Gates, 8 March 1801, Ford, *Works of Jefferson*, IX: 205-206. In this letter Jefferson admitted that he hoped to "conciliate the honest part of those who were called federalists."

[20] Jefferson to Timothy Bloodworth, Esq., 29 January 1804, Lipscomb, *Writings of Jefferson*, X: 443-445. Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge: The Belknap Press of Harvard University Press, 1963). Levy avows that Jefferson possessed his own conspiracy theory that High Federalists wanted to destroy republicanism. Levy contends that Jefferson reverted to ruthless tactics to curtail perceived Federalist attempts to destroy the nation.

would emasculate northern political influence in Congress and destroy the economic welfare of New England. Fellow Northeastern congressional leaders mirrored Adams's apprehensions. New Hampshire Senator William Plumer was particularly vexed by what he saw as a major threat to northeastern political leverage. He envisioned that the new states carved out of the Louisiana Purchase would eventually be more inclined to the interests of the South both politically and economically. Thus the incorporation of Louisiana would serve to "destroy with a single operation the whole weight and importance of the eastern states in the scale of politics."[22] Northern newspapers articulated this same anxiety, while depicting the Louisiana Purchase as the agent of New England's ultimate demise. In the *Balance and Columbian Repository*, a concerned Federalist called "Calculator" contended that the new Louisiana territory threatened to undermine the economic endeavors of older states. Calculator expressed alarm that Louisiana "would tend to lessen, and finally almost to destroy" northeastern political influence.[23]

To protect Northern interests, Federalists tried to split Republican votes in Congress by adopting an unlikely platform centered on a strict construction of the Constitution. Using this approach, Federalists hoped to appeal to more conservative Republicans wedded to old Jeffersonian arguments regarding constitutional interpretation. Federalist opponents were clearly afraid that the purchase would dilute the political and economic influence of the Northeastern states. To cloak this potent concern, Federalist

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[21] King, *Life and Correspondence of Rufus King*, VI: 358-359.

[22] *William Plumer's Memorandum of Proceedings in the United States Senate, 1803-1807*, ed. Everett Somerville Brown (London: The Macmillan Company, 1923), 9. William Plumer served as a Federalist Senator from New Hampshire from 1802-1807. During the Madison administration, Plumer would become a Republican and serve as New Hampshire's governor. From 1803-1807, Plumer kept a daily diary of the activities occurring in the United States Senate. He provides not only the deliberations occurring during the Eighth Congress, but his own opinions and reactions to the Louisiana Purchase and the territorial government.

[23] *The Balance and Columbian Repository* (Hudson, New York), 13 September 1803.

congressional members invoked strict constructionist rhetoric and assaulted Republican attempts to evade the Constitution to solidify their own party power.

One of the major components of the new Federalist attack centered on Jefferson's excessive use of executive power in invoking the treaty-making power. According to Article II, Section 2 of the Constitution, the president "shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur."[24] Federalist leaders accused Jefferson of exceeding these powers when he promised the immediate incorporation of Louisiana inhabitants. According to Senator Plumer, only Congress could admit new states into the Union.[25] In Plumer's view, for Jefferson to guarantee citizenship and statehood to Louisianans meant that he intended to bypass the proper channels for admitting new states, which the Constitution vested in Congress. Connecticut Senator Uriah Tracy also expressed severe reservations as to whether the treaty-making power actually authorized the president and Senate to incorporate Louisiana on the same footing as other American states. He bluntly asserted that from "a fair construction of the constitution … the President and the Senate have not the power of thus obtruding upon us Louisiana."[26] Federalists depicted Jefferson as a despotic executive who made conscious attempts to evade the Constitution to secure his own agenda.

Republican members of the Senate were prepared to defend Jefferson's actions. Senator Breckinridge reminded his Federalist rivals that the Executive branch was the most appropriate avenue to negotiate with foreign diplomats. Yet, this power, according to Breckinridge, was not without scrutiny

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[24] *The Constitution of the United States*, Article II, Section 2.

[25] Plumer's *Memorandum*, 10.

[26] *Debates in Congress,* 8th Congress, 1st sess., III: 16.

since Congress, not the president, ratified treaties and admitted new territories into the Union.[27] Virginia Senator Wilson Carey Nicholas held similar sentiments, asserting that Jefferson had not exceeded the treaty-making power designated to him by the Constitution because Congress would check his actions by ratifying and providing the funds for the Louisiana Purchase.[28]

Federalist leaders, furthermore, expressed serious concerns over the vast size of the purchase and the sheer practicality of governing a distant territory. Senator Plumer avowed that adding more spatial distance between the populace and the federal government in Washington would only dissolve the republic.[29] Senator Samuel White prophesied that Louisiana's fertile, empty lands would draw settlement away from the older states, causing settlers to sever ties with the federal government and thus alienating their affections to the nation and its principles.[30] Federalist leaders thought that the vast size of Louisiana would strain the management capacity of the federal government and render the republic useless. In attempts to counter such assertions, Republican congressional leaders argued that the addition of French Louisiana strengthened the republic by making it "more safe and more durable." Breckinridge argued that in "proportion to the number of hands you intrust the precious blessings of free government to, in the same proportion do you multiply the chances for their preservation."[31] Breckinridge and other Republican leaders dismissed Federalist arguments over the size of the republic as anachronistic and looked to the purchase to strengthen the infant nation.

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[27] Ibid., III: 18-20.

[28] Ibid., III 19. According to Nicholas "the treaty-making power of this Government is so limited, that engagements to pay money cannot be carried into effect without the consent and co-operation of the Congress."

[29] Plumer's *Memorandum*, 6.

[30] *Debates in Congress,* 8th Congress, 1st sess., III: 10.

[31] Ibid., III: 17.

Federalists also utilized constitutional rhetoric to strike at the heart of the Louisiana Purchase, attacking Republicans' blatant disregard for Article IV of the Constitution. The article gave Congress the power to admit new states at its discretion. It failed, however, to mention the admission of states beyond the original borders of the United States or land ceded by a foreign nation. Federalist leaders argued that the early founders opposed such an acquisition, since they did not specifically mention it in the Constitution. Senator Plumer asserted that the Founding Fathers made no provisions for acquiring territory outside the original borders of the nation, thus never contemplating "the accession of a foreign people, or the extension of territory."[32] Vermont Representative James Elliot believed the treaty itself was unconstitutional, since the "constitution is silent on the subject of the acquisition of territory."[33] Republican leaders, however, took a more liberal view. Virginia Representative John Randolph argued that since the founders failed to outline specific American borders, contemporary lawmakers had nothing hindering further expansion. A representative from Massachusetts, Samuel Thatcher, also believed that since the Constitution failed to prohibit the acquisition of new territories Congress and the American people should resolve the issue together.[34]

In an attempt to reconcile these conflicting arguments, John Quincy Adams tried to convince his fellow lawmakers that a new amendment to the Constitution would alleviate the pressing congressional quandary. He strongly believed an amendment allowed Congress, in good conscience, to make the

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[32] Plumer's *Memorandum*, 7.

[33] *Debates of Congress,* 8th Congress, 1st sess,. III: 65.

[34] Ibid., III: 61-62. Randolph was a representative from Virginia and a strong supporter of President Jefferson. He became the leader of the Republicans in the House of Representatives. Known for his strong state's rights and strict constructionist views, he somewhat abandoned these beliefs during the Louisiana debates, arguing that "the constitution should not tie us down to particular limits, without expressing those limits; that we should be restrained to the then boundaries of the United States, when it is in proof to the committee that no such bounds existed, or do now exist, was altogether incomprehensible and inadmissible." Ibid., III: 67. Thatcher's political affiliation is unknown.

needed appropriations for the purchase and begin incorporating Louisiana into the Union.[35] Pickering also contended that Louisiana could be incorporated only by a constitutional amendment. He argued that failure to do so proved that Republicans sought to render the Constitution "a convenient instrument, to be shaped by construction, into any form that will best promote the views of the operator."[36] As Federalist leaders scoffed at Republicans' disregard for the Constitution, only two Federalists supported Adams's proposal for a new amendment.[37] This indicates that Federalists had failed to whole-heartedly adopt a strict constructionist platform, but merely used it to disguise real concerns regarding the erosion of Northeastern influence.

During the first session of the Eighth Congress, the constitutional questions created by the Louisiana Purchase touched on many concerns pertaining to the infant nation. The proper size of the republic, the national political balance, and the durability of the Constitution took center stage in both the House and Senate. Federalists and Republicans alike wrestled to find the most appropriate means to decode the true meaning of Article IV, Section 3 of the Constitution. Federalists chose to take a strict approach in hopes of salvaging their political influence, while Republican leaders abandoned their former misgivings about a liberal constitutional interpretation to reap the benefits the purchase imparted. Ultimately, Republicans won this battle as they proceeded with the incorporation process despite the absence of a constitutional amendment that sanctioned the purchase.

Although the constitutionality of the Louisiana Purchase proved a potent issue, members of the Eighth Congress also had to decide exactly what to do with Lower Louisiana's ethnically diverse population. Both Federalists and Republicans agreed that Louisianans were not prepared for immediate

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[35] Ibid., III: 19. Adams introduced several resolutions to amend the Constitution to sanction the Louisiana Purchase.

[36] Pickering to King, 3 March 1804, King, *Life and Correspondence of King*, IV: 360-361.

[37] Malone, *Jefferson the President: First Term*, 331.

statehood. Yet congressional leaders seemed perplexed over what territorial government could assist Louisianans in becoming more acquainted with American political and legal institutions. Concerns over the diminishing power of the Northeast or fears over the size of the burgeoning republic were fused with apprehensions that Louisianans' ethnic background and colonial past made them unique and in need of a special territorial government that could effectively incorporate them into the young republic.

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As Jefferson dealt with the constitutional issues of the Louisiana Purchase and growing Federalist unrest, he also began to prepare a government for the newly ceded territory. He first looked to the Northwest Ordinance of 1787 as a useful model. The one great achievement of the Articles of Confederation, the Northwest Ordinance established uniform guidelines for the admission of new states into the Union. Confederation lawmakers looked to the Ordinance to supply a three-step process for statehood. The first grade of territorial status treated territorial inhabitants as subjects under the jurisdiction of Congress. Therefore, lawmakers appointed all territorial officials such as the governor and judges. When a territory's population reached 5,000 free white males it was elevated to the second stage. Here territorial inhabitants were allowed to form a legislative body and send a non-voting delegate to Congress. During this phase, however, Congress still had the power to appoint top officials and veto any territorial legislation. The third and final stage of the statehood process occurred when the territory's population reached 60,000 people. At this point, territorial inhabitants could hold a constitutional convention and apply for statehood. Once Congress approved the constitution, the territory entered the Union on an equal footing with other American states.[38]

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[38] "An ordinance for the government of the territory of the United States, North-west of the river Ohio." Library of Congress, Rare Book and Special Collections Division, Continental Congress & Constitutional Convention Broadsides Collection; *Debates in Congress*, 8th Congress, 1st sess., III: 146n. In 1789, the First Congress amended the Ordinance by including the new president in the three-step process. The president was given the power to appoint territorial governors and officials during the first stage of the statehood process.

Initially Jefferson hoped to implement the guidelines outlined in the Northwest Ordinance in Lower Louisiana. Having 5,000 free white men, the Orleans Territory should have entered the second stage of the statehood process. Yet as Jefferson received answers to his early inquiries from William C.C. Claiborne and Daniel Clark, he developed strong reservations. Claiborne and Clark both reported that the colony had few existing educational programs and that most inhabitants were barely literate enough to write their own names. In his observations, Claiborne concluded that Louisiana's ignorant population needed a well-regulated government that could instruct them on every aspect of American political and social life.[39] This new information convinced Jefferson that the Northwest Ordinance would only turn Lower Louisiana's laws "topsy-turvy."[40] Thus Jefferson began looking for a new territorial apparatus that could address Lower Louisianans' special needs and perceived inadequacies.

Although the country's short history provided few constitutional precedents about how to incorporate new territories, it did supply lessons on how to absorb immigrants into the Union. American theories of citizenship were adaptations of English ideas concerning the subject-king relationship. Sir Edward Coke's ruling in the *Calvin Case* (1608) became the definitive understanding of English subjectship.[41] According to Coke, there existed a reciprocal allegiance between subject and king. The subject

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[39] William C.C. Claiborne to Jefferson, 29 September 1803, *The Territorial Papers of the United States*, ed. Clarence Edwin Carter (Washington: Government Printing Office, 1940), IX: 60.

[40] Jefferson to Gallatin, 9 November 1803, Ibid., IX: 100.

[41] Calvin's Case occurred when James I (or James VI of Scotland) ascended the English throne. Since he was also the King of Scotland English commissioners proposed that inhabitants born in either Scotland or England were considered English subjects. Yet the House of Commons refused. When Robert Calvin, born in Scotland, attempted to claim land in England, he was refused because he was not an Englishmen. In the historic court case, opposing lawyers contended that Calvin was an alien and thus could not sue for land in England. Chief Justice of the Common Pleas Lord Coke resolved the case and his ruling became the definitive interpretation of English citizenship. In the end, Coke ruled that Calvin was a subject of James VI, but English law did not recognize this bond since James's title of King of Scotland was superseded by his title as the King of England. Therefore, Scottish subjects were aliens to James as the English monarch and they required royal permission to be naturalized as English subjects. James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: The University of North Carolina Press, 1978), 16-27.

provided his loyalty and service to the Crown in exchange for protection and security. There existed, however, a hierarchy of subjectship based on what type of allegiance one had with the Crown. For those born in England, the bond between subject and king was a natural, self-perpetuating allegiance.[42] These subjects, therefore, received full rights of property ownership and access to certain political offices. For subjects born outside the protection of the King and owing loyalty to another sovereign, Parliament could naturalize them or the King could grant royal patents of denization. Naturalization placed aliens on the same footing as natural born subjects, while denization conferred limited rights, restricting subjects from owning property and holding pubic office.[43]

In British North America, these early notions of the subject-king relationship became blurred, as Anglo-Americans developed their own ideas of subjectship to accommodate their particular colonial experience. The vast size of British North America necessitated a large and constant flow of new immigrants to make the colonies secure and economically viable. As England failed to supply needed colonists, Anglo-Americans looked to other European countries to furnish new arrivals. By the end of the seventeenth century, colonial assemblies took it upon themselves to naturalize and incorporate these newcomers, eradicating old distinctions between natural-born or denizen subjects and granting all new subjects full rights as Englishmen. Survival and economic expansion, not doctrinal compliance to old English standards, dictated colonial policies.[44] Parliament's indifference to colonial naturalization policies also allowed colonists to create their own absorption methods with little interference from the mother country. As a result, old European conceptions of subjectship faded as more immigrants became assimilated into British North America.

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[42] Ibid., 16-17.

[43] Ibid., 29.

[44] Ibid., 78.

As colonists constructed their individual naturalization policies they also altered Coke's original theories of the subject-king allegiance. Foreign immigrants' military service and economic endeavors were major factors in the success of British North American colonies. Native-born colonists soon realized that their own lives were improved by naturalizing incoming foreigners who contributed to the welfare of the community—creating a common assumption that foreigners who chose to work towards the common good justly deserved the same rights as Englishmen. The allegiance that once existed between the King and his subjects was replaced with a communal bond between a community and an individual citizen. This process also included consent and choice. Since immigrants chose to come to certain colonies and contribute to their existence, this choice and commitment signified their right to full citizenship in British North America.[45]

With the formation of the Confederation government following the American Revolution, the independent thirteen states took over the naturalization duties once exercised by colonial assemblies. Qualifications for citizenship varied, yet all states sought to encompass key aspects of the new government within their policies. Ultimately, two main prerequisites for citizenship were consistent in every state's naturalization policy. First, immigrants had to display a strong attachment to the United States, which included taking an oath of loyalty and disavowing affection to another nation. Second, aliens had to demonstrate or obtain a basic knowledge of republican principles. This usually required a probation or apprenticeship period that provided subjects with ample time to become acquainted with the intricate workings of the American government.[46]

Under the Articles of Confederation, states held sovereign power over naturalization, yet many lawmakers, such as James Madison, began to advocate a national policy to alleviate problems of

[45] Ibid., 126-127.

[46] Ibid., 218.

interstate variations.[47] As the Constitutional Convention attempted to provide a federal political system, it also worked to devise a standardized procedure for the absorption of immigrants. Although convention delegates failed to pass a comprehensive naturalization policy, they did address the utility of providing immigrants a proper probation period. As evidenced by convention deliberations regarding residency requirements for congressional officials, delegates hoped to ensure that immigrants seeking office possessed both an attachment for the Union and essential political knowledge.

An early draft of the Constitution stated that an individual seeking a seat in the House of Representatives needed to have been an American citizen for at least three years while prospective senators required four.[48] These debates exposed a particular concern regarding the proper time allotted an immigrant to foster the needed attachments and political expertise to become a public official. Virginia delegate George Mason asserted that three years failed to supply ample time for a subject to sever ties to his mother country. He feared that naturalized congressional leaders could introduce an unwanted foreign presence into the legislature.[49] Mason also argued that three years was not long enough to ensure that new citizens had become acquainted with the workings of a republican government. Remarks such as these reflect American apprehensions regarding how much time it took an immigrant to become a good American. The final vote revealed that many convention delegates held similar concerns as they extended the proposed residency requirement to seven years for representatives serving in the House.[50]

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[47] James Madison, *Notes of Debates in the Federal Convention of 1787*, ed. Adrienne Koch (Athens: University of Ohio Press, 1966), 15.

[48] Ibid., 386-387.

[49] Ibid., 406.

[50] Ibid., 437.

Similar debates occurred when discussing the four-year requirement for those seeking a seat in the Senate. Delegates such as South Carolina's Charles Cotesworth Pinckney felt that foreign-born citizens should be prohibited from the Senate, since this legislative body had foreign and diplomatic powers. He contended that "there is peculiar danger and impropriety in opening its door to those who have foreign attachments" that could subvert congressional decisions on foreign affairs.[51] Gouverneur Morris reiterated Pinckney's warning, arguing that foreign-born citizens would impair the judgment of Senate members in dealing with international diplomacy and trade.[52] Morris suggested that prospective Senators must be citizens for at least fourteen years rather than four. Convention delegates finally compromised and established a nine-year residency requirement for Senate members.

The residency issue discussed in the Constitutional Convention exposed many anxieties about naturalized subjects and their ability to take part in the republican government while at the same time severing their former attachments. Although the Constitutional Convention set key requirements for naturalized citizens seeking congressional office, it would be up to congressional members to create a national naturalization policy for the absorption of immigrants.

In 1790, Congress passed the first federal Naturalization Act. The act required all immigrants seeking naturalization to have lived in the United States for at least two years. Many American lawmakers argued that a longer tenure of residency was needed for subjects to sever former attachments to foreign nations. To alleviate this concern, the act contained a clause requiring each subject to take an oath of allegiance to the Constitution, thus relinquishing all ties to his/her homeland. Despite this added stipulation, most congressional leaders saw the act as too weak to ensure good American citizens.

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[51] Ibid., 418-419. In 1796, Pinckney became the United States minister to France. He was one of the delegates who refused to bribe French officials for negotiations (XYZ affair). He later served as a vice presidential nominee for the Federalist Party in 1800, 1804, and 1808.

[52] Ibid., 421.

Massachusetts Representative Benjamin Goodhue contended that the new law "made our citizenship too cheap," and proposed a longer residency period for aliens seeking citizenship. Connecticut Representative Benjamin Huntington concurred that only through a probationary period could immigrants have "an opportunity of acquiring knowledge of the principles of the Government, and of those who are most proper to administer it." [53] Despite calls for a more stringent policy, the 1790 act served as the first of many naturalization laws that sought to secure attached and politically knowledgeable citizens. Over the next ten years, congressional leaders would struggle to find a standard process of naturalization that provided immigrants a proper apprenticeship period in which to cultivate these vital requirements.

International strife in France and the West Indies prompted lawmakers to revise the 1790 Naturalization Act. As refugees from revolution-torn France and Haiti sought safe asylum in the United States, Washington lawmakers began developing a new naturalization policy in December 1794.[54] Virginia Representative William Branch Giles proposed that each subject seeking naturalization must have two witnesses to testify to his/her attachment to the country and good moral character. He also argued that all aliens needed to swear an oath of allegiance to be "attached to a Republican form of Government."[55]

In January 1795, the revised Naturalization Act extended residency requirements for prospective citizens from two years to five years. The act stipulated that these subjects needed to announce their

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[53] *Debates in Congress*, 1st Congress, 2nd sess., I: 188-189.

[54] Kettner, *The Development of American Citizenship*, 240. Massachusetts Representative Theodore Sedgwick looked askance at new immigrants and expressed doubts that "the subjects of all Governments, Despotic, Monarchial, and Aristocratical, are, as soon as they set foot on American ground, qualified to participate in administering the sovereignty of our country."

[55] *Debates in Congress*, 3rd Congerss, 2nd sess., I: 555.

intentions to be naturalized three years before admission. This allowed subjects time to display their knowledge of and attachment to the principles of the Constitution. Also new citizens were required to renounce any previous titles of European nobility and swear an oath of allegiance to the United States.[56] Many Federalist leaders such as Fisher Ames believed that a five-year apprenticeship period was still not long enough. Rather Ames suggested that American lawmakers should "oblige foreigners to wait seven years…till their habits as well as interests become assimilated with our own."[57] Even though Federalist and Republican congressional members differed over how rigid the naturalization law should be, they shared a basic assumption that the federal government had a vested interest in the character, knowledge, and attachment of potential citizens.

In 1798, Federalist leaders were successful in implementing a more stringent naturalization act as a part of the Alien and Sedition Acts. Moreover, the Federalist Congress used a possible war with France to undermine Republican support.[58] According to historian John C. Miller, Federalists sought to deplete their rivals' support by attacking the ethnic population that tended to vote in favor of Republicans.[59] They also hoped to keep new immigrants who populated middle or southern states of the country from threatening New England's political influence. In an effort to eradicate this ethnic threat, Federalists utilized the crisis with France to impose a stricter naturalization policy under the auspices of national security. Although the debates regarding the new Naturalization Act and the Alien and Sedition laws

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[56] Kettner, *The Development of American Citizenship,* 242-243.

[57] *Debates in Congress*, 3rd Congress, 2nd sess., I: 562.

[58] John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston: Little, Brown and Company, 1951), 3. The Alien and Sedition Acts, passed at the time as the 1798 Naturalization Act, were more directed at undermining the Republicans. They placed restrictions on the press and free speech and were seen as the most unconstitutional acts passed in the young republic. For more information on the Alien and Sedition Acts see also James Morton Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties* (Ithaca: Cornell University Press, 1956).

[59] Ibid., 10-11.

illustrated extreme political factionalism, they also mirrored earlier discussions on citizenship and what was required for immigrants seeking naturalization.

In House deliberations regarding the new naturalization policy, South Carolina Representative Robert Goodloe Harper argued that foreigners should never become American citizens, contending that "nothing but birth should entitle a man to citizenship in this country."[60] Harper did not wish incoming immigrants to be deprived of property rights, but he believed their former attachments to foreign nations made them unfit to vote or hold public office. In May 1798, the new naturalization act passed in both the Senate and House. The act included a fourteen-year residency requirement for those seeking American citizenship, stipulating that subjects announce their intent for admission at least five years prior to naturalization. The act also contained a new clause that banned immigrants from belligerent countries from seeking citizenship.[61] The 1798 Naturalization Act exposed deep-seated fears that incoming immigrants would destroy not only the federal government but also American domestic security if they were not subject to a longer apprenticeship period.

Upon Thomas Jefferson's election in 1800, the Naturalization Act of 1798 was repealed and replaced. The new act reinstated requirements delineated in the 1795 act with a residency requirement of five years, requiring subjects to take an oath of allegiance. The heart of the act still rested on the assumption that an apprenticeship period was crucial to allow immigrants time to foster political knowledge and an attachment to republican principles. According to Pennsylvania Representative

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[60] *Debates in Congress*, 5th Congress, 2nd sess., II: 253.

[61] Kettner, *The Development of American Citizenship*, 244.

Michael Leib, this probationary period "was the surest standard by which to test the desire for citizenship."[62]

By 1803, Congress had passed various naturalization policies. These pieces of legislation reveal a common consensus that naturalized citizens had to be loyal and politically competent. The incorporation of Louisiana altered this absorption process. Previously, American lawmakers extended citizenship on an individual basis or to small groups. Yet in the case of Lower Louisiana citizenship would have to be extended to thousands of foreigners at one time. Congressional leaders began to question how best to handle this mass naturalization. Article III of the cession treaty with France, which guaranteed Louisianans immediate incorporation, only exacerbated the difficulty of this task. Many worried about the long-term implications of allowing a population they deemed unfit into the Union. Others, however, feared that by depriving Louisianans of citizenship, congressional leaders might force their newest inhabitants to look unfavorably on their new government and perhaps incite rebellion. Ultimately, congressional members chose to ignore Article III and continued to look at a probationary period as necessary for Louisianans. It is here that Samuel Mitchill, after weeks of contemplation, argued that the territorial period was to serve as an "apprenticeship to liberty" that gradually assimilated Louisianans into the Union, explaining that:

> It is intended, first to extend to this newly acquired people the blessings of law and social order. To protect them from rapacity, violence, and anarchy…. In this way they are to be trained up in a knowledge of our own laws and institutions. They are thus to serve an apprenticeship to liberty; they are to be taught the lessons of freedom; and by degrees they are to be raised to the enjoyment and practice of independence. All of this is to be done as soon as possible; that is, as soon as the nature of the case will permit; and according to the principles of the Federal Constitution…. Secondly, after they shall have been sufficient length of time in this probationary condition, they shall, as soon as the principles of the Constitution permit, and conformably thereto, be declared citizens of the United States. Congress will judge of the time, manner, and expediency of this. The act we are now about to perform will not confer on them this

[62] Ibid., 245-246.

> elevated character. They will thereby gain no admission into this House, nor into the other House of Congress. There will be no alien influence thereby introduced into our councils. By degrees, however, they will pass on from the childhood of republicanism, through the improving period of youth, and arrive at the mature experience of manhood. And then, they may be admitted to the full privileges which their merit and station will entitle them to.[63]

Mitchill certainly tried to find a middle ground. He hoped to provide Louisianans enough rights to meet the most basic requirements stipulated in the cession treaty with France. He, however, believed that an apprenticeship to liberty or probationary period protected the United States from a foreign and "politically ignorant" population by allowing Congress to set the incorporation timetable. Moreover, he hoped that such an apprenticeship period would instill Louisianans with the skills to meet crucial requirements for American citizenship.

Mitchill's plan soon met the approval of not only Congress but also President Jefferson. After abandoning hopes of using the Northwest Ordinance, Jefferson devised a new, more rigid territorial government for Lower Louisiana that he believed would assist Louisianans in becoming true Americans. Jefferson's ultimate plan, modeled after Mitchill's apprenticeship to liberty, placed Lower Louisiana on the lowest grade of territorial status, depriving territorial inhabitants of representation and legislative powers. Fears over Louisianans' political ignorance and their ties to a "despotic" colonial past rendered them, in Jefferson's eyes, incapable of participating in and appreciating a representative government.[64]

Jefferson looked to Senator Breckinridge to set his plans in motion. Jefferson stressed the need to keep his authorship of the government bill secret.[65] On December 9, 1803, Breckinridge submitted Jefferson's plan, appropriately called the Breckinridge Bill, to the Senate for consideration. As

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[63] *Annals of Congress*, 8th Congress, 1st sess., 480-481.

[64] *Debates in Congress*, 8th Congress, 1st sess., III: 146n.

[65] Jefferson to Breckinridge, 24 November 1803, Ford, *The Writings of Thomas Jefferson*, X: 51-52.

expected, the bill made provisions to divide the purchase into two separate territories. Everything north of the 33rd parallel was to be attached to the Indiana Territory, while Lower Louisiana was to become the Orleans Territory. The legislative powers of the latter were given to the territorial governor and a small legislative council appointed by the President. The bill also prohibited the further importation of slaves into the new territory.

Debates concerning the Breckinridge Bill illustrate that many lawmakers shared Jefferson's sentiments regarding Lower Louisianans and the type of government they required. Daniel Clark's early reports and Governor Claiborne's constant correspondence from the new territory supplied congressional leaders further validation that Louisianans were not ready for a republican government. In a letter to Secretary of State James Madison, Claiborne contended that "Republicanism among all her Friends here will find but few who have cultivated an acquaintance with her principles."[66] Five days later, Claiborne reiterated his early opinion, claiming that his contact with the territory's inhabitants only further convinced him that they were unfit for a representative government.[67]

Claiborne's observations of Louisianans' political ignorance convinced members of the Eighth Congress that Louisianans were too unfamiliar with American institutions to elect competent territorial officials. According to Senator Plumer, any sort of representative government was lost on Lower Louisiana inhabitants "who are not only ignorant of our laws, government, and usages under them, but a large portion of them wholly unacquainted with our language."[68] Senator Pickering repeated these sentiments, claiming that Louisianans were "incapable of enjoying freedom and the blessing of a free

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[66] William C.C. Claiborne to James Madison, 4 January 1804, *Letter Books,* I: 327.

[67] Claiborne to James Madison, 10 January 1804, Ibid., I: 329.

[68] Plumer's *Memorandum*, 107.

government, they are too ignorant to elect suitable men."[69] There was considerable bipartisan support for the Breckinridge Bill as Federalists and Republicans agreed that the Orleans Territory needed a long apprenticeship period before admission into the Union.

With strong concerns about Louisianans' political capabilities, American lawmakers found it easy to abandon the guidelines delineated in the Northwest Ordinance. Much like President Jefferson, members of the Eighth Congress saw the Orleans Territory as too unique to fall under the provisions of the 1787 model. When Ohio Senator Thomas Worthington moved to allow the Orleans Territory to send a delegate to Congress, many lawmakers recoiled at his motion. In the case of the Northwest and the Mississippi territories, such a delegate was allowed to take part in congressional debates allowing territorial inhabitants a voice in Congress. When it came to Lower Louisiana, however, many senators felt that this precedent was not applicable. New Jersey Senator Jonathan Dayton claimed that the Orleans Territory was a unique territory, thus altering the standard process of territorial representation. Dayton avowed that Louisianans were neither guaranteed nor ready for a legislative delegate.[70] Many members of the Eighth Congress felt that Louisianans were too unfamiliar with American republican values to elect or benefit from such a delegate.

Not all members of the Eighth Congress agreed that the Breckinridge Bill provided the best government for Lower Louisiana. Some lawmakers felt that it not only violated the rights of the country's newest inhabitants, but that it undermined cherished national values. Tennessee Senator Joseph Anderson asserted that "this bill has not a single feature of our government in it." Rather, he saw the act as merely a system of tyranny, detracting from a republican form of government.[71] Perhaps John

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[69] Ibid., 110. Mr. Pickering quoted on 111.

[70] Ibid., 108. Dayton had a long political history serving as a New Jersey delegate to the Constitutional Convention and in the New Jersey State Legislature. In 1807, he was indicted for his involvement in the Burr Conspiracy.

Quincy Adams was the strongest opponent of the Breckinridge Bill, believing that such a monarchial bill not only deprived Louisianans of their most basic liberties but also threatened to destroy the rights of the entire American citizenry.[72] Virginia Representative John George Jackson also believed the bill failed to perpetuate true American values. He asked his fellow congressmen, "What will the world say if we sanction this principle? They will say we possess the principle of despotism under the garb of Republicans; and that we are insincere." Jackson wondered how members of the House could so loudly proclaim that all men were created equal while passing such an oppressive, un-American bill.[73]

Despite strong opposition from Anderson, Adams, and Jackson, the Breckinridge Bill passed on March 26, 1804. Its final version entitled "An Act Erecting Louisiana into two territories, and providing for the temporary government thereof," or commonly referred to as the Governance Act of 1804, split lands acquired in the Louisiana Purchase into the Louisiana District and the Orleans Territory.[74] This act also set up the territorial government of the newly formed Orleans Territory, placing legislative powers in the hands of the governor and a legislative council appointed by the president. The judicial powers of the territory rested in a superior court of three judges who were also selected by the Executive. The Governance Act made no mention of an elected legislative body for Lower Louisianans or the population requirements for future statehood.[75]

Furthermore, the bill also addressed the future of slavery in the Orleans territory. According to Section X of the Governance Act, "It shall not be lawful for any person or persons to import or bring into

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[71] Ibid., 111. Anderson's political affiliation is unknown. He was most likely a Republican.

[72] Ibid. 104. Here Adams contended that "this Senate would assume a power, unwarranted by the Constitution & dangerous to the liberties of the people of the United States."

[73] *Debates in Congress*, 8th Congress, 1st sess., III: 147.

[74] "An Act for the Organization of Orleans Territory and the Louisiana District," March 26, 1804, *Territorial Papers*, IX: 202-203.

[75] "An Act for the Organization of Orleans Territory and the Louisiana District", March 26, 1803, Ibid., IX: 202-204.

the said territory, from any port or place without limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves."[76] This particular section prohibited the foreign importation of slaves into the territory, a restriction not imposed on American slaveholders until 1808. Article X also limited the domestic slave trade to American citizens and Louisianans who had resided in the territory for at least three years. This added provision threatened the economic livelihood of many Louisiana planters and traders.

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Although for years to come many Federalists would continue to disparage the Louisiana Purchase as an unconstitutional and detrimental acquisition, members of the Eighth Congress adjourned until the next congressional session with a sense of relief that "the curse" of Louisiana had temporarily been lifted. French Louisiana had been officially transferred to the United States, the financial appropriations for the purchase secured, and the republic remained intact. Concomitantly, congressional leaders looked at the 1804 Governance Act, although uncharacteristically undemocratic, as the ideal apprenticeship to liberty.

While congressional leaders took a short reprieve from the rigors of office, Lower Louisianans were preparing for a heated dispute over the Governance Act and what they viewed as an oppressive government that deprived them of their rights as new Americans. Furthermore, Louisianans were ready to reveal their own hopes and aspirations for the incorporation process. As the debates regarding the

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[76] Ibid., IX: 209-210. Slavery was also a popular issue in the Eighth Congress. See Plumer's *Memorandum* and *Debates in Congress* for these deliberations. If the preexisting partisan feud resumed during the discussions over the Breckinridge Bill it was because of Article X. Northeastern Federalists hoped that slavery would be eradicated in Lower Louisiana, while southern Republican leaders pushed for the institution to remain untouched. There exist some key works on the Louisiana Purchase, slavery, and the emergence of sectional tensions in the Union. See Roger G. Kennedy, *Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase* (New York: Oxford University Press, 2003); Robert E. Bonner, "Empire of Liberty, Empire of Slavery: The Louisiana Territories and the Fate of American Bondage," *The Louisiana Purchase: Emergence of an American Nation,* ed. Peter J. Kastor (Washington: CQ Press, 2002), 129-138.

Louisiana Purchase subsided in Congress, a new battle emerged between Washington lawmakers and their newest inhabitants as Louisianans employed strategies of negotiation to carve out their place in the young American republic.

Chapter Two: "Designing intrigueing men": Creole Resistance and Negotiation in Territorial Louisiana

Territorial Governor William C. C. Claiborne grew accustomed to pacing around his office pondering the many issues facing his administration. Lately he carried the weight of the recent Burr Conspiracy that cast doubt on the loyalty of his constituents and the tranquility of his precarious territory. He worried about the Legislative Assembly handicapped by ethnic feuds and partisan rivalries. The territory's legal code also caused Claiborne grave concern as the battle over civil law left the court system in utter disarray. Yet on this balmy day in June 1807, Claiborne paced a straight line with only one thing on his mind: his life. After slowly walking ten paces, Claiborne turned and faced his adversary Daniel Clark. As Clark shot his pistol, Claiborne fell to the ground as a bullet pierced his right thigh. Clark stood unshaken as his second man, Richard Keen, went to check the extent of the governor's injuries. Soon spectators carried the wounded governor to a boat to take him to the nearest doctor. Leaving the duel ashamed and in pain, Claiborne could not help but wonder how things had come this far.[1]

As Claiborne remained confined to his home unable to walk for nearly a month, territorial inhabitants seemed mesmerized by the duel between the troubled governor and one of the territory's most trusted leaders. Virginian, and recent transplant to New Orleans, Elisabeth House Trist narrated the sordid details to her good friend back home. She explained that the duel stemmed from a longtime feud between the two men exacerbated when Clark spread erroneous rumors about Claiborne. She also indicated that Clark's actions were a result of his growing

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[1] Elisabeth House Trist to Mary Deachy Gilmer, 16, June 1807, Elisabeth House Trist Letter, MSS 343, Historic New Orleans Collection. Also see *Territorial Papers* IX: 738n. The duel took place at Fort Manchac, near Baton Rouge.

resentment with the American government.[2] Although petty gossip often exaggerates the truth behind such events, Trist's understanding was quite correct. Months before the duel, Clark made his way to Washington D.C. to serve as the Orleans territorial delegate to Congress. In December, he took the floor to express his concerns regarding the state of Lower Louisiana. There he disparaged Claiborne's ineffective leadership that, he claimed, left the territorial militia in a state of disarray.[3]

In the wake of Clark's comments, Claiborne scurried to uphold the reputation of his administration. In several correspondences with President Jefferson, Claiborne explained that all necessary measures had been taken to strengthen the territorial militia. He went on to expose the context of Clark's fallacious statements, arguing that "there are men in New Orleans whose primary object seems to be to embarrass every measure of the Government, at least such as it is my duty to execute."[4] In the weeks to come, Clark refused to retract his statements, prompting Claiborne to challenge him to a duel.

The famous duel was much more than an isolated event that captivated territorial inhabitants and bruised the ego of the sensitive and often timid governor. Rather it served as a culmination of an ongoing struggle between Claiborne and territorial inhabitants determined to resist American policies. Claiborne himself always remained cognizant of this growing opposition, yet at times misrepresented its true nature. To Claiborne territorial resistance was not the result of

[2] Claiborne to the President, 17 June, 1807, *Territorial Papers*, IX: 743. Elizabeth House Trist came to New Orleans with her son Horace Browse Trist in 1803 when he served as port collector. After her son died in 1804, she stayed in New Orleans four more years before returning to her home in Virginia. She is most known for her longtime friendship with Thomas Jefferson that later resulted in their grandchildren, Nicholas Trist and Virginia Jefferson Randolph, marrying in 1824. Although only in the Orleans Territory for a few short years, Trist became immersed in the turbulent political disputes and often recounted every incident to friends in Virginia.

[3] Ibid., IX: 738.

[4] Ibid., IX: 740.

Louisianans' dislike of the American government, but rather a small group of scheming men set on destroying his administration. Claiborne often spoke of such men. On one occasion, he explained to President Jefferson that "the Natives of Louisiana, are a pacific amiable people much attached to this Country, and to peace and good order," yet he worried that his constituents were susceptible to being swayed by "a few designing intrigueing men" who sought to corrupt them.[5] Later he reiterated his fears to James Madison, contending that "I shall never cease to believe Louisianans are an amiable, well disposed people, but I fear they are too easily influenced by the councils of men who flatter them."[6]

The designing men that Claiborne referred to were not native Louisianans, but rather Americans living in New Orleans. These Americans included Claiborne's duel partner Daniel Clark as well as Jeffersonian and former New Yorker Edward Livingston. In Claiborne's view, these men constantly worked to arouse discontent among Louisianans and orchestrated opposition to American policies. Indeed, both Clark and Livingston were the ringleaders to a resistance movement that dominated much of Claiborne's time and led to the fateful duel.

Claiborne, however, was often quite naïve in assessing Louisianans' intentions and participation. He remained convinced that Clark and Livingston maliciously encouraged unsuspecting Louisianans to resist and stall Americanization and incorporation efforts. He seemed to believe that Louisianans were just too uninformed and trusting to see that they were being adversely influenced. Yet his views reveal his own ignorance. Although many territorial inhabitants were quite happy with aspects of the American government, many harbored serious reservations. From the moment France transferred Lower Louisiana to the United States, Louisianans worried about

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[5] Claiborne to Jefferson, 29 May 1804, *Letter Books,* II: 175-176

[6] Claiborne to Madison 26, July 1804, Ibid., II: 269-272

their future as Americans and the threat it posed to their economic, political, and cultural interests. These fears were only exacerbated when the 1804 Governance Act deprived Louisianans of a representative government and banned the slave trade. As Louisianans fought the hated act they also worked towards the continuation of civil law. Louisianans had specific aspirations for the incorporation process and did not passively sit back and wait for Washington lawmakers to "Americanize" them. Rather they employed many strategies to shape the incorporation process on their own terms.

Louisianans often turned to men with experience and knowledge to help them find the proper vehicles for negotiation. Thus the resistance movement that beset Claiborne was much more than a creation of a few disgruntled Americans; rather it was an attempt by Louisianans to receive the privileges of American citizenship while preserving aspects of their French heritage. Lacking vital political knowledge and experience, these Louisianans turned to people who possessed the skills to make their resistant efforts most effective. Both Clark and Livingston, having former dealings with the American government as well as proficiency in French, had the means to communicate and guide members of Louisiana's *ancient* population. Therefore, these "designing intrigueing men" did not lead Louisianans astray, but rather led them in their attempts to shape the incorporation process. What Claiborne failed to see was that Louisianans were ready and willing to negotiate with American lawmakers. They turned to strong leadership to make this happen and were not passive actors swayed by crooks and scamps.

That day, as he was carried away from his defeat, Claiborne not only bore years of worry about Louisianans' opposition to his administration, but carried a physical scar of his turbulent contest with the anti-American resistance movement. Although many territorial inhabitants became engrossed by the gossip and scandal of the famous event, to Claiborne it meant much more. He

had succumbed to Clark's trickery and now his reputation and life were put in jeopardy. Yet even on that day, Claiborne remained hopeful that his constituents were loyal to the United States and that they were just entranced by men with ulterior motives. It never occurred to him that Louisianans were merely using such designing men to help them negotiate a place for themselves in the young republic.

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Governor William C.C. Claiborne in many respects could be described as a true optimist. When he accepted his appointment as the governor of the Orleans Territory he recognized that it would be an arduous task. He would not only be in charge of a large ethnically and racially diverse people, but he was also responsible for implementing policies to prepare such a population for statehood. Despite his years of loyal service to the American government as a congressional member and the former governor of the Mississippi Territory, Claiborne came to his new position with many shortcomings. Many worried that at the age of twenty-eight he lacked vital experience. He was largely unfamiliar with Louisianans' legal apparatus, he knew little of their cultural mannerisms, and he did not speak French. New Hampshire Senator William Plumer ridiculed Claiborne's appointment, claiming that "the office is important & requires a man of talents, information, & efficiency. He has not one of those qualities." Even President Jefferson admitted that he selected Claiborne because the candidates he found more suitable refused to take the job.[7] Despite these inadequacies, Claiborne remained hopeful that he would obtain a knowledge and appreciation for his constituents. He also believed that Louisianans would gradually become accustomed to the American government and accept their place in the young republic. He

[7] Plumer's *Memorandum,* 219-221; Vernet, "Strangers on Their Native Soil," 76.

constantly conveyed this optimism to Washington lawmakers, assuring them that Louisianans possessed the desire to be good Americans and loyal members of the Union.

Yet Claiborne's correspondence also revealed apprehension. Almost immediately after taking possession of Lower Louisiana, Claiborne's hopes for a smooth transition were dimmed by the realties of his new position. One of Claiborne's first tasks as territorial governor involved curtailing French and Spanish influence lingering within New Orleans. Marques de Casa Calvo, the former Spanish governor of Louisiana, failed to vacate the city following the transfer of Louisiana from Spain to France. Calvo's presence in the territory caused Claiborne great political distress and fueled Spanish opposition to American occupation. French Colonial Prefect Pierre Clément de Laussat also attempted to instigate anti-American sentiments among French and Creole inhabitants. On several occasions Laussat promised Louisianans that Napoleon intended to retake Louisiana once he defeated the British in Europe. Casa Calvo circulated similar gossip, claiming Spain hoped to negotiate the exchange of Lower Louisiana for Spanish West Florida.[8] Both French and Spanish military forces also loitered around their old posts and barracks until the later months of 1804. This undesired colonial interference created an anxious atmosphere in New Orleans and frustrated Claiborne's efforts to begin the incorporation process.

As Claiborne tried to restrain colonial influences, he also confronted persistent complaints from his constituents. Within a month of taking control of Louisiana, Claiborne admitted to James

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[8] William C.C. Claiborne to James Madison, 10 January 1804, *Letter Books*, I: 330-331. Claiborne told Madison, "I have discovered with regret that strong partiality for the French Government still exists among many of the inhabitants of this City, and it appears to me that Mr. Laussat is greatly Solicitous to encrease that partiality. With what views I know not, but I have learned that in some circles a Sentiment is cherished, that at the close of the War between England and France, the great Bonaparte will again raise his standard in this country." A month later Claiborne informed Madison that Laussat was still stirring up trouble indicating that Bonaparte would soon retake Louisiana. See Claiborne to Madison, 6 February 1804, Ibid., I: 363-365. Also see *William C.C. Claiborne, Interim Appointment: W.C.C. Claiborne Letter Books, 1804-1805,* ed. Jared William Bradley (Baton Rouge: Louisiana State University Press, 2002), 15-16.

Madison that “a few of the French Officers and Citizens who are here, continue to evidence a disorderly disposition; they are mortified at the loss of this delightful Country and seem to foster great hatred to the Americans who are here.”[9] Claiborne failed to mention that he was one such American. Louisianans intently vocalized their disapproval of their new governor. They resented Jefferson’s appointment of a leader who barely spoke French and possessed little knowledge of their legal and political institutions. James Brown, a member of the Louisiana Superior Court, complained that Claiborne was “Ignorant of the languages of the Country,” and labored “under great disadvantages, and finds it impossible to withstand the general cry of unpopularity with which he is assailed.”[10] New Orleans inhabitants also protested Claiborne’s creation of the Court of Pleas designed to introduce common law in the territory, while supplanting Louisianans’ civil authorities with American judges unaccustomed to their legal procedures and language.

As he arbitrated complaints, Claiborne also had to curb ethnic feuds that became commonplace in the streets and dance halls of New Orleans. On one particular night, hostilities broke out between American and French partygoers who fought over the choice of waltzes played at a dance. Another such feud took place on Bastille Day as Frenchmen hoisted a French flag and sang national songs. Such festivities angered many Americans who attempted to take down the flag. City authorities arrived before violence ensued, but many left the scene vowing revenge.[11] Spaniards also had their own violent encounters with new residents when an American sailor was attacked by a Spanish guard as he passed by Governor Casa Calvo’s house.[12] Such ethnic

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[9] Claiborne to Madison, 31 January 1804, Ibid., I: 354-355

[10] James Brown to John Breckinridge, 14 January 1805, *Territorial Papers*, IX: 370.

[11] Laussat, *Memoirs of My Life*, 92-93; Claiborne to Madison, 16, July 1804, *Letter Books*, II: 249-250.

[12] Claiborne to Madison, 4 February 1804, Ibid., I: 358-359.

clashes showed Claiborne that perhaps his sheer optimism would not be enough to soothe the cultural tensions that existed between *ancient* Creoles and incoming Americans. Angry constituents and lingering colonial officials aggravated Claiborne's hopes for a smooth transition and kept him quite busy. His first six months in office proved challenging as he confessed to Washington lawmakers that "scarcely a week passes by, but something occurs to create anxiety and to occasion me trouble."[13]

Although rumors of a possible Spanish and French takeover as well as ethnic feuds in the streets of New Orleans remained common occurrences throughout the territorial period, nothing became more troublesome to the hopeful governor than the appearance of a small group of men determined to hinder all of his administrative efforts. At first Claiborne attributed territorial dissatisfaction to a group of Frenchmen who lamented the Louisiana Purchase. Yet soon Claiborne recognized the source of discontent came not from a few disappointed Frenchmen, but rather an anti-American movement "directed by a few intriguing; Designing Men," who "Avail themselves to excite fear and suspicion."[14]

Claiborne continued to monitor the burgeoning resistance movement and by the summer of 1804 he clearly identified his "designing intrigueing men." In the months following the transfer of French Louisiana to the United States, Louisianans remained anxious to receive a permanent government and statehood. As Washington lawmakers debated the Breckinridge Bill in Congress, Louisianans waited for good news. In early March, before the Governance Act received final approval, Louisianans heard that one of the provisions of the bill banned the importation of slaves into the

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[13] Claiborne to Madison, 16 July 16 1804, Ibid., II: 249-250.

[14] Claiborne to Madison, 7 July 1804, Ibid., II: 239-240.

territory. In response, a Bostonian named Mr. Tupper called a meeting in New Orleans to discuss the rumored ban. At the small gathering, American John Watkins urged territorial inhabitants to select a three-man committee to draft a memorial conveying their thoughts and concerns to Congress. Watkins's proposal was unanimously accepted.[15] Although Claiborne saw this meeting as a harmless assembly of concerned citizens, he did express concern, claiming that "the success which this man Tupper has met with is a strong proof of the mischief a designing unprincipled Man may do in Louisiana."[16]

When the 1804 Governance Act finally passed, it reaffirmed Louisianans' fears and generated scorn. Louisianans immediately resented their low grade of territorial status as well as their new government that deprived them of a voice in their political fate. In addition, Louisianans condemned the prohibition on the slave trade, feeling that it violated their property rights and challenged their economic livelihoods. The Governance Act's failure to set guidelines for future statehood also caused Louisianans grave concern regarding their future in the republic.

On June 1, 1804, nearly forty concerned citizens assembled in New Orleans including Mayor James Pitot as well as Americans Daniel Clark, Edward Livingston, and Evan Jones.[17] The purpose of this meeting was three-fold. First, attendees hoped to make preparations for drafting a memorial to Congress regarding the Governance Act. They selected Edward Livingston and three

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[15] Claiborne to Madison, 16 March 1804, Ibid., II: 42-48.

[16] Claiborne to Madison, 10 March 1804, Ibid., II: 25-26.

[17] Evan Jones was born and raised in New York. His many commercial interests took him to West Florida where he fostered strong bonds with the Spanish colonial government. Soon his business enterprises took him and his brother James to New Orleans where they worked on behalf of Philadelphia and New York merchants. His presence in New Orleans and preexisting ties with the Spanish government earned Jones several commissions in the Spanish militia, serving as a sub-lieutenant (1787) and captain (1792). By 1797, Spanish Governor Gayoso appointed Jones as commandant of Lafourche District in Louisiana. His extensive time in Louisiana and vital connections rendered Jones the respect of many Washington lawmakers. In 1799, Timothy Pickering appointed Jones the American consul to New Orleans. He was later replaced by Daniel Clark. Vernet, "Strangers on Their Native Soil," 17-23.

other prominent *ancient* Creoles to undertake this important task. Next, the assembly decided that once completed the memorial would be circulated throughout the territory to procure signatures of support. Finally, they agreed to select three agents to go to Washington and present the memorial to Congress. When the meeting adjourned Livingston and Mayor Pitot personally met with Governor Claiborne to disclose the proceedings as well as inform him of Louisianans' future course of action.[18]

Somewhat concerned about Louisianans' large outpouring of dissent, Claiborne remained supportive of their efforts. He recognized that the Governance Act engendered many complaints.[19] He, however, also remained convinced that the meeting illustrated that certain men sought to intensify Louisianans' anxiety, explaining that "many adventurers … possess revolutionary principles and restless, turbulent dispositions;--these Men will for some years give trouble more or less to the local Government, and will unquestionably excite some partial discontents." He went on to argue that "although the Louisianans are by nature as amiable a people as I ever lived among, yet for the want of general information they are uncommonly credulous, and a few designing intrigueing men may easily excite some inquietude in the public mind."[20]

As Claiborne hoped to curb political unrest, on July 1, 1804, nearly 140 white New Orleanians reconvened and unanimously approved the *Remonstrance of the People of Louisiana Against the Political System Adopted by Congress for Them.* Although assisted by a Creole committee, Edward Livingston wrote the bulk of the widely accepted memorial. He used respectful, but stern language. He also tried to appeal to American sympathies by invoking rhetoric from the

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[18] Edward Livingston Papers, MSS C0280, Box 7, Folder 24, Special Collections, Princeton University.

[19] Claiborne to Madison, 3 June 1804, *Letter Books*, II: 190-191; Claiborne to Madison, 1 July 1804, Ibid., II: 234.

[20] Claiborne to Jefferson, 29 May 1804, Ibid., II: 175-176.

Declaration of Independence and other revolutionary tracts. He went so far as to challenge Washington lawmakers by asking, "Do political axioms on the Atlantic become problems when transferred to the shores of the Mississippi? Or are the unfortunate inhabitants of these regions the only people who are excluded from those equal rights acknowledged in our declaration of independence."[21] Livingston presented Louisianans' grievances touching on issues from statehood to the slave trade. Once his memorial was read aloud, attendees signed it and selected twelve agents to take the *Remonstrance* to citizens throughout the territory. Daniel Clark, a respected resident of New Orleans, led the signature campaign hoping his popularity could generate support for the memorial. His efforts bore fruit when he obtained nearly 2000 signatures. In one last meeting on July 18, Jean Noel Destrehan, Pierre Sauvé, and Pierre Derbigny were selected as agents who would carry the completed and signed memorial to Congress.[22]

As Louisianans prepared to send their memorial, Claiborne identified his "designing intrigueing men." To him Daniel Clark and Edward Livingston served as instrumental leaders in Louisianans' protest efforts against the Governance Act. Although he had originally believed Livingston had little interest in New Orleans political affairs, Claiborne soon had a change of heart. He informed James Madison that "he [Livingston] has late become the warm advocate of the Rights of Louisiana and is

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[21] *Remonstrance of the People of Louisiana Against the Political System Adopted by Congress for Them*, *American State Papers: Documents, Legislative and Executive, of the Congress of the United States* (Washington, D.C: Gales and Seaton), Miscellaneous, I: 397.

[22] Claiborne to Madison, 26 July 1804, *Letter Books*, II: 269-272; Marietta Marie LeBreton, "A History of the Territory of Orleans, 1803-1812" (Ph.D. diss. Louisiana State University, 1969), 121-122. The three delegates chosen to submit the *Remonstrance* to Congress were all Frenchmen. Pierre Derbigny served as an interpreter for government officials and later became governor of Louisiana in 1828. Pierre Sauvé was a French merchant who later became a planter. He also spoke English. Jean Noel Destrehan, a Louisiana Creole, was a planter who did not speak English but was a well respected man in New Orleans. William Dunbar to President Jefferson, 15 October 1804, *Territorial Papers*, IX: 305n. Upon receiving the three agents in Congress, William Plumer explained that "They are all Frenchmen-the two speak our language fluently. They are all gentlemen of the first respectability in that country. Men of talents, literature & general information- Men of business, & acquainted with the world… they have little French flippery about them- They resemble New England men more than the Virginians." Plumer's *Memorandum*, 222.

among the most distinguished, and the most active of those who disapprove the measures of the Government." Claiborne also warned Madison about Daniel Clark, arguing that he "also manifests much discontent at the proceedings of the Government. From the first period of my arrival to the present day, Mr. Clark (in conjunction with one or perhaps two other persons) have made great exertions to injure me here."[23]

Within a few more weeks, Claiborne's opinions turned from frustration to disdain when he divulged to members of Jefferson's administration that "I once thought that Mr. Livingston would be an acquisition to Louisiana, where men of Science and political information are so much wanting; but now I fear he will become a troublesome member of our political society, and I do sincerely regret that he ever left New York."[24] As Claiborne disparaged his major political enemies, he also bewailed New Orleans newspapers for being a tool for destruction. "The citizens of Louisiana hereof Strangers to the Liberty of the press cannot well bear with its licentiousness" he confessed to Julien Poydras. He feared that Louisianans were swayed by newspapers that disseminated anti-American rhetoric.[25]

Although Claiborne remained certain that Clark and Livingston were out to destroy him, he never wavered in his faith in Louisianans. In his many correspondences with Washington lawmakers, he took pains to stress how peaceful and amiable he found his newest constituents. On one occasion, he assured James Madison that "in a few years Louisianans will be among the most

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[23] Claiborne to Madison, 3 June 1804, *Territorial Papers*, IX: 242.

[24] Vernet, "Strangers on Their Native Soil," 135.

[25] Claiborne to Julien Poydras, 8 August 1804, *Letter Books*, II: 293-295; Claiborne to General Wilkinson, 10 August 1804, Ibid., II: 305-306.

grateful of our citizens, and admirers of our Union and government."[26] He never could conceive that Louisianans sought to oppose or challenge the American government nor stall the incorporation process. He chose, rather, to believe that Louisianans, lacking knowledge and experience, were too easily swayed to join resistance efforts. He depicted Louisianans as being almost too naïve to understand that men such as Clark and Livingston were using them for malicious purposes. To truly appreciate Claiborne's accusations and to assess Louisianans' participation in the growing resistance movement, one must first understand the governor's political adversaries.

Born in Sligo, Ireland, Daniel Clark arrived in Philadelphia in 1786, where he lived for several months. He made his way to New Orleans when his uncle secured him a clerking position. Once there he wasted little time in moving up the ranks of New Orleans society, becoming a partner in a prominent law firm and making friends with New Orleans elites and Spanish governor Don Estaban Miro. His relationship with Miro eventually earned Clark a position as a secretary in the governor's office. Soon Clark helped run every aspect of the Spanish regime in Louisiana. A resourceful, ambitious young man, he used his new political connections to render economic profit. In 1793, having entered into a business partnership with a former Philadelphia acquaintance, Clark began manipulating Spanish shipping regulations to secure cheaper duties for his new partner and other American merchants.

In 1798, Clark became an American citizen as his career took an unexpected turn. When American lawmakers organized the Mississippi Territory, Clark was asked to serve as the interim consul to New Orleans. His new appointment allowed him to continue to negotiate advantageous trading concessions for American merchants, but also gained him considerable influence with

[26] Claiborne to Madison, 3 July 1804, Ibid., II: 234-236.

Washington lawmakers. By 1802, President Jefferson made Clark New Orleans' regular consul.[27] Although Jefferson's appointment honored Clark's special skills, it also fulfilled the president's own diplomatic agenda. When the Spanish ceded Louisiana back to the French in 1800, Jefferson sought to secure American access to the port of New Orleans as well as information about Spanish/French relations. Perfectly suited to serve as Jefferson's agent, Clark took great pains to represent American interests. Within months of becoming consul, Clark personally went to France to rendezvous with American diplomats Robert Livingston and James Monroe. There he met with French officials hoping to ascertain their intentions. His time in France convinced him that Americans needed to take decisive action to secure New Orleans. He crafted grand visions of Louisianans' diverse population uniting with American forces to overthrow the French regime in a glorious bloodless revolution.[28] When he returned to New Orleans in 1803 only to find that the French had suspended American trade, he saw his opportunity to make his dreams of a new Louisiana come true. He immediately enlisted the help of Mississippi Governor William C.C. Claiborne and General James Wilkinson. He offered nearly $150,000 of his own money to assist in the Louisiana revolt. Claiborne wavered, unsure of the expedition's success.[29]

By 1803, Clark had become a trusted friend of the American government and a prominent man in New Orleans. His relationship with Spanish officials gave him insights that advanced both his

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[27] A consul is the official representative of the United States in territories belonging to another nation. The consul's duties often include assisting and protecting American citizens in the territory and maintaining commercial relations. *Journal of the Executive Proceedings of the Senate of the United States of America* (Washington: U.S. G.P.0.).

[28] Clark was often aggressive in his calls for an American invasion of Louisiana, arguing to James Madison that "the Inhabitants … cry out against our temporizing when our dearest interest imperiously call us to embrace the favorable moment for acting and they see it pass and themselves on the point of falling under the lash of government they detest and whose cause they may be afterwards by a military force obliged to sacrifice their lives, by bearing arms against whom they now invite as delivers." Quote found in Vernet, "Strangers on Their Native Soil," 25-26.

[29] Ibid., 28. Confident in his cause, Clark tried to reassure Claiborne by putting his estate in trust to be divided amongst them if the expedition indeed failed.

political and economic career. Moreover, his attempts to help Americans secure Louisiana, although often unorthodox, earned him the appreciation of Washington lawmakers. In the months following the Louisiana Purchase, Clark continued to help the Jefferson administration. Utilizing his extensive knowledge of Lower Louisiana, he submitted several reports providing information on everything from the colonial militia to Indians. He even took time to write down suggestions regarding the type of government necessary for Louisiana's diverse population. He instructed American lawmakers to "bear in mind that the People of this country are an assemblage of all nations most of whom have no idea of a good government, are only kept in order by the Hand of Power, are excessively ignorant and maybe easily imposed upon, therefore there will be the greater necessity for being prepared for any event whatever."[30] Clark's relations with the Jefferson administration positioned him to be a key leader in the Orleans territorial government—or so he thought.

In October 1803, Jefferson appointed William C.C. Claiborne the governor of the Orleans Territory. Needless to say Clark was far from thrilled. Although he never openly admitted it, Clark harbored aspirations of becoming territorial governor.[31] Personal ambitions aside, Clark also questioned Claiborne's ability to handle his new appointment. He was particularly unimpressed when Claiborne failed to take the initiative to seize New Orleans several years before. Being

[30] Daniel Clark to the Secretary of State, 8 September 1803, *Territorial Papers*, IX: 28-47. Clark also sent Jefferson *An Account of the Indian Tribes in Louisiana*, where he listed the location and population of local tribes. See Vernet, "Strangers on Their Native Soil," 35. Quote found in Michael Stephen Wohl, "A Man in Shadow: The Life of Daniel Clark" (Ph.D. diss., Tulane University, 1984), 82.

[31] Benjamin Morgan to Chandler Price, 11 August 1803, *Territorial Papers*, IX: 7-9. According to Morgan, "Clark swears he will hold no office now the object of his wishes is compleat. I know better, he expects to be made a member of congress his talents fit him for the office but he is not popular enough to get it." A few days later Morgan reaffirmed his statement, arguing that "I have good reason to believe he wishes to be appointed governor of this country and suppose interest will be made for him by his friends Philad."
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passed over for a position that he so clearly deserved would be a constant source of resentment for Clark that continued to grow during the territorial period.[32]

Unlike Clark, Edward Livingston was a new transplant to the Crescent City. Originally from New York, Livingston came from one of the United States' most prominent political families. His brother Robert was a member of the Continental Congress, a signer of the Declaration of Independence, and one of the diplomats that secured the purchase of French Louisiana. Instrumental figures in the Democratic-Republican Party in New York, both Livingston brothers became trusted supporters of Thomas Jefferson. Despite his longtime friendship with Aaron Burr, Edward cast one of the deciding votes in the New York congressional delegation that helped Jefferson capture his first presidential victory.[33] During his six-year tenure in the House of Representatives, Edward continued to advance the Republican agenda. His efforts were soon rewarded when President Jefferson appointed him as the United States District Attorney. In that same year he also became the mayor of New York City. Both jobs provided an ample salary that allowed the younger Livingston to continue to enhance his family's political prestige.[34]

At times the rigors of holding two demanding political positions took their toll on Livingston's administration. In the District Attorney's office, he placed a clerk in charge of the collection of federal taxes. However, he failed to regulate the clerk's activities and financial handlings. Soon an

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[32] *American National Biography* (New York: Oxford University Press) IV: 920-921. There exists no collection of Clark's papers or correspondence. For a biographical sketch of Clark see John S. Kendall, "The Strange Case of Myra Clark Gaines," *Louisiana Historical Quarterly* 20 (1937). For more on Clark's commercial career see C. Richard Arena, "Philadelphia-Spanish New Orleans Trade in 1790s" *Louisiana History* 2 (1961). General James Wilkinson once described Clark as a man who "possess capacities to do more good or harm than any other individual in the province. He pants for power, and is mortified by disappointment." Characterizations of New Orleans Residents, I July, 1804, *Territorial Papers*, IX: 255.

[33] Edward Livingston Papers, MSS C0280, Box 80, Folder 8; William B. Hatcher, *Edward Livingston: Jeffersonian Republican and Jacksonian Democrat* (Baton Rouge: University of Louisiana Press, 1940) 68-71.

[34] Ibid., 82-83.

annual audit revealed that the clerk stole nearly $40,000 for his own personal use. Livingston's leadership skills and reputation were soon put into question as many wondered if the District Attorney knew about the scandal. Livingston assumed full responsibility for the missing funds and tirelessly tried to pay them back. As he succumbed to yellow fever, his political allies in the Jefferson administration called for his removal. By August 1803, Livingston submitted his resignation as District Attorney and mayor.[35] Facing a federal investigation and accusations of financial misconduct, the one-time feted New Yorker found himself a political outcast and in need of a change of venue.

When Americans learned about the Louisiana Purchase, many heralded this new unbounded world as a land of opportunity. Livingston could not escape the buzz about the United States' newest acquisition. As his brother Robert disclosed many intimate details regarding Lower Louisiana's endless advantages, Edward was lured by the promise of new economic possibilities and the escape Lower Louisiana had to offer. As the U.S. District Court met to decide his fate, Livingston sailed for New Orleans with nothing more than $1000 he borrowed from his brother and hopes for the future.[36]

Livingston quickly acclimated to his new surroundings. His refinement, former wealth, and knowledge of French allowed him to integrate into New Orleans society with ease. He even managed to meet and wed Madame Louise Moreau de Lassy, a French refugee from St.

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[35] Ibid., 93-97. Secretary of Treasury Albert Gallatin was Livingston's most vocal opponent. He called for his resignation almost the moment the scandal was revealed.

[36] In the months following the Louisiana Purchase, many Americans viewed Louisiana as a new frontier where fortunes could be made. Many newspapers proliferated this idea. See *National Intelligencer*, 25 January 1804. In this article a poem was published heralding the purchase and Louisiana. "What thousands of lives, what millions of money / Have been spent to acquire by belligerent power / Louisiana overflowing with milk and honey / By open, plain policy honest ours … / Prosperity, harmony offspring of peace / Objects cherished with by the man of our choice / And [sanctioned] by Providence shall still encrease / Whilst we join hand to hand and unite in one voice." Also see Hatcher, *Edward Livingston*, 97-99. The U.S. District Court, New York District, ruled that Livingston was to pay $100,000.

Domingue. This union allowed Livingston to enhance his standing in Creole society and gain valuable allies within the community. Livingston's career also prospered. Within two months of his arrival in New Orleans, he defended nearly twenty-nine cases before the Governor's Court, putting him in direct contact with Claiborne.[37] Claiborne welcomed Livingston's presence in New Orleans, informing James Madison that "my former Congressional acquaintance Edward Livingston, is now in New Orleans, and has acquired considerable influence among the inhabitants, he manifests the best disposition towards the Government, and a desire to render my administration pleasing and the present state of things acceptable to the people."[38] That same month, Claiborne appointed Livingston to the Board of Regents of the newly-formed Bank of Louisiana. In this capacity he mingled with New Orleans' most prominent men including Pierre Sauvé, Nicholas Girod, and Americans Benjamin Morgan, Evan Jones, and John McDonough. Livingston's duties as regent enhanced his standing in New Orleans and indicated that Claiborne initially looked to him as an important ally.

Although longtime loyal servants to the American government, by the later months of 1804 Clark and Livingston's involvement with the *Remonstrance* made them designing men. In a letter to James Madison, Claiborne argued that "Mr. Clark is an Enemy of the Government in the United States."[39] He went on to caution President Jefferson that "There is no doubt here, but that Messrs Livingston & Clark are the Leaders of a opposition to me, & their ill-will is excited by a knowledge

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[37] Charles Havens Hunt, *Life of Edward Livingston* (New York: D. Appleton and Company, 1864), 113. Livingston married Madame Louise Moreau de Lassy in June 1805.

[38] Claiborne to Madison, 10 March 1804, *Letter Books*, II: 25-26

[39] Claiborne to Madison, 5 November 1804, *Territorial Papers*, IX: 320.

which they have of my dislike of them and all their measures … they are also great Intrigu'ers and will probably do me injury (by their writings) in the United States."[40]

Although Claiborne's assessment of the two Americans was quite correct, many questions remain regarding their motivation.[41] Clark presents a special dilemma since not even a year before the *Remonstrance* he told President Jefferson that Louisiana's diverse population needed a rigid territorial regime. So why did he fight the Governance Act that provided the type of government he once advocated? The obvious answer rests in Clark's resentment over Claiborne's appointment as governor. It seems only natural that Clark chose to antagonize the man that ruined his gubernatorial dreams. Yet historians have also other explanations. Michael Stephen Wohl sees Clark's involvement in the *Remonstrance* as a means to further his chances for political office. If Clark sided with Louisianans in their struggle against Congress, he could gain valuable allies. Knowing that Louisianans would eventually receive the right to vote in their own elections, he hoped that early support of their cause could earn him their political support in the future. Clark also had a vested interest in the success of the *Remonstrance* since he himself imported African slaves to New Orleans. It appears that hopes for revenge coupled with economic self-interest drove Daniel Clark to lead Louisianans on a path of resistance.[42]

Edward Livingston's participation in the *Remonstrance,* however, proves a bit more difficult to comprehend. Livingston left New York under a cloud of suspicion and with a massive debt. He originally hoped to go to New Orleans to remake his fortune and salvage his reputation. It would seem logical, therefore, that he would assist American officials in Lower Louisiana in order to

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[40] Claiborne to Jefferson, 29 January 1805, Ibid., IX: 386.

[41] Claiborne to Jefferson, 13 October 1804, Ibid., IX: 310.

[42] Wohl, "A Man in Shadow," 99-100.

regain the trust of President Jefferson and those who questioned his character. Even his friend John Armstrong warned him about getting too involved in local politics. Armstrong believed that the *Remonstrance* only served to distance Louisianans from American lawmakers. To save his own political career, he urged Livingston to abstain from writing petitions and memorials and to leave such matters to Louisianans "who have more time and more money than yourself." Armstrong wanted Livingston to focus his energy on his family and creating a successful law practice that would alleviate his financial woes.[43]

Despite Armstrong's warnings and the possibility of further political alienation, Livingston did not abandon Louisianans' cause. Further examination reveals that Livingston's motivation came from various sources. According to historian William Hatcher, it is possible that Livingston harbored some ill-will towards Claiborne. Early in their careers both Claiborne and Livingston served as representatives in the Seventh Congress. Obviously, after that their careers took a much different course as Livingston arrived in New Orleans as a political pariah while Claiborne resided as governor. This, perhaps, engendered jealousy as Livingston worked to rebuild his career. Hatcher also believes that Livingston's affinity for the Louisiana cause was just in his nature. In his earlier political career, Livingston seemed to always side with the underdog, having long supported the Republicans.[44] It seems more conceivable, however, that Livingston supported Louisianans because they were his future clientele. He chose to align himself with those who promised to assist him in his own fight for financial prosperity and political leadership. Whatever their motivation, Clark and Livingston were ready to challenge the American government and the Claiborne administration and encouraged Louisianans to do the same.

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[43] John Armstrong to Edward Livingston, 18 July 1804, Edward Livingston Papers, MSS C0280.

[44] Hatcher, *Edward Livingston*, 108-109.

As Louisiana delegates carried the *Remonstrance* to Congress, Claiborne hoped that his dealings with "designing intrigueing men" had subsided. Yet he soon learned that his battle with the resistance movement had just begun as Clark and Livingston continued their assault on the American regime. In February 1805, Congress revised the 1804 Governance Act by providing Louisianans with self-government through a bicameral Legislative Assembly.[45] The amended act gave Louisianans a long-desired representative government, yet it also gave Clark new opportunities to arouse further resistance. One of the jobs vested in the new Legislative Assembly was the selection of the territory's delegate to Congress. Although Governor Claiborne secretly hoped that Dr. John Watkins, a longtime friend, would receive the appointment, Creole delegates chose Clark to go to Washington in their stead.[46]

Basking in his new appointment, Clark believed his election illustrated Louisianans' disdain for Claiborne. He smugly confessed to General James Wilkinson that "My nomination has been a severe shock to W C.C. C and his Gang, they are much chop-fallen, and all the first Characters & best men here have united against them."[47] On a more personal level, Clark's new job gave him the perfect opportunity to continue his campaign against Claiborne in Congress. In the months leading to his departure for Washington, Clark sought to gather as much ammunition as possible. He collected correspondence he had with members of the Legislative Council as well as editorials written by New Orleans citizens. He also enlisted the assistance of General James Wilkinson who

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[45] Governance Act 1805, Kastor, *The Louisiana Purchase*, 213-214. The new bicameral government in the Orleans Territory will be referred to as the Legislative Assembly. The Legislative Council is the upper house consisting of thirteen appointed officials by the President. The act also put the Orleans Territory on the second grade of territorial status. This elevated status placed the Orleans Territory under the same plan of incorporation as the Northwest Ordinance stipulated.

[46] Claiborne to Jefferson, 21 May 1806, *Letter Books*, III: 303-304.

[47] Clark to Wilkinson, 16 June 1806, *Territorial Papers*, IX: 661.

had worked closely with Claiborne since his days in the Mississippi Territory. Clark asked the general to provide him with any information that could be used against Claiborne, arguing that "you have it in your power to serve the people you preside over essentially by giving me such information respecting the state of things."[48]

Once Clark took his seat in Congress he wasted little time in staging his assault on Claiborne and his administration. In December 1806, Clark stood before the Senate and criticized Claiborne for making the territorial militia useless. He accused Claiborne of alienating white militiamen in favor of the Battalion of Free People of Color, arguing that "The people of the Orleans Territory had offered their services to the United States, and had been disregarded by the man put over them, and a preference given to another corps."[49] That same month Clark wrote Livingston updating him on events in the Senate. Clark almost seemed pleased to report that "Claiborne is universally despised and the greatest part of the new members of the Senate have assured me individually that they only voted for him after a long delay because they found no one else willing to accept the Government."[50] This statement indicates Claiborne was the topic of many of Clark's conversations with Washington lawmakers and that he found an audience for his anti-Claiborne rhetoric.

As Clark attempted to agitate political opposition, Livingston focused much of his attention on helping Louisianans fight to maintain their French heritage. The territory's legal system proved one of the most pressing issues facing both Louisianans and Washington lawmakers. When Pierre Clément de Laussat took control as the colonial prefect of Louisiana, he abolished all existing

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[48] Ibid., IX: 660-661. Claiborne himself understood the threat Clark posed, confessing to President Jefferson that "I know that he is collecting material for his attack." Claiborne to Jefferson, 9 July 1806, Ibid., IX: 670.

[49] *Annals of Congress,* 9th Congress, 2nd sess. 215. Also see Vernet, "Strangers on Their Native Soil," 213 & 230.

[50] Clark to Livingston, December 1806, Edward Livingston Papers, MSS C0280, Box 7, Folder 27.

Spanish courts and neglected to put French substitutes in their place. Washington lawmakers and Governor Claiborne, therefore, made early efforts to provide Louisianans with a stable legal system. Jefferson himself hoped to introduce common law in the territory, seeing this as a vital step in Louisianans' incorporation process.[51] Jefferson and Claiborne, however, learned that creating a more Americanized legal system would be a strenuous undertaking.

In the early months of his administration, Claiborne established a nine-member Court of Pleas to deal with minor civil and criminal cases. He also set up the Governor's Court designed to deal with civil actions and appeals from the Court of Pleas in cases involving more than $500. Finally, he created county courts to hear civil and criminal complaints.[52] The 1804 Governance Act furthered Claiborne's efforts by making provisions for a Superior Court of three judges to be appointed by the President, as well as inferior courts with judges selected by the governor and the Legislative Council. The act also required all courts to adhere to aspects of common law such as trial by jury and the writ of habeas corpus. When the new government took effect in October 1804, the Legislative Council divided the territory into twelve parishes, each with one judicial district and a judge appointed by the governor.[53]

Despite Claiborne's early efforts, the judicial system remained in utter disarray. Lawmakers found it hard to fill benches since most Creole judges did not understand the new legal code. In addition, many Creole legalists declined appointments out of disgust with common law. Historian

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[51] George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions* (Cambridge: Harvard University Press, 1975), 107. Civil law is rooted in Roman imperial law that lacked many of the aspects Americans had become accustomed to under common law. Trial by jury and the writ of habeas corpus do not exist in civil law. For a more in depth description of civil law see Edward Haas Jr., "Louisiana's Legal Heritage: An Introduction," *The Louisiana Purchase Bicentennial Series in Louisiana History*, 324.

[52] Mark F. Fernandez, *From Chaos to Continuity: The Evolution of Louisiana's Judicial System* (Baton Rouge: Louisiana State University Press, 2001), 22-23.

[53] Dargo, *Jefferson's Louisiana*, 106.

Mark Fernandez finds that out of the forty judicial appointments Claiborne made, only four were native Louisianans.[54] As they faced the growing encroachment of American judges in their courtrooms, Louisianans found common law procedure perplexing. Civil law was based on general doctrines set forth by legislation and doctrinal writing, while common law centered on court decisions, which represent precedents for other laws and cases. Accustomed to written petitions, Creoles found the adjustment to oral arguments in open court difficult, especially with the language barrier. Historian George Dargo finds that even judges were "uncertain of what codes they are to decide, wavering between the civil and common law, between the forms of French, Spanish, and American jurisprudence."[55]

Shortly after his arrival in New Orleans, Edward Livingston found the territory's legal system inadequate. In a concerned letter to his brother, Livingston explained that in any given court one encountered "ordinances in English mixed with those of his predecessors in Spanish and French, the laws of Castile, the Customs of Paris, the Leyes de Patidas, les Edits du Roi, the Statutes of the United States and the omnipresent Common Laws of England."[56] Sympathizing with Louisianans, Livingston wished to aid territorial inhabitants in their struggle to maintain their colonial legal traditions. His knowledge of the civil code and French placed him in the ideal position to serve as Louisianans' spokesmen. To prepare a compelling defense for civil law, Livingston translated the *Corpus Juris Civilis* in hopes of finding solutions to Claiborne's deficient

[54] Ibid., 37; Fernandez, *From Chaos to Continuity*, 29-30.

[55] Albert Tate Jr., "The Splendid Mystery of the Civil Code of Louisiana," *The Louisiana Purchase Bicentennial Series in Louisiana,* III: 330. *Dargo, Jefferson's Louisiana*, 117.

[56] Ibid, 112.

court system. Concomitantly, he began drafting the Practice Act of 1805 that introduced simple modes of procedure throughout the territory.[57]

Livingston also hoped to provide Louisianans with important tools to fight for the continuation of civil law. The 1805 Governance Act, much like its predecessor, remained vague on the territorial legal system, only stating that legal procedures needed to follow common law practices. Both members of the *ancient* population and Louisiana lawyers interpreted the provision as mandating the practice of English common law. Yet Livingston took a different approach, contending that the law already in force in Louisiana was Roman, not English, thus the phrase "common law" really meant the "common law of Louisiana," not England. Superior Court judge John Prevost agreed with Livingston's interpretation, pledging to maintain civil law since it was the common legal procedure of the Orleans Territory. As Livingston supplied Creoles another means to combat the intrusion of common law, he also worked alongside Judge W. Brown to prepare the territory's civil and criminal codes. Ultimately, Edward Livingston staked a vested interest in Louisianans' legal system and sought to help them preserve civil law even if it was by a case of mere semantics.[58]

In the early years of the territorial period, Clark and Livingston proved worthy political adversaries to the Claiborne administration. They helped Louisianans craft the *Remonstrance*, they sought to protect civil law, and they united many members of Louisiana's *ancient* population in opposition to the American government. Their resistance, however, reached new heights in 1806 as both Clark and Livingston found themselves involved in a mutinous scheme.

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[57] "An Act Regulating the Practice of the Superior Court in Civil Cases" sought to mix common and civil law to cut down on confusion. The act allowed trial by jury to be optional. Also it gave the court power to make rules for regulating the practice of the court as long as it was not inconsistent with the laws of the territory. See "The Celebration of the Centenary of the Supreme Court of Louisiana" *Louisiana Historical Quarterly*, 4 (1921), 1921: 22.

[58] Hatcher, *Edward Livingston*, 117-119.

Aaron Burr first arrived in New Orleans in July 1805. He stayed for nearly three weeks making the rounds amongst New Orleans' finest. He stayed several days with Edward Livingston and his family, attended a dinner hosted by Daniel Clark, and met with Governor Claiborne.[59] Burr also became acquainted with members of the Mexican Association. The association emerged not long after Americans took control of Lower Louisiana to facilitate the conquest of Spanish Mexico. Many members of the *ancient* population joined the association hoping that a liberated Mexico would secure Louisiana's borders and promise future economic prosperity.[60]

Nearly a year later, Burr finalized his plan for a military expedition to capture New Orleans and Mexico. Burr's encounters with prominent Creoles and the Mexican Association convinced him that Louisianans would prove useful allies in his plan. As he secured financial and naval support from British Minister Anthony Merry and military backing from General James Wilkinson, Burr felt assured of his success. He planned to move towards New Orleans in the summer of 1806, mobilizing 500 to 1000 men along the way. Once he and his men rendezvoused with Wilkinson at Natchez they would descend upon New Orleans. From there they would utilize British naval blockades as well as money from New Orleans banks to complete their conquest of Mexico.[61]

Most Louisianans knew little of Burr or his impending expedition. New Orleans' designing men, however, were instrumental figures in Burr's initial plans. Although he would deny even really knowing Burr, there exists considerable evidence that implicates Clark in the Burr Conspiracy.

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[59] Thomas Perkins Abernathy, *The Burr Conspiracy* (New York: Oxford University Press, 1954), 29.

[60] Louisianans had trouble defining the association's true motives. On one occasion, Secretary John Graham informed James Madison that it was merely a military organization erected to protect New Orleans from a Spanish invasion. Yet many historians today agree that the Mexican Association hoped to conquer Mexico and attach it to the Orleans Territory. Ibid., 24-25.

[61] Claiborne to Captain Shaw, 1 December 1806, *Letter Books*, IV: 38-40.

Immediately after entertaining Burr in New Orleans in July 1805, Clark spent two months in Vera Cruz on a supposed business trip. While in Mexico, Clark met with Spanish officials while ascertaining information regarding the strength and location of Mexican military units. Upon returning home he informed General Wilkinson that he acquired valuable knowledge.[62] Clark made a second trip to Vera Cruz in February 1806.

Along with his questionable business trips to Mexico, Clark also made several statements throughout his career that indicated his approval and interest in the conquest of Mexico. Orleans territorial secretary John Graham recalled a conversation where Clark admitted that he did not approve of a government expedition to Mexico. Graham did, however, remember that Clark expressed "himself willing to join in such an enterprise, undertaken and carried out by individuals."[63] It is apparent that Burr considered Clark an ally, even going so far as to make him a key figure in the execution of his expedition. In correspondence with Minister Merry, Burr indicated that Clark would inform British naval personnel when to lift their blockade once New Orleans had been secured.[64] To give Clark such an integral role in his plan, Burr must have received assurances of his full support.

Much like Clark, Livingston was quite friendly with Burr and perhaps his expedition. Livingston first met Burr during his early political days in New York. They fostered a strong friendship that became strained when Livingston voted for Jefferson in the Election of 1800. When Burr first came to New Orleans his first stop was to see Livingston. This visit turned out to be much more than a nostalgic meeting among old friends. Years before when Livingston fell on hard times, Burr loaned

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[62] Abernathy, *The Burr Conspiracy*, 29-30.

[63] Wohl, "A Man in Shadow," 153.

[64] Vernet, "Strangers on Their Native Soil," 212.

him $2000. During his visit, Burr informed Livingston that he had transferred his debt to Dr. Erick Bollman, a longtime business associate.[65] Nearly a year later, Bollman traveled to New Orleans to gather reconnaissance for Burr. While there he met with Livingston to make arrangements for the repayment of his debt. It is perhaps here when Livingston learned of Burr's plan and even offered his support.

Outside of their individual interactions with Burr, both Clark and Livingston fostered ties with the Mexican Association. The *ancients* involved in the association were the same men Clark and Livingston consorted with in resisting American policies. Although they both denied membership in the Mexican Association, Clark and Livingston had enough indirect contact with the organization to know of Burr's scheme.

Aaron Burr never came to New Orleans as a liberator. General James Wilkinson exposed the conspiracy, leading to Burr's arrest in January 1807. Yet Clark and Livingston's former dealing with Burr and their connection to the Mexican Association put them in a precarious position. Upon turning on Burr, General Wilkinson attempted to distance himself from the conspiracy. To create a much needed diversion, he fashioned himself the protector of New Orleans bent on purging the city of Burrites. On December 14, 1806, he unlawfully arrested many of Burr's associates including Dr. Bollman.[66] Louisianans expressed outrage over Wilkinson's brute force and blatant disregard for the due process of law. New Orleans judges scurried to issue writs of habeas corpus to protect Bollman and other detainees, but they too were soon arrested. As many judges and lawyers sat in jail, Edward Livingston took it upon himself to stop Wilkinson's "reign of terror" by suing for writs of

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[65] James Brown to Edward Livingston, 19 December 1806, Edward Livingston Papers, MSS C0280, Box 5, Folder 20.

[66] Claiborne to Captain Shaw, 1 December 1806, *Letter Books*, IV: 38-40.

habeas corpus on behalf of Dr. Bollman and his lawyer James Alexander.[67] His efforts made him Wilkinson's next target as the general accused Livingston of treason. Before the Superior Court, Wilkinson claimed he had proof of Livingston's involvement in the Burr Conspiracy, which included a written affidavit from a Dr. W. Rogers. Livingston demanded to see the affidavit which Wilkinson failed to ever produce.[68] Livingston was soon released and cleared of all charges, but he remained determined to alleviate doubts of his innocence. On December 26, 1806, he circulated *An Address to the Public* in order to explain his relationship with Burr and Wilkinson. That same day he signed an affidavit swearing that "he hath never had any communication, written or verbal, direct or indirect, with Aaron Burr or other persons whom he knows or has reason to suspect"[69]

As Livingston sought to prove his innocence, Clark found himself in a bitter war with General Wilkinson. In an attempt to clear his own name, Wilkinson publicly exposed Clark's involvement in the Burr Conspiracy. Now one of the territory's most trusted leaders faced public scorn and serious accusations. Clark emphatically denied Wilkinson's charges and began drafting *Proofs of the Corruption of General James Wilkinson and His Connexion with Aaron Burr*. Here he provided a detailed account of how Wilkinson helped orchestrate Burr's failed expedition. More importantly, Clark used *Proofs* to absolve himself of any connection with Burr. He explained the details of his one and only encounter with the former vice president, exclaiming that he only met with Burr out of respect for Wilkinson who arranged the dinner. Clark went on to point out that many New Orleanians entertained Burr on his first trip to New Orleans, including Governor Claiborne. Clark

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[67] An Address to the Public, 26 December 1806, Edward Livingston Papers, MSS C0280, Box 82, Folder 6.

[68] Hatcher, *Edward Livingston*, 128-130.

[69] An Address to the Public, Edward Livingston Papers. Also see Affidavit of Edward Livingston, Edward Livingston Papers, MSS C0280, Box 82, Folder 8.

also spent considerable time explaining his trips to Vera Cruz, mocking public assumptions that they were anything more than business trips. Clark concluded *Proofs* swearing that he would never risk his fortune, friends, character, or political career for a treasonous plot.[70] Although Wilkinson continued to implicate him in the scandal, Clark was never indicted nor tried for treason.

Since the Burr Conspiracy, historians have dissected every correspondence, meeting, and accusation to ascertain the extent of both Clark and Livingston's involvement. Paul Vernet, for example, finds that Clark abandoned the scheme long before Burr's descent on New Orleans. It appears that Clark lost interest in the expedition once he became a congressional delegate. Vernet argues that it was at this time that Clark attempted to disassociate from Burr, seeing public office as more important than any expedition to Mexico. Clark further showed his loyalty to the United States when he informed *ancients* Pierre Derbigny and Joseph Bellechasse of the plot and encouraged them to support the American government.[71] Even Governor Claiborne, who once identified Clark as one of Burr's main agents, believed Clark to be loyal, confessing that "I find nothing to justify an opinion, that he is a Party in the existing conspiracy. "[72]

As historians probe for evidence that might explain Clark and Livingston's involvement in the Burr Conspiracy, it seems more fruitful to examine how this particular event fit into the context of their ongoing battle with the American government. Both men spent years undermining not only Claiborne, but American policies throughout the Orleans Territory. The Burr Conspiracy supplied

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[70] Daniel Clark, *Proofs of the Corruption of General James Wilkinson and of his Connextion with Aaron Burr* (Philadelphia, Wm. Hall, Jun. & Geo. W. Pierie, Printers, 1809). Clark also argued that he would never be foolish enough to travel to Spanish Mexico where officials were already suspicious of him and other Americans.

[71] Vernet, "Strangers on Their Native Soil," 215-216; Abernathy, *The Burr Conspiracy*, 172.

[72] Claiborne to Madison, 5 December 1806, *Letter Books*, IV: 43. Vernet's assertions seem correct. On September 8, 1806, General Wilkinson wrote Daniel Clark asking him to meet him at Fort Adams to discuss Burr's arrival. Clark refused Wilkinson's request in order to prepare for his departure to Washington. It was soon after this that Clark approached Derbigny and Bellechasse about the expedition.

them the opportunity to continue their dissent, realizing that an expedition would further draw into question Claiborne's leadership skills. Their own political aspirations also explain their dealings with Burr. Both Clark and Livingston sided with disgruntled Creoles in 1804 as a means to secure political support. Their continued contact with territorial inhabitants and the Mexican Association perhaps convinced them that Louisianans were predisposed to follow Burr in his attempt to rid Lower Louisiana of the American government. Their support of Burr, therefore, would allow them to remain in the good graces of the most prominent men in New Orleans who they looked to for political support. No matter their motivation or involvement, the Burr Conspiracy marked the beginning of the end for Claiborne's designing men. After years of leading Louisianans' resistance efforts, Clark and Livingston lost their audience as Creole politicians took matters into their own hands.

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Governor Claiborne faced a formidable threat in Clark and Livingston. Both exerted strong influence over the territory and continued to frustrate his attempts for a peaceful transition in Lower Louisiana. These men served as the vocal leaders of a resistance movement that stalled and impaired Americanization and incorporation efforts. What Claiborne failed to understand and appreciate was the extent of Louisianans' involvement. True, Clark and Livingston orchestrated many resistance efforts, yet behind every memorial, editorial, and attack were Louisianans. Although Claiborne usually attributed Creoles' support to the devious ways of agitators who swayed their opinions, a closer look at Louisianans' resistance reveals that they fought unfavorable American policies willingly and often exploited the experience and popularity of resistance leaders to achieve such goals. Ultimately, Clark and Livingston's actions represented Creole efforts to negotiate with American lawmakers.

In the months leading to the official transfer of Lower Louisiana, Louisianans had an assortment of feelings and concerns. Many lamented the fact that they would never live under mother France. Others felt the displacement from having switched regimes three times in less than four years. Louisianans also had many practical concerns regarding their future as Americans. To ascertain his new constituents' thoughts and questions, Claiborne sent his special agent, Dr. John Watkins, on a tour throughout the territory. Above all, Watkins found that "No Subject seems to be so interesting to the minds of the inhabitants of all that part of the Country, which I have visited as that of the importation of brute Negroes from Africa." Watkins also discovered that Louisianans desired a permanent government and "to enter [the Union] immediately into all the benefits and advantages of a State Government."[73]

Furthermore, Louisianans conveyed their own hopes for the incorporation process. Etienne Boré, the mayor of New Orleans, personally wrote President Jefferson to inform him that Louisianans anxiously awaited a new government to ease the confusion of the regime change. He also hinted that Louisianans expected the Orleans Territory to become a state as soon as their population totaled 60,000 as the Northwest Ordinance stipulated. In the meantime, Boré explained "we shall be given what you call your Second degree of Government: it is the continual object of our hopes and of our conversation among all Louisianans." He also disclosed Louisianans' bitterness over the excessive use of English in Claiborne's administration which left many feeling alienated.[74]

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[73] John Watkins Report, 2 February 1804, *Letter Books,* II; 10-12.

[74] Etienne Boré to the President, 10 February 1804, *Territorial Papers*, IX: 184-186. In this letter Boré referred to himself as one of Louisiana's "oldest inhabitants, a landowner, a Father of a family, and independent man, a true patriot who expresses himself to you in his language in the name of His fellow citizens and of His region." Boré assumed a strong political role in Lower Louisiana when French Prefect Laussat appointed him mayor of New Orleans. His strong ties to the French government perhaps explain General Wilkinson's comment that Boré "is principally

The territory's legal system also remained a potent concern for Louisianans who wished to retain civil law, as evidenced by New Yorker and longtime New Orleans resident, Evan Jones. In his *Hints of Evan Jones: Administration of Justice,* he discussed the chaotic state of Lower Louisiana's court system and urged American officials to appoint judges to hear civil cases in order to maintain colonial legal traditions. Jones urged American lawmakers to make such legal concessions to Louisianans, ensuring that they would "induce the inhabitants at large, to regard the people of America, rather as their fathers & brothers, than as their masters or tyrants."[75]

The observations put forth by Watkins, Boré, and Jones provide valuable insights into Louisianans' desires for the incorporation process. They sought the same property rights that other Americans enjoyed with the continuation of the slave trade. They also wanted a territorial government that gave them a chance to participate and enjoy American republican institutions. Louisianans wanted statehood and to be full members of the republic. More importantly, they wanted all of this while maintaining their French language and civil law.[76] Undoubtedly, Louisianans' hopes were dashed when the 1804 Governance Act did none of this. The act also subtly addressed the legal issue by giving judicial powers to a Superior Court. Section 5 of the Governance Act stipulated that in criminal cases trial by jury would be used and Orleans inhabitants would be extended the writ of habeas corpus. Although these judicial procedures were universal in common law, they were unfamiliar to Louisianans. Finally, Congress made little

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distinguished by his vanity & blind attachment to the French Nation." See Characterizations of New Orleans Residents, 1 July 1804, Ibid., IX: 248.

[75] *Hints of Evan Jones: Administration of Justice*, Ibid., IX: 84.

[76] Claiborne to Madison, 16 March 1804, *Letter Books,* II: 42-48. Governor Claiborne remained aware of Louisianans' demands, reporting to James Madison that "I believe also, that the Citizens of Louisiana would be well pleased in having some voice in their local government." He also contended that if territorial inhabitants had a representative in Congress "with authority to speak and not vote, it would tend still more to conciliate the confidence of the people in the general government."

mention of the lingual discrepancies found in the territory. The Governance Act of 1804 thus largely ignored Louisianans' requests.[77]

Although early efforts to protest the Governance Act came from Americans such as Tupper and Clark, Louisianans soon united to present their grievances to Congress. Even though they selected Edward Livingston to draft the *Remonstrance of the People of Louisiana*, this document illustrated what they truly felt. In the opening lines they expressed their joy of becoming American citizens which "implied every thing we could desire, and filled us with that happiness that arises from the anticipated enjoyment of a right long withheld."[78] The *Remonstrance* showed disappointment that Congress failed to approve immediate statehood as Article III of the cession treaty with France stipulated.[79] It also exposed Louisianans' disgust that they were demoted to second-class citizens with no say in their government or the same rights as Americans. These inadequacies of the Governance Act prompted Louisianans to ask "what valuable 'privilege' of citizenship is allowed us?"[80]

The *Remonstrance* also reproached American lawmakers for their assumptions regarding Louisianans' capacity for self-government. Aware that congressional members based most of their opinions on reports submitted by American travelers and diplomats, Louisianans contended that "we have been represented as too ignorant to exercise it [self-government] with wisdom, and too turbulent to enjoy it with safety."[81] They criticized congressional leaders for allowing these

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[77] "An Act for the Organization of Orleans Territory and the Louisiana District," 26 March 1804, *Territorial Papers*, IX: 205-208.

[78] *Remonstrance of the People of Louisiana*, I: 396

[79] Ibid., 396.

[80] Ibid., 398.

[81] Ibid,. 393.

erroneous depictions to justify a despotic territorial government. They hoped that further knowledge of territorial inhabitants would prove that they deserved and were ready to receive the benefits of citizenship.

Finally the *Remonstrance* attempted to once more convey Louisianans' most important demands. The memoralists insisted that the people should directly choose territorial governors, secretaries, and judges.[82] They also requested that all court and legislative records be printed in French and English to oblige all territorial inhabitants. They ended their memorial by strongly encouraging American officials to take prompt action to make the Orleans Territory into a state.[83]

The *Remonstrance* demonstrated Livingston's eloquence and craftsmanship, yet it was Louisianans' sentiments that filled its pages. It was their concerns, their desires, and their frustrations put before Congress. When it came to this early protest, Louisianans used Livingston to make their resistance efforts more potent. Why not turn to someone who understood the American government? Why not seek assistance from a man proficient in French and English who could clearly convey their grievances? Ultimately, Louisianans supplied Livingston with the content, as he merely composed a document that American lawmakers could understand.

As Louisianans used Americans such as Livingston and Clark to draft and circulate their memorial, they made their own efforts to fight the hated Governance Act. Mayor Boré asked the New Orleans Municipal Council to formally protest the act, contending that it was a complete violation of the principles of the Constitution and an "infringement on the natural rights of the people of the territory and of the third article of the treaty of cession." Despite Boré's impassioned

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[82] *Louisiana Gazette,* 26 March 1803.

[83] *Remonstrance of the People of Louisiana*, I: 397.

argument, municipal officials refused, prompting the mayor to resign his post in anger.[84] Other prominent Creoles followed Boré's example including Colonel Joseph Bellechasse, commander of the New Orleans militia, and Pierre Derbigny, the Secretary of Registrars. Initially Bellechasse blamed poor health for his resignation, while Derbigny confessed to Governor Claiborne that more "powerful motives" prompted his departure from the government. The fact that both men resigned the same day as Boré indicates that they worked in unison to show their discontent for the Governance Act.[85]

As Claiborne dealt with the loss of key government officials, he soon turned his attention to helping Jefferson staff the thirteen-member Legislative Council. Both Claiborne and Jefferson hoped to select members from Louisiana's *ancient* Creole population as well as leading Americans. Jefferson's nominations illustrated this desire as his list included Creoles such as Etienne Boré, Bellechasse, Pierre Derbigny, Pierre Sauvé, and Noel Destrehan and Americans John Watkins, Benjamin Morgan, Evan Jones, and Daniel Cark. Jefferson's plan soon backfired as Derbigny, Destrehan, and Sauvé all withdrew their names since they would be in Washington presenting the *Remonstrance* when the Council convened. Other nominees, including Boré, Jones, and Bellechasse, emphatically rejected Jefferson's nomination in protest.

Claiborne seemed puzzled by the *ancients'* refusal to serve in the government. He immediately blamed Livingston, contending that "Mr. Ed. Livingston has found that their acceptance would betray *a Dishonorable Inconsistency*, and the opinions of those who advised and wrote the Memorial." Jones did little to dispel Claiborne's conclusions, personally writing the governor to

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[84] Vernet, "Strangers on Their Native Soil," 121.

[85] Claiborne to Jefferson, 27 October 1804, *Territorial Papers*, IX: 315-316. Also see Colonel Bellechasse to Claiborne, 13 March 1804, *Letter Books*, II: 48. Bellechasse explained to Claiborne that he grew frustrated doing his duty since he had so much trouble expressing himself in English. P. Derbigny to Claiborne 13 March, Ibid., II: 48-49.

inform him that "I cannot therefore, with any Degree of consistency accept an office, under a law, of which I have from the beginning so openly exprest my Disapprobation." Many of Jefferson's appointments were men who had some connection to the *Remonstrance.* It seems that many declined to serve in order to make their campaign against the Governance Act more believable.

Jones's rejection letter, however, demonstrates that he was not just influenced by Livingston, but made a personal decision, arguing that "I was born an American—I glory in that name—In defense of that happy land which gave me birth … I cannot consent, for any consideration, to do an act, which I think subversive to the rights and liberties of my fellow Citizens!"[86] Jones believed that by serving in the Legislative Council he was acquiescing to a government that violated his most cherished American principles. He felt so confident in his actions that he sent his resignation letter to New Orleans newspapers for all to see. He provided an example that his *ancients* counterparts followed. Many chose to boycott the Legislative Council, an institution that would enforce policies they scorned.[87]

Louisianans also used their pens to articulate disapproval of unfavorable American policies. In August 1804, Boré provided his own commentary on the Governance Act when he circulated a letter that Congress wrote to the inhabitants of Quebec in October 1774. The thirty year old document, written by Henry Lee, stressed that subjects had the "grand right" to have a share in their government by representatives chosen by them and to live under laws that they approved. Anything less, Lee argued, was tyrannical. Boré used the letter to expose Congress' hypocrisy in giving Louisianans a government that Lee and other Americans deemed "tyrannical" just years

[86] Claiborne to Madison, 8 October 1804, Ibid., II: 349. Also see Evan Jones to Claiborne 8 October 1804, Ibid., II: 350-351.

[87] Claiborne to Madison, 13 October 1804, *Territorial Papers*, IX: 310. Also see Vernet, "Strangers on Their Native Soil," 152-153.

before. Boré went on to encourage Louisianans to examine the "relation there is between the present situation of the Inhabitants of Louisiana, and that of Canada at the time when Congress put them in mind of their rights and privileges."[88]

As the Governance Act received plenty of criticism, Claiborne himself was not immune from published attacks. In *View of the Political and Civil Situation of Louisiana, from the Thirtieth of November 1803 to the First of October 1804 by a Native*, an anonymous author argued that the Claiborne administration left Louisiana in a state of disarray. Attacking his leadership skills, the author contended that "Governor Claiborne fell as it were from the clouds, without knowledge of the country, its inhabitants, their manners, their customs, their very language, or their laws made his bad administrative system worse." *View* also assaulted the governor's inadequate policies that challenged Louisianans' French heritage. It ridiculed the creation of the Court of Pleas that embarrassed and excluded Louisianans who did not speak English. The judges appointed to the court also had little knowledge of civil law, which only complicated the chaotic court system. Ultimately, the anonymous author argued that Claiborne's administration made Louisianans "STRANGERS ON THEIR NATIVE SOIL!![89]

Pierre Derbigny also took time to present his views on Claiborne before he departed for Washington with the *Remonstrance*. His *Esquisse de la Situation Politique,* which openly scorned the governor, became one of the most widely published pamphlets in territorial Louisiana. He

[88] *Louisiana Gazette*, 14 August 1804.

[89] *Views of the Political and Civil Situation of Louisiana; from the Thirtieth of November 1803 to the First of October, 1804 by a Native* (Philadelphia, 1804). Quoted in Vernet, "Strangers on Their Native Soil," 154-153. Claiborne to Madison, 22 October, 1804, *Territorial Papers*, IX: 312-313. As Claiborne sought to repel specific accusations mentioned in the pamphlet, he indicated to Madison that he believed Pierre Derbigny penned the impassioned work. Here Claiborne mentions that originally he had hoped Derbigny would be a friend of the American government, claiming that "I always knew that that Gentlemen was in his Affections a Frenchmen; But I entertained a high opinion of his Talents, Integrity, and discretion, and no person in Louisiana has experienced a greater share of my patronage, or been more benefited there by."

disparaged Claiborne's weak policies that made the militia ineffective. He also bewailed Claiborne's appointments and the fact that the governor conducted all official business in English. Derbigny seemed particularly vexed by Claiborne's handling of the legal system, asking his readers to "Imagine the astonishment of the peaceful but ignorant citizen, when a sheriff or Constable, came to give him court orders of a new variety, in a language which he didn't understand. Imagine the difficulties of the judges themselves who had the vaguest idea of these strange forms, that they were supposed to follow and that had to be combined with the Spanish laws."[90]

The press soon became a vital outlet for Louisianans to disseminate their grievances. Editorials and pamphlets coupled with political boycotts proved Claiborne's assessment of Louisianans' involvement in the resistance movement incorrect. Not only did Creole leaders express their opposition on their own volition rather than through Clark and Livingston, but used their seats in the Legislative Assembly as another vehicle of resistance.

The first Orleans House of Representatives met on November 4, 1805. Members pledged an oath of allegiance to the United States and selected Jean Noel Destrehan as speaker of the House.[91] The majority of elected representatives were Creoles, including those that originally rejected Jefferson's nomination to the Legislative Council in 1804. The predominance of these Creole legislators illustrates that Louisianans hoped to use *ancient* politicians to further resistance efforts. These Creole delegates soon flexed their new political might in submitting nominations for the upper Legislative Council. Despite Claiborne's suggestion that the council represent all districts and ethnic groups in the territory, House members nominated men exclusively from New

[90] Dargo, *Jefferson's Louisiana*, 121-122.

[91] *Louisiana Gazette*, 5, November 1805.

Orleans and all but two were *ancient* Louisianans.[92] More specifically, four of the ten nominees were vocal critics of Claiborne while others had strong attachments to Livingston and Clark. As Jefferson and Claiborne attempted to appoint what they considered loyal Louisianans to the Legislative Council, House members created a Legislative Assembly monopolized by *ancient* Creoles.[93]

The first piece of legislation Creole delegates passed through the House of Representatives was an act that stipulated that anyone holding other government offices was not permitted to serve in the Legislative Assembly. Although this act appeared as an attempt to impose some form of checks and balances within the territorial hierarchy, in reality it targeted Claiborne supporters since many Americans and pro-American Creoles were already serving in government posts. Seeing this as an attempt to challenge his administration, Claiborne vetoed the bill.[94]

The Legislative Assembly soon became a battleground as *ancient* Creoles sparred with the determined governor. Claiborne's reports to Washington revealed that his constant feuds with Creole delegates rendered the Legislative Assembly virtually useless. "The territorial Legislature makes but little progress in dispatch of Business," Claiborne confessed to President Jefferson.[95] Despite his frustrations, Claiborne remained steadfast in his fight against a Creole assembly determined to circumscribe his administration.[96]

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[92] Jean Noel Destrehan to the Jefferson, 11 November 1805, *Territorial Papers*, XI: 524. Men nominated included John W. Gurley, Pierre Derbigny, John Baptist McCarty, Jean Noel Destrehan, Pierre Sauvé, Joseph Villars, Evan Jones, and Francois Dannemours.

[93] Dargo, *Jefferson's Louisiana*, 48.

[94] *Acts Passed at the First Session of the First Legislature*.

[95] Claiborne to Madison, 14 May 1806, *Letter Books*, III: 298.

[96] Claiborne to Jefferson, 10 April 1806, Ibid., III: 288.

As Louisianans exploited their new political power to combat the new American government, they also used their new representative government to preserve their most cherished traditions. Like so many of their constituents, members of the Legislative Council bewailed Claiborne's haphazard judicial policies and campaigned for the continuation of civil law.[97] One of their earliest efforts came in the form of a proposed memorial to Congress opposing sections of the 1805 Governance Act dealing with common law. Representative Hazure Delorme recommended that the memorial demand the "repeal of that part of the act … as provides for the introduction of common law, owing to the great confusion it will introduce in the courts of justice.[98] Although this resolution was postponed, it reveals that the Legislative Assembly remained determined to stall the introduction of common law as long as possible.

Members of the legislature continued their efforts by proposing several pieces of legislation that sought to keep colonial legal traditions in place until lawyers drafted a new civil code. Most of these acts were vetoed by Governor Claiborne. Undeterred, in March 1806, legislators passed a bill that protected civil law.[99] Immediately Claiborne vetoed the measure, arguing that it was "a useless measure, and one that might prove injurious." Hearing of the governor's veto, Creole

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[97] Outside New Orleans, territorial inhabitants also disparaged the new legal system. In November 1805, a group of rural inhabitants published *Instructions from the Inhabitants of the Territory of Orleans to Their Representatives in the Legislative Council.* These farmers expressed their preference for the old French and Spanish system that had one court for each parish: "formerly, all the parishes were of moderate extent; the commandant, or judge resided in the center, or at least, within reach of the inhabitants …. Now he has to go several days' journey, on horse back, in spring, when the paths are impracticable; for as to roads there are none, but at times when the journey cannot be made by land, a boat with oars must be hired at a great expense … " They also complained about the new laws that complicated their court systems prompting them to ask "What right have you then, to fall upon a system established already and organized, and which moves of itself; which is made respectable by the usage of attachment of those who are governed by it?" Besides exposing the problems with new territorial courts, *Instructions* also provided proposed reforms suggesting simplified procedures, limits on juries in civil cases, and the termination of the circuit function of the Superior Court. According to George Dargo, this document reveals that the debate was not confined to New Orleans but was felt by all. Dargo, *Jefferson's Louisiana*, 133-135.

[98] Proceedings of the Territorial House of Representatives, 11 November 1805, *Territorial Papers*, IX: 520.

[99] Dargo, *Jefferson's Louisiana*, 136-137; Tate, "The Splendid Mystery of the Civil Code in Louisiana," 332.

councilmen Pierre Sauvé, Noel Destrehan, and Joseph Bellechasse resigned. Soon Pierre Derbigny proposed the immediate dissolution of the entire Legislative Assembly and it was quickly adjourned.[100]

Delegates composed a manifesto to justify their actions to Congress. Here Creole lawmakers argued that they dissolved the legislature because of Claiborne's persistent vetoes that made their efforts useless. They also used the manifesto to further crusade for the continuation of civil law, contending that "The most inestimable benefit for a people is the preservation of its laws, usages, and habits. It is only such preservation that can soften the sudden transition from one government to another."[101] Creole delegates went on to provide strong legal and constitutional arguments in favor of civil law. To them, Article 4 of the 1805 Governance Act granted Louisianans the right to keep their own laws in force as long as they did not contradict the Constitution when it stated that "The laws which shall be in force in the said territory at the commencement of this act, and not inconsistant with the provisions thereof, shall continue in force, until altered, modified or repealed by the Legislature." The delegates went on to conclude that the "laws" mentioned in the Article 4 included civil law, arguing that:

> It is evident that they are the old laws which were in use in this country before its cession to the United States of America. For Congress took care to apply to us all of the common law which it considered indispensable to prescribe for us to the end that our regime might not conflict with that which is in force in all the States of the Union, that is to say, the right to be judged by one's peers and the *writ of habeas corpus*, the two great *palladiums* of civil liberty. In this regard we cannot change anything of what Congress has thus, constitutionally, determined; but it is clear that regarding all the rest we are free to adopt or to reject any of the common law which shall appear proper to us.

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[100] Claiborne to Poydras, 26 March 1806, *Letter Books*, III: 314-316. Also see Claiborne to Madison, 26 May 1806, Ibid., III: 309-311; Claiborne to P. Sauvé, May 26, 1806, Ibid., III: 308-09.

[101] Excerpt from the Legislative Council, 26 May 1806, *Territorial Papers*, IX: 650.

Creole delegates took a compromising stance, acknowledging that there were aspects of common law that needed to be applied in Louisiana courts. They, however, contended that outside the "two great *palladiums* of civil liberty," Congress could not "deny that advantage to us of remaining under a system to which we are accustomed."[102]

As territorial legislators used the manifesto to preserve their old legal traditions, they exploited the opportunity to discuss lingual issues that had long plagued the territory, explaining that:

> The present composition of the courts, the judges presiding over them and the jurists who plead before them being almost all strangers to the French language and still more so to the language in which the greater part of the laws of this country are written, the very scarcity even of the elementary authors who deal with them, everything renders indispensable the adoption of a measure which tends to place within the reach of all citizens, both in the French and the English language, a complete collection of the laws governing us."[103]

Since the creation of the Orleans Territory, Louisianans sought to maintain two vestiges of their colonial past: civil law and the French language. By using political boycotts to dissolve the Legislative Assembly, Creole lawmakers brought some of their most overlooked concerns to the forefront.

Before the Legislative Assembly disbanded, delegates appointed James Brown and Louis Moreau Lislet as jurisconsults "whose duty it shall be to compile and prepare, jointly, a Civil Code for the use of this Territory."[104] Despite Claiborne's veto, the assembly moved forward by setting up a code committee to work alongside Brown and Lislet. Their tireless efforts paid off. On March 31, 1808, hoping to appease his constituents, Governor Claiborne signed the *Digest of Civil Laws*

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[102] Ibid., IX: 650-651.

[103] Ibid., IX: 653-654.

[104] *Acts Passed at the First Session of the First Legislature of the Territory Orleans.* Lislet was a recent arrival from St. Domingue. His French background allowed him to assist in implementing key French laws and procedures.

Now in Force in the Territory of Orleans, marking a pivotal turning point in the territorial period. After years of toil and political manipulation, Louisianans resolved long-standing legal issues and secured one of their most cherished French institutions. Concomitantly, they learned valuable lessons about the incorporation process. The 1804 Governance Act, in many respects, made Louisianans passive actors in the story of the Louisiana Purchase. It relegated them to second-class citizens and neglected their most basic and potent concerns. Despite obvious handicaps, Louisianans refused to sit back and be "Americanized." Rather they chose to employ resistance and political activism to negotiate with American lawmakers.

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Nursing his gunshot wound, Governor Claiborne lamented the outcome of his duel with Daniel Clark. For years Clark worked tirelessly to destroy Claiborne's reputation and now he could boast that he defeated the governor in an old-fashioned duel. Yet what Claiborne failed to realize was that he would emerge as the true victor. In the months following the duel, Clark's stint as Louisiana's most trusted leader came to an end as territorial inhabitants bewailed him for shooting the governor. Edward Livingston faced similar contempt as his economic aspirations put him in direct conflict with Louisianans and their beloved legal system. By 1808, both Clark and Livingston had fallen from grace.

Clark's downward spiral began during the Burr Conspiracy. Despite his emphatic denials and the publication of his *Proofs*, territorial inhabitants could not shake their suspicions of their longtime leader. Also they resented the fact that Clark's involvement often caused Americans to mistrust all Louisianans.[105] Clark's resistance efforts went too far and alienated him from the people he once

[105] Vernet, "Stranger on Their Native Soil," 223.

helped. Livingston also faced his own decline. In 1807, he purchased a tract of land in the Batture St. Mary. Hoping to increase the value of his property, Livingston made preparations to build a levee, dig a canal, and erect a dwelling. New Orleans residents were outraged, having long used the Batture as a communal plot for all city dwellers. The Batture dispute put Livingston at odds with Louisianans. In his many legal battles over his new property, Livingston also attacked major components of Louisianans' legal traditions. The one-time advocate of civil law despised its use in court when it did not serve his own interests. As the Batture controversy waged on for several years, Louisianans gradually turned away from Livingston.[106]

In the early years of the territorial period, Louisianans lacked the experience or knowledge to combat the hated Governance Act, forcing them to turn to Clark and Livingston who took the lead in their resistance efforts. Over time, however, Louisianans' reliance on Clark and Livingston lessened as they took matters into their own hands. They used the power of their pens to enhance resistance efforts while also drawing national attention to their aspirations for the incorporation process. Louisianans also learned how to exploit their growing political power in the Legislative Assembly. Voters chose Creole officials to make their demands into law. Creole lawmakers used their political offices to undermine their unpopular governor and challenge unfavorable American policies. They also used boycotts and manifestos to shape public policy and preserve their most cherished colonial traditions. Far from being passive actors or manipulated by "designing intrigueing men," Louisianans were a people ready to create and employ vital strategies for cultural self-preservation and assimilation. As they sharpened their negotiation skills, Creole politicians soon learned that resistance was only one means to deal with American lawmakers.

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[106] Ibid., 233-242. For a complete description of the Batture Controversy see Dargo, *Jefferson's Louisiana*.

Chapter Three: "Real and Pretended Patriots": Shifting Creole Strategies of Negotiation in Territorial Politics

On March 4, 1809, Julien Poydras stood before the Legislative Council to deliver his last speech to the governing body he had addressed many times before. On this day, he bid farewell to Louisianans as he looked forward to heading to Washington D.C. to serve as the Orleans territorial delegate to Congress. The Creole businessman, planter, and politician looked upon his fellow councilmen with hope and gratitude. He encouraged them to continue to work with American lawmakers and promised to make Louisiana statehood his top congressional priority. Although he was dressed more like a common artisan, his audience acknowledged his elite status and prominence in the Orleans Territory. A transplant from France, Poydras had come far from his humble beginnings as a French soldier and traveling peddler. As one of Louisiana's wealthiest planters, Poydras spent years accumulating property and slaves as well as establishing merchant stores and shipping companies. He also built an impressive political resume which included his three-year tenure as the president of the Legislative Council. His support of the Claiborne administration earned him the respect of Americans, while his stellar reputation gained the confidence of Louisianans. As he came to the end of his final speech, Poydras could not help but marvel at how far Louisianans and the Orleans Territory had come.[1]

Much had changed in Lower Louisiana since Poydras first became president of the Legislative Council in 1804. Louisianans had gained self-government and were on the path to statehood. They resisted the intrigues of Aaron Burr and secured the passage of the *Digest of Civil Law*. Notably absent from the New Orleans political scene were Daniel Clark and Edward Livingston. The Burr Conspiracy and Batture controversy took their toll on the one-time resistance leaders. By

[1] *Le Moniteur de La Louisiana* (New Orleans), 4 March 1809 ; Brian J. Costello, *The Life, Family and Legacy of Julien Poydras* (Jon & Noelie Leurent Ewing, 2001), 33.

October 1808, Clark lost his congressional seat to Poydras and failed to secure a single nomination for any vacant legislative position. Even Governor Claiborne enjoyed more pleasant relations with the Legislative Assembly, happily reporting to James Madison that "the Louisianans begin to distinguish between the real and pretended Patriots, & I persuade myself, that the hitherto great influence of certain unprincipled Americans will very soon be at an end."[2] Creole politicians also seemed to have undergone a profound transformation. From their legislation to their encounters with American lawmakers, they demonstrated a much more cooperative posture.

Although Clark and Livingston's departure from the New Orleans' political scene seems logical in the wake of their recent indiscretions, the Legislative Assembly's new attitude is harder to explain. What caused Creole lawmakers, once bent on resisting and stalling American policies, to be more willing to work with American lawmakers? Had the issues that once generated scorn disappeared? Despite the appearance of a new political landscape in the Orleans Territory, in reality what had really changed were Louisiana leaders' strategies. Louisianans always remained mindful of their precarious position. No matter their disdain regarding the Governance Act or their hatred for common law, at the end of the day they desired American citizenship. Although resistance proved a useful tool, Louisianans realized that it could only be used sparingly so as not to jeopardize their chances for statehood. Therefore, they often turned to cooperation as a means of negotiation. By working with American lawmakers, Creole politicians often offset their resistance to unfavorable policies. One of the reasons Poydras was so revered was because he encouraged and helped Louisianans in their cooperation efforts. His career and political approach guided Louisianans in their attempts at accommodation. Ultimately, Louisiana leaders employed the

[2] Claiborne to Madison, 17 July 1807, *Territorial Papers*, IX: 753.

strategy that best suited their interests at a particular time. Although the abrasive nature of political resistance seemed to overwhelm and disguise politicians' accommodating stance, they used resistance and cooperation interchangeably to shape the incorporation process.

Creoles' shifting strategies became even more important as the Eighth Congress demanded that Louisianans undergo an "apprenticeship to liberty." Article III of the cession treaty with France guaranteed Louisianans citizenship and they expected the Jefferson administration to fulfill this promise. In 1803 American lawmakers, however, felt that Louisianans' colonial past, cultural differences, and political inaptitude rendered them ill-prepared for statehood. Instead of allowing Louisianans to join the Union, Washington lawmakers hoped to devise an apprenticeship program that gave Louisianans time to fulfill the requirements for American citizenship. The Eighth Congress looked to the 1804 Governance Act to do just that, providing a well-regulated territorial government. Furthermore, lawmakers turned to several vehicles of Americanization to enhance the aims of the act while remedying Louisianans' perceived deficiencies.

Washington lawmakers and the Claiborne administration tried to devise programs most suitable to help Louisianans make the needed transition. They decided that education and military service provided the ideal conduits. Governor Claiborne possessed a strong faith in the power of education, contending that "I consider that the diffusion of information among this people is so essential to their political happiness and to the Welfare of the American Government."[3] Like many early American leaders, Claiborne valued education as a means of creating Louisiana citizens schooled in the virtues of republicanism. He also looked to militia service as a key component of the Americanization process that promised to instill his constituents with a sense of civic duty and

[3] Claiborne to Madison, 24 January 1804, *Letter Books*, I: 346-347

attachment to the United States. Ultimately, these vehicles of Americanization promised, lawmakers hoped, to instill Louisianans with the skills to assimilate and become ideal Americans.

As Congress handed down a set of guidelines for the incorporation process, it was left to Creoles to determine the best strategy that allowed them to fulfill lawmakers' demands while also preserving their French identity. Political activism and resistance proved a potent tool that allowed Louisianans to manipulate territorial policymaking. It allowed them to negotiate the contours of the 1804 Governance Act to gain self-government. It also supplied them a means to reject aspects of Americanization programs that they deemed contrary to their French cultural identity. In turn, cooperation allowed Louisianans to work with American lawmakers and demonstrate their willingness to assimilate enough to gain the benefits of American citizenship.

One important aspect of Creole leaders' accommodation efforts rested in the conversation of attachment or open professions of loyalty and affection. Despite lingual barriers as well as cultural and political differences, both lawmakers and Louisianans were fluent in this discourse, both understanding its value and influence on Lower Louisiana's incorporation process. For Louisianans, the conversation of attachment allowed them to verbally show their allegiance to the United States and their affection for American political institutions. No matter how much they resisted or clung to their French heritage, attachment provided Louisianans an avenue through which to bolster their claims for citizenship. Concomitantly, American lawmakers equated Louisianans' right to citizenship with their pledges of loyalty and affection. As American lawmakers and Louisianans worked towards bringing the Orleans Territory into the Union, the conversation of attachment served as their primary dialogue.

As Poydras made his way to the nation's capital, he left the Orleans Territory confident that Creole politicians had developed sophisticated skills of political negotiation. They demonstrated an ability to

use both the art of resistance and cooperation and were articulate in the conversation of attachment. As Louisianans determined their best response to Washington lawmakers' assimilation demands, these strategies enhanced Creole leaders' ability to shape the incorporation process to fulfill their own needs and interests. Ultimately, Creole politicians' use of shifting strategies allowed them to fashion themselves as true patriots crusading for American citizenship while preserving their French heritage.

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On January 2, 1804, Isaac Briggs wrote to President Thomas Jefferson congratulating him on the Louisiana Purchase. He also took the time to show his approval of Jefferson's choice of William C. C. Claiborne as territorial governor. Despite his cordial tidings, Briggs also conveyed his concerns regarding Lower Louisiana. He criticized the Spanish regime and the aristocratic class for allowing Louisiana to fall to "Despotism and Licentiousness." Briggs, however, seemed more concerned about Louisianans' expectations for American citizenship. He contended that, "The people, as is usual in all cases of great and sudden change, are unreasonable in their expectations …. They expect unbounded license in many of their vicious, luxurious and oppressive habits, and at the same time, the full fruition of all those blessings of Republican liberty." He hoped that Governor Claiborne would exercise caution in addressing these unrealistic demands and that all lawmakers would remember that "considerable time is necessary to change, radically, long established habits."[4]

Briggs's comments illustrate the difficult task facing American lawmakers in dealing with Lower Louisiana. Since the British colonial period, Anglo-Americans attempted to devise methods of naturalization and assimilation within their borders. A newly independent United States, however,

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[4] Isaac Briggs to the President, 2 January 1804, *Territorial Papers*, IX: 146-147.

necessitated that the federal government assume this role. Congressional leaders crafted legislation that provided a universal naturalization policy that encompassed colonial procedures with American notions of citizenship. As federal lawmakers sifted through varying interpretations and redefined ideas of "Americaness" in the new republic, they deemed obtaining knowledge of republican principles and displaying a strong attachment to the United States as the premiere prerequisites for citizenship. As the Louisiana Purchase forced Washington lawmakers to mass-naturalize a diverse population, they continued to cling to these time-honored requirements hoping that they would ensure Louisianans' successful incorporation into the Union.

Congressional lawmakers, as discussed in Chapter Two, created the 1804 Governance Act to safeguard the republic from what they deemed a politically ignorant population. The act also provided Louisianans with an "apprenticeship to liberty" that sought to give them ample time to fulfill the cherished preconditions for American citizenship. However, the Governance Act lacked important features of Americanization. It failed to provide Louisianans opportunities to participate in self-government. It also largely overlooked the implementation of programs that could assist Louisianans in understanding their role as Americans or giving them the means to cultivate a greater attachment to the United States. Recognizing these deficiencies, Washington lawmakers and the Claiborne administration worked together to create policies to complement the Governance Act and enhance Louisianans' incorporation period while also allowing their "long established habits" to dissipate. Yet creating effective Americanization programs proved a massive undertaking. What types of programs or policies could "Americanize" a diverse population? How much time was necessary to allow Louisianans to undergo the "apprenticeship to liberty" congressional leaders deemed necessary? Washington lawmakers and Governor Claiborne contemplated such questions and crafted an incorporation blueprint that Claiborne presented to his

newest constituents in his first formal address on December 20, 1803. The new governor began by welcoming Louisianans as brothers and countrymen. He assured them protection of their liberty, property, commerce, and religion. "In return for these benefits," Claiborne reasoned, "the United States will be amply remunerated, if your growing attachment to the *Constitution* of our Country, and your veneration for the principles on which it is founded, be duly proportioned to the blessings which they confer."

Claiborne's speech provides insights into how he and American lawmakers envisioned Louisianans' apprenticeship to liberty. The governor wasted little time in stressing the importance of Louisianans' attachment and loyalty. He indicated that the most basic American rights came only as Louisianans showed their growing acceptance of the United States and its most cherished principles. More importantly, he instructed Louisianans on how they could Americanize and foster this attachment by cultivating "with assiduity among yourselves the advancement of Political information." He went on to suggest that Louisianans "should guide the rising generation in the paths of republican economy and virtue; you should encourage Literature, for without the advantages of education your descendants will be unable sufficiently to appreciate the intrinsic worth of the Government transmitted to them."[5] In Claiborne's inaugural address he stressed the two basic requirements for American citizenship and promised to give his constituents the means to fulfill them.

As his speech indicates, Claiborne's early thoughts turned to education. Before the official transfer of French Louisiana to the United States, both Daniel Clark and Claiborne submitted reports regarding Lower Louisiana's deficient education system. According to Clark, only one

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[5] Claiborne to Louisianans, 20 December 1803, *Letter Books,* I: 309-310.

public school existed in New Orleans, and Claiborne expressed concerns that most of the population remained illiterate.[6] After assuming his role as governor, he became even more distressed over the territory's school system. He admitted to James Madison that "the greater part of the people are deplorably uninformed." Claiborne blamed the Spanish colonial government but also Louisianans themselves for their lack of education. He argued that "Frivolous diversions seem to be among their primary pleasures, and the display of Wealth and the parade of power constitute their highest objects and admiration." He found that such priorities left little room for education amongst the majority of the population.[7] Claiborne hoped to remedy these inadequacies by providing Louisianans with more educational opportunities. In January 1804, he attempted to enlist the help of Washington lawmakers, arguing that "I would think it wise policy in Congress to appropriate one hundred thousand dollars annually for the encouragement of education in Louisiana."[8] Claiborne's request reveals that he hoped to infuse Louisianans with more than just literacy, but looked to a public education system as a means of Americanization.

Early American leaders shared a strong faith in education, insisting that an educated citizenry served as the foundation for a virtuous republican society. Perhaps the most prominent advocate for a free public school system was Thomas Jefferson, who attempted to implement such a plan in his home state of Virginia. In a "Bill for the More General Diffusion of Knowledge" (1779) he outlined a three-step educational program.[9] Children would be sent to elementary school at public

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[6] Governor Claiborne to Jefferson, August 24, 1803, *Territorial Papers*, IX, 22.

[7] Claiborne to Madison, 2 January 1804, *Letter Books*, I: 327-328.

[8] Claiborne to James Madison, 24 January 1804, Ibid., I: 346-328; Claiborne to Madison, 2 January 1804, Ibid., I: 327-328.

[9] Thomas Jefferson, "Notes on Virginia, Query XIV," *The Life and Selected Writings of Thomas Jefferson*, ed. Adrienne Koch and William Peden (New York: The Modern Library, 1993), 243. Although his sections on education

expense. The most promising young men would further their education at a grammar school that taught an advanced curriculum of Greek, Latin, geography, and arithmetic. Only the brightest young men would advance to the state college Jefferson hoped to erect.[10] Jefferson's theories were revolutionary at the time, advocating universal and state-sponsored education for all free white young men.

Jefferson's strong faith in education stemmed from his belief that "every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories." To ensure the citizenry upheld its duties to society, Jefferson contended that "their minds must be improved to a certain degree."[11] Education ensured that American citizens actively prevented the corruption and tyranny of a bad government. In a letter to George Wythe in 1786, Jefferson reiterated this sentiment, claiming that education provided the foundation for "the preservation of freedom, and happiness."[12]

Jefferson's proposals met only a lukewarm reception. The establishment of the University of Virginia was the only portion of his plan that came to fruition, but not until 1818. Many states adopted bills to promote elementary education, yet only a few northeastern legislatures implemented Jefferson's three-tiered educational program. Massachusetts, for example, passed a law in 1789 requiring towns with fifty or more families to set up an elementary school, while towns consisting of 200 or more families were responsible for establishing a grammar school. In New

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were written in 1779, the *Notes* were not actually published until 1784. "A Bill for the More General Diffusion of Knowledge" 1779 (Bill 79), Peterson, *Thomas Jefferson Writings*, 365-373.

[10] Thomas Jefferson, "Notes on Virginia, XIV," 243-244.

[11] Ibid., 246.

[12] Thomas Jefferson to George Wythe, 13 August 1786, Peterson, *Thomas Jefferson Writings*, 859.

York, the state legislature supplied annual subsides for education to be divided among each community.[13]

Other prominent Americans shared many of Jefferson's early affirmations regarding education in the republic. Noah Webster saw education as a key element in the evolution of a distinct American character. By teaching the country's youth about republican principles, they would in turn harbor a greater affection and "an inviolable attachment to their country."[14] Webster also saw an educated citizenry as synonymous with good government, asserting that "Education, in a great measure, forms the moral characters of men, and morals are the basis of government."[15] Pennsylvania physician Benjamin Rush, known most notably for his contributions to American medicine, left scores of pamphlets, letters, and speeches dealing with a variety of social and political issues facing the young republic. Rush dedicated much of his attention to the importance of education in the growing nation. In his essay *Education Agreeable to A Republican Form of Government*, Rush contended that only through education could the country's youth become more accustomed with and committed to republican principles. He hoped that a federal university would allow future leaders to be schooled in all aspects of republicanism. According to Rush, such a university would "convert men into republican machines" which in turn ensured that these leaders performed "their parts properly in the great machine of the government of the state."[16]

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[13] Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983), 9-12.

[14] Noah Webster, "On Education of Youth in America," *Essays on Education in the Early Republic*, ed. Frederick Rudolph (Cambridge: The Belknap Press of Harvard University Press, 1965), 64. Webster first published this essay in *A Collection of Essays and Fugitive Writings: On Moral, Historical, Political and Literary Subjects* (Boston: I. Thomas and E.T. Andrews, 1790), 1-37.

[15] Ibid., 64.

[16] Benjamin Rush, *Thoughts Upon the Mode of Education Proper in a Republic*, Rudolph, *Essays on Education in the Early Republic*, 17.

The educational theories of Jefferson, Webster, and Rush illustrate the indispensable place of public education in the young republic. More importantly they demonstrate why Claiborne and other American leaders looked to education as an important tool in Lower Louisiana. They hoped a new public school system would provide Louisianans lessons in republican principles and enhance feelings of attachment and civic duty.[17]

In May of 1804, Claiborne requested federal funds and land from President Jefferson to establish new schools.[18] He also looked to the new Legislative Council to further his educational plans. He begged Louisiana lawmakers to provide money and land for schools in order to "rear up our children in the paths of science and virtue, and to impress upon their tender hearts a love of civil and religious liberty."[19] Claiborne's request convinced the Legislative Council to pass "An Act To institute a University in the Territory of Orleans" in April 1805. The opening lines of the act reveal that Louisiana lawmakers shared Claiborne's faith in the power of education:

> Whereas the independence, happiness, and grandeur of every republic, depend, under the influence of Divine Providence, upon the wisdom, virtue, talents and energy of its citizens and rulers. And whereas learning hath ever been found the ablest advance of genuine liberty, the best supporter of rational religion, and the source of the only solid and imperishable glory, which nations can acquire. And considering that in a commonwealth, whose humble citizens may be elected to the highest public office, the knowledge which is required for a magistrate should be widely diffused.[20]

The act made provisions for territorial officials to establish the University of Orleans. Governor Claiborne was vested with the powers to appoint a Board of Regents to handle the details of the college.

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[17] In colonial Louisiana the church oversaw the education of young children. For further reading see Rodney Cline, *Education in Louisiana: History of Development* (Baton Rouge: Claitor's Publishing Division, 1974); Edwin Whitfield Fay, *History of Education in Louisiana* (Washington: Government Printing Office, 1898); Lena Lopez Emanuel, "Education in Colonial Louisiana" (M.A. Thesis, Tulane University of Louisiana, 1894).

[18] Claiborne to Jefferson, 29 May 1804, *Letter Books*, II: 174-175.

[19] *Louisiana Gazette*, 7 December 1804.

[20] Ibid., 25 June 1805.

The bill also stipulated that the regents were responsible for establishing parish schools throughout the territory. These schools would provide elementary education for Louisiana children in French, English, grammar, and arithmetic. To provide the financial support for the university and parish academies, a lottery, held twice a year, would raise funds for the new school system.[21]

Within months, the newly-appointed Board of Regents convened to organize a fund-raising lottery.[22] The lottery began on December 17, 1805, offering 10,000 tickets in hopes of raising at least $30,000 for the new university.[23] As the Board of Regents attempted to raise money for a school system, the territory's Legislative Assembly worked towards providing public lands in and around New Orleans for schools and administrative buildings.[24]

As the Claiborne administration attempted to erect schools, it also worked towards reorganizing what little existed of the colonial militia. Claiborne hoped that, much like education, militia service could facilitate the Americanization process and aid Louisianans in becoming more American. In 1804, Daniel Clark reported that the City Battalion consisted of 500 men including an artillery company of 120 men, and two separate mulatto companies with nearly 300 free blacks. In adjoining districts Clark estimated that Natchitoches County contained one infantry and one cavalry unit while the counties extending to the German Coast and Iberville totaled ten companies of 1,000 men.[25] With Lower Louisiana's close proximity to Spanish Texas and Florida, Claiborne realized that a stronger defense force was needed.

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[21] Ibid., 25 June 1805.

[22] Ibid., 19 July 1805.

[23] Ibid., 27 December 1805.

[24] Memorial to Congress From the Regents of the University of Orleans and Petition to Congress by the Legislative Council, *Territorial Papers*, IX: 543-544.

[25] Queries respecting Louisiana, with the Answers, from Daniel Clark to the Secretary of State, 8 September 1803, Ibid., IX: 33.

Also persistent rumors of a French or Spanish takeover made domestic defense imperative. Security measures aside, Claiborne had ulterior motives for reorganizing the militia—engendering Louisianans' attachment to the Union.

Anglo-American tradition placed a high premium on the citizen-soldier. According to historian Lawrence Cress, English political theorists like John Trenchard and James Harrington shaped American perceptions regarding civil-military relations.[26] Radical Whigs waged a literary war against the ominous presence of a standing army. These early writers depicted standing armies as the vehicles of oppression used by the Crown to control the masses. Cress contends that James Harrington's *Commonwealth of Oceana* (1656) marked the beginning of anti-army rhetoric that radical Whigs, and later North American colonists, adopted. Harrington argued that a landowner's attachment to his property gave him a vested interest in the defense of the state that professional soldiers lacked. Radical Whig ideology glorified the citizen-solider, looking to the militia to curb the oppression of standing armies and tyrannical leaders.

There existed an ideological war between the radical Whigs and their more moderate counterparts. Moderate Whigs possessed a liberal view of civil-military relations, arguing that that a standing army, not citizen-soldiers, provided the best protection for the state. They believed that Parliamentary control ensured the Crown could not use the army as an abusive tool. This English debate was transplanted to British North America and remained a lively point of contention among Anglo-American leaders.

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[26] Lawrence Delbert Cress, *Citizens in Arms: The Army and the Militia in American Society to the War of 1812* (Chapel Hill: The University of North Carolina Press, 1982), Part I. For further reading on English and Anglo-American ideas on civil-military relations see, Richard Kohn, *Eagle and Sword: The Beginning of the Military Establishment in America* (New York: The Free Press, 1975); John K. Mahon, *History of the Militia and the National Guard* (New York: Macmillan Publishing Company, 1983); Charles Royster, *A Revolutionary People at War: The Continental Army and American Character, 1775-1783* (Chapel Hill: The University of North Carolina Press, 1979).

During the early years of North American colonization, Anglo-Americans espoused the moderate Whig interpretation. Many colonists saw a standing army as both necessary and essential for protection from Indians and foreign invaders. The Seven Years' War, however, served as a major turning point in colonial ideology. The presence of British soldiers in Boston and along the frontier made many colonists equate military occupation with the taxes imposed by the Crown. In contrast, colonial pamphlets and essays depicted the citizen-solider, who gallantly fought for his liberty, as the torchbearer of colonial patriotism. By the revolutionary period, Anglo-Americans embraced the radical Whig interpretation.

Following the American Revolution, American leaders continued to celebrate the merits of the militia over a professional fighting force. Militia service became one of the cornerstones of republican virtue and the pinnacle of civic duty to one's community. In 1793, House deliberations regarding the reduction of the army reveal sentiments that were emblematic of how many American leaders and their constituents viewed civil-military relations in the young republic. House members such as Virginia Representative Josiah Parker preferred citizen-soldiers who had a personal stake in the security of the country rather than paid professionals who were "collected from the stews and brothels of the cities who had none of the spirit or principles of the honest yeomanry." Parker further argued that professional soldiers fought for monetary rewards and not "with a good cause" like militiamen.[27]

For advocates of the militia, the Revolutionary War provided sufficient examples of the sacrifice and success of the citizen-solider. North Carolina Representative John Steele recollected victories at Cowpens, King's Mountain, and Hanging Rock, all battles "fought by freemen … men attached to the Revolution from principle, men who were sensible of their rights and fought for them."[28] For many

[27] *Debates in Congress*, 2nd Congress, 2nd sess., I: 406.

[28] Ibid., 413.

American lawmakers, the citizen-solider not only provided domestic security but protected the republic against oppressive standing armies.

Governor Claiborne believed that militia service could instill Louisiana landowners with a vested interest in the republic and further their attachment to the United States. The territory's Legislative Council shared his feelings. On April 10, 1805, it took steps to reorganize the territory's defenses. "An act for the regulating and governing the Militia of the Territory Orleans" designated twenty-four militia districts for New Orleans and adjoining parishes that incorporated every free, able-bodied man between sixteen and fifty. The act also outlined the internal organization of each district. Regiments were to have at least one company of grenadiers, light infantry, and troop of horse each. Officers were required to muster their forces anywhere from two to four times a year. Fines were imposed on those who refused to attend and participate in musters.[29] Concomitantly, Louisianans began forming their own volunteer units. The Legislative Council drafted qualifications and criteria for such companies, requiring volunteer units to have at least thirty men who supplied their own weapons.[30] In November, Claiborne happily reported the progress the militia made over the preceding months. He gave positive marks to several companies of Orleans Volunteers and to the Orleans Troop of Horse.[31]

Once organized and functional, the Orleans territorial militia served as a slave patrol. Militiamen volunteered for night watches of surrounding plantations, looking for suspicious slave activity. This short tenure as a patroller exempted a soldier from musters and other militia duties anywhere from six months to a year. However, slave patrollers were not always enough to ease fears of slave insurrections. As a precautionary measure, Governor Claiborne called out entire militia units to patrol

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[29] *Louisiana Gazette* 7, 11, 14 June 1805.

[30] Ibid., 11 February, 9 April, 1805.

[31] William C.C Claiborne to James Madison, 11 November 1805, *Territorial Papers*, IX: 592.

their districts in case of rebellion. On one occasion, he requested that the Point Coupee militia, along with a small regular force, stay on constant watch to prevent a rumored slave uprising.[32]

Militiamen in the Orleans territory were not only used as slave patrollers, but also as a police force to maintain public order. Ethnic feuding in city streets and at seasonal dances made militiamen a permanent fixture in New Orleans nightlife. In January 1804, Claiborne stationed a militia detachment at the Ballroom to "tend to the preservation of good order." [33] This general order followed a disturbance that occurred at one nightspot. Allegedly, Frenchmen in attendance were offended by the playing of *Contra Danse Anglaise*, which they felt celebrated their British foes.[34] At other dances, duels often resulted when song selections seemed to favor one ethnic group over another. To alleviate this recurring problem, Claiborne stationed militiamen at every public dance, while requiring ballroom owners to adhere to a strict playlist that alternated French quadrilles, English quadrilles, and waltzes.[35]

Despite minor successes in militia organization, Claiborne and his advisors still faced many obstacles in creating an effective defense force. In October 1805, Henry Hopkins, the Adjutant General of the Orleans territory, reported to Claiborne that the two major problems plaguing the militia were demographics and ethnic composition. Hopkins contended that geographic constraints restricted the readiness of militia units. Dispersed settlements and militia districts extending to both sides of the Mississippi River made musters and organization virtually impossible. Within the city of New Orleans, Hopkins found that the heterogeneous population posed its own problems, as linguistic barriers

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[32] William C.C. Claiborne to Colonel Butler, 18 November 1804, *Letter Books*, III: 5. For further reading on Southern slave patrols see Sally E. Hadden, *Slave Patrols: Laws and Violence in Virginia and the Carolinas (*Cambridge: Harvard University Press, 2001); Dennis Rousey, *Policing the Southern City: New Orleans, 1805-1889 (*Baton Rouge: Louisiana State University Press, 1996).

[33] William C.C. Claiborne to Mayor Boré, 28 January 1804, *Letter Books,* I: 351-352.

[34] Marietta Marie LeBreton, "A History of the Territory of Orleans, 1803-1812," 75-76.

[35] Ibid., 77.

undermined unity and company cohesion. Cultural prejudice among ethnic groups also hindered militia camaraderie and strict discipline. Many French and Spanish natives refused to muster with one another, uniting only in resentment of Claiborne's insistence that Americans, not Creoles or Spaniards, serve as brigadier generals.[36]

Claiborne's programs intended to foster attachment and provide Louisianans with a vested interest in the United States. Yet Louisianans' Americanization process was far from complete. Washington lawmakers also did their part to assist Louisianans in ascertaining knowledge of republican principles. As Louisianans protested the 1804 Governance Act, congressional leaders began to reconsider the hated bill. As early as August 1804, President Jefferson encouraged American lawmakers to revise the original Governance Act in order to provide Louisianans with self-government. Jefferson's request seems quite strange considering his initial concerns regarding Louisianans' political capabilities. In a letter to James Madison, Jefferson revealed his true intentions, admitting that his earlier feelings about Louisianans had not changed. Rather, Jefferson feared that despite the dangers of extending self-government to an ignorant population, the alternative was much more threatening to the nation. Jefferson contended that if lawmakers continued to deprive Louisianans of basic American rights, they would turn away from the United States, leaving them "the pretext of calling in a foreign Umpire between them & us." [37] By providing Louisianans with a representative government, Jefferson hoped to curb discontent among the Orleans citizenry.

Heeding Jefferson's urgings, both the House and Senate appointed special committees to draft a new Louisiana government bill. Although committee debates reveal that lawmakers wanted Louisianans to

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[36] General Orders, 11 November 1805, *Territorial Papers*, IX: 591.

[37] Thomas Jefferson to James Madison, 7 August 1804, Ford, *The Works of Thomas Jefferson*, VIII: 313-314.

undergo a more extensive naturalization period, they also demonstrate that many congressional members believed that self-government was necessary.[38] More importantly, they, like Jefferson, believed Louisianans' loyalty depended on providing Orleans inhabitants with concessions. Self-government seemed an appropriate dispensation. One House member even argued that "by permitting her [Orleans Territory] inhabitants to form their own regulations, the voice of discontent would be diminished [if it exists], and the people bound to us by the strong ties of gratitude and interest."[39] Besides curbing disloyalty, congressional leaders realized that self-government would allow Louisianans to elect competent officials and to participate in American republican institutions.

On February 18, 1805, the Senate sent a revised government bill, modeled after the Northwest Ordinance, to the House for approval. On March 1, the House passed the 1805 Governance Bill.[40] The new bill extended Louisianans self-government through a bicameral legislature consisting of a territorial House of Representatives with twenty-five delegates elected by the people to work alongside the Legislative Council, still to be appointed by the President. The act also stipulated that when the territory consisted of 60,000 free inhabitants it would be admitted into the Union as an equal state. The 1805 Governance Act, therefore, elevated the Orleans Territory to the second grade of territorial status and provided guidelines for future statehood.[41]

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[38] *Louisiana Gazette*, 12 March 1805. Debates regarding the 1805 Governance Act are not present in the *Debates in Congress*. The 8th Congress, 2nd session was mainly dominated by the impeachment trial of Samuel Chase. In Claiborne's *Letter Books* there is a gap from December 31, 1804 to May 4, 1805. He did mention the act on April 12, 1805. In correspondence with James Madison he indicated that Louisianans were dissatisfied with the act since it did not provide statehood nor lift the ban on the slave trade.

[39] Ibid., 12 March 1805.

[40] *Journals of the House of Representatives of the United States, Being the Second Session of the Eighth Congress* (Washington: Giles and Seaton, 1926), 155. A full account of the drafting and passage of the new Governance Act as interpreted by the Louisiana agents can be found in the *Louisiana Gazette*, 11 June 1805.

[41] Governance Act 1805, Kastor, *The Louisiana Purchase*, 213-214.

As the new territorial government took effect on July 4, 1805, American lawmakers and members of the Claiborne administration felt assured that they had created an ideal apprenticeship period that consisted of a territorial government and Americanization programs that could help prepare Louisianans for citizenship and statehood.[42] Yet over the course of the next few years, these programs failed to have their intended effects.

The first territorial House of Representatives met on November 4, 1805. Members of the territory's *ancient* population, as discussed in Chapter Three, monopolized seats using their new political power to forward their resistance agenda. They not only sparred with Governor Claiborne over the territory's legal code but ensured Creole dominance of the legislative body.[43] Although designed to align Louisianans with republican values, the territory's new representative government only served to polarize the *ancients* and Americans. As the new Legislative Assembly often exacerbated tensions within the territory, the education system also fell into disarray. In a speech opening the second session of the Legislative Assembly in March 1806, Governor Claiborne indicated that all initial preparations for the school system produced dismal results. Claiborne blamed the lack of public support for this failure. He also looked to the Legislative Assembly for assistance, contending that "Those in power should esteem it an incumbent duty to make such provisions for the improvement of the minds and morals of the rising generation as will enable them to appreciate the blessing of self-government and to preserve those rights which are

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[42] *Louisiana Gazette*, 30 July 1805. Also found in *Territorial Papers*, IX, 478-480. Actual address given on July 26, 1806. On July 30, 1805, Governor Claiborne announced upcoming elections for the twenty-four delegates of the newly-formed House of Representatives. The only men eligible to hold office were those who had resided in an American state or Louisiana district for at least three years and who possessed at least two hundred or more acres of land. Voters had to fulfill the same residency requirements, while owning at least fifty acres of land.

[43] *Louisiana Gazette*, 5 November 1805. Jean Noel Destrehan to the Jefferson, 11 November 1805, *Territorial Papers*, XI: 524.

destined for their inheritance."[44] Claiborne urged legislative officials to implement educational programs similar to those existing in states such as New York that placed citizens in charge of their children's education.[45] Answering Claiborne's plea, the assembly passed "An Act to provide for the establishment of public free schools in the several counties of the Territory." The bill made the heads of each family responsible for the erection and support of parish schools.[46]

For the next two years neither the 1806 act nor the University lottery engendered much support or funds for public education. Judging from advertisements in the *Louisiana Gazette,* private schools and individual tutors were more successful than public schools. As early as 1805, Francis Hacket set up an English school on Bienville Street. His curriculum consisted of reading, writing, and arithmetic. He also provided private lessons for those needing individual instruction.[47] Such advertisements were commonplace in New Orleans papers and provided inhabitants with tutors who catered to all ethnic groups and trades. In February 1808, the *Louisiana Gazette* announced the establishment of a new French School located on South Charters Street. The instructor, M. O'Duhigg, offered French and English lessons as well as private tutoring.[48] Judging by the variety and steady upsurge of these advertisements, it seems logical to conclude that there existed a high demand for private schools and tutors. Francis Hacket continued to announce his services in the October 20, 1809 edition of the *Louisiana Gazette,* indicating that he experienced at least moderate success in teaching the children of

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[44] *Louisiana Gazette*, 28 March 1806.

[45] Ibid., 28 March 1806.

[46] Fay, *The History of Education in Louisiana*, 38.

[47] *Louisiana Gazette*, 27 September 1805.

[48] Ibid., 16 February 1808.

the territory.[49] It appears that territorial inhabitants looked to private schools and personal tutors, perhaps seeing American public schools as too financially burdensome. More importantly, many Louisianans ignored Claiborne's educational programs, fearing the cultural implications a revamped American curriculum could have on their French heritage and traditions.

The Legislative Assembly also did very little to advance Claiborne's educational program. Between 1806 and 1808, the public school system was overlooked as territorial lawmakers focused on the legal system and the Burr Conspiracy. In 1807 the University lottery was revoked and by 1808 the parish school program was abandoned in favor of a new education act passed on March 16, 1808. In this act, the judges of each parish were to appoint a committee of the most respected men in the parish to organize schools.[50] Again this bill generated little results. In an address to the Legislative Assembly in January 1809, Claiborne himself admitted the failure of his education program, expressing his doubts that any act would "produce the desired effect." The only real success of Claiborne's system was the University of Orleans. By November 4, 1811, the university opened with an enrollment of seventy students.[51]

As Claiborne's public school system fell short of his initial hopes, the reorganization of the territory's militia also brought its fair share of disappointments. Following the militia reorganization act in August of 1805, Claiborne immediately sent orders for all districts to activate their units. Claiborne and Colonel Henry Hopkins personally traveled throughout the territory to assist each district in setting up its militia

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[49] Ibid., 20 October 1809.

[50] Fay, *History of Education in Louisiana*, 38.

[51] *Louisiana Gazette*, 17 January 1809; Memorial to Congress from the Regents of the University of Orleans, 20 April 1812, *Territorial Papers*, IX: 1015.

and commissioning officers.[52] In a speech given to the Legislative Assembly in March 1806, Claiborne expressed satisfaction with the overall progress of militia reorganization. He believed, however, that fines and punishment for insubordination were much too weak, indicating that there existed problems in implementing strict adherence to service.[53]

A few months later, Claiborne's early approval of the militia was put to the test over a Spanish/American border dispute. While turbulent negotiations over the exact western boundary between the Orleans Territory and Texas continued, Spanish Texans crossed into Louisiana threatening the territory's peripheral parishes. As a precautionary measure, Governor Claiborne called out the Natchitoches and Rapides militia units only to find them in utter chaos. Claiborne attributed this disarray to the *ancient* Louisianans who failed to display "the same degree of patriotism" found amongst Americans in these counties. Claiborne expressed his belief that many of these *ancients* still possessed strong affection for Spain and that "in the event of War, they would probably be disposed to take a neutral Stand."[54] These initial worries soon faded as militia units throughout the territory eventually mobilized to defend the western frontier. The border dispute demonstrated that the newly reorganized territorial militia, although slow, could meet the call to arms. In contrast to his previous assessment, Claiborne now praised the efforts of *ancient* Louisianans who fought their former colonial caretakers, asserting that "this display of patriotism affords me, much satisfaction, and has rendered this, among the happiest days of my life."[55]

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[52] General Orders, 23 August 1805, Ibid., IX: 586-587.

[53] *Louisiana Gazette*, 28 March 1806.

[54] Claiborne to Dearborn, 28 August 1806, *Letter Books*, III: 387.

[55] Claiborne to Dearborn, 17 October 1806. Ibid., IV: 31.

As the militia remained successful in policing the Orleans Territory and curbing rumored slave revolts and ethnic feuds, it was not devoid of its defects and weaknesses. Following the Spanish-American border crisis, Claiborne continued his call for militia reform. He seemed particularly concerned about the scarcity of arms and the lack of discipline among militiamen. In January 1807, he urged the Legislative Assembly to impose stiffer punishments and fines for those who failed to attend required musters and military parades.[56] Just two years later, a reevaluation of the Orleans territorial militia revealed that the territory's ethnic composition and dispersed settlements continued to inhibit effective military organization. Henry Hopkins still found problems, insisting that, "in every street you will encounter native Americans, native Louisianans, Frenchmen, Spaniards, Englishmen, Germans, and Italians. Let a company of Militia be assembled, & there is no one language in which the word of command can be given that will be intelligible to all." [57] Indeed, the same ethnic diversity that plagued the formation of the education system and hindered solidarity in the Legislative Assembly also made effective militia organization virtually impossible. Moreover, Hopkins claimed that lax fines and punishment for insubordination remained persistent problems.[58] Finally in 1811, after a major slave insurrection in New Orleans, territorial officials implemented Claiborne's proposed reforms by requiring musters for all militia units and raising fines for insubordination from one dollar to seven. [59]

Beginning in 1805, the Claiborne administration implemented key legislation that endeavored to assist Louisianans in becoming more American. Self-government, public education, and militia service

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[56] Claiborne to the Two Houses of the Assembly, 13 January 1807, Ibid., IV: 92-93.

[57] Henry Hopkins to William C. C. Claiborne, 28 October 1809, *Territorial Papers*, IX: 855.

[58] Hopkins to Claiborne 28, October 1809, Ibid., IX: 856-857.

[59] Claiborne to Madison, 9 January 1811, *Letter Books*, V: 95-96; "An Act regulating and governing the Militia of the Territory of Orleans," 29 April, 1811, *Acts Passed at the Second Session of the Third Legislature of the Territory of Orleans*. Found in LeBreton, "A History of the Territory of Orleans," 346-347.

were all used as a means to teach Louisianans about republican principles while also fostering attachment to the United States. These mechanisms, however, yielded dismal results. The bicameral legislature often exacerbated ethnic tensions existing between Louisianans and Americans. The parish school system was nonexistent, while the Orleans University struggled to keep its doors open. Concomitantly, militia organization remained impaired by the ethnic composition and the dispersed nature of the territory. As techniques of Americanization failed to have their intended outcomes in the Orleans Territory, American lawmakers grew more frustrated that Louisianans failed to accept programs that seemed so vital to the incorporation process. By their estimations Louisianans resisted all attempts to Americanize, leaving many lawmakers to wonder if Louisianans wanted to become true Americans.

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By American standards Louisianans failed to undergo the proper process of Americanization. For Washington lawmakers, Louisianans' apprenticeship to liberty was an all or nothing situation. For Louisianans, however, it was far from black and white. Louisianans, undoubtedly, resisted aspects of Claiborne's programs by choosing to send their children to private tutors or neglecting required militia musters, but that did not mean that they were indifferent or actively trying to undermine their assimilation. Rather Louisianans made conscious efforts to accommodate lawmakers and the Claiborne administration—just not always in the way American lawmakers desired. As Louisianans adopted the antics of resistance leaders, their political boycotts, critical editorials, and intense feuds in the Legislative Assembly revealed the extent of their disdain for many American policies. Such powerful protests and abrasive demonstrations of dissent, understandably, were tantalizing to national newspapers and troublesome to lawmakers. This resistance, however, often masked Creole politicians' more subtle efforts to oblige and cooperate with Washington lawmakers. The same Legislative Assembly that served as an ethnic

battleground also passed Americanization programs including the education and militia acts. It heeded Claiborne's requests for a public school system and militia and used every legislative session to improve these institutions. Louisiana lawmakers also took every opportunity to utilize the conversation of attachment to bolster their claims of loyalty and affection as well as their desire to be good members of the Union. Where Americans often saw ambivalence, Louisianans saw themselves using cooperation as a means to ensure that their incorporation promoted their goals and aspirations and Washington lawmakers' requests for assimilation.

Creole politicians' accommodating efforts can largely be attributed to the work of Julien Poydras. Unlike many *ancient* Creoles, Poydras believed cooperation, rather than resistance, allowed Louisianans to shape the incorporation process. His constant urgings and guidance often countered resistance tactics used by Clark and Livingston and provided Louisianans another means to negotiate their place in the Union.

Born in France, Julien Poydras made his way to Louisiana from St. Domingue in 1768. Once in New Orleans he began a small trading business along the banks of the Mississippi River. His peddling endeavors allowed him to amass a small fortune which he quickly invested in property. In 1784, he purchased a stretch of land in Pointe Coupee. Along with a new plantation, Poydras set up a merchant store in the small outpost. His good reputation and many business connections allowed his store to thrive. Between 1784 and 1803, he purchased property in West Feliciana Parish, West Baton Rouge, and in the city of New Orleans. As the United States took possession

of Lower Louisiana, Poydras acquired another large stretch of land in Point Coupee that made up the bulk of his historic Alma Plantation.[60]

Beyond his merchant enterprises, Poydras was also one of the Mississippi Valley's largest planters. His early agricultural endeavors centered on indigo and cotton cultivation. Along with his massive landholdings, Poydras also invested in slaves. Based on 1820 census records, he owned over 3,820 slaves on his Pointe Coupee plantation alone.[61] In 1795, his Alma plantation was the site of one of colonial Louisiana's worst slave rebellions. Away when the revolt occurred, Poydras was distressed by the matter and disappointed over the loss of some of his most trusted slaves.[62]

Although Poydras made his home in Louisiana, he remained in contact with family and friends in France. He even carefully monitored the events of the French Revolution. At one point he became so distraught over the radical turn of the revolution that he admitted to a friend that "what I have heard from France, has left me too disgusted to even think anymore about it other than with horror."[63] His French ties, of course, left Poydras elated by the retrocession of Louisiana to the French. Upon hearing the news, he took the opportunity to write colonial Prefect Pierre Clément

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[60] Brian J. Costello, *The Life, Family and Legacy of Julien Poydras,* 1-16. Poydras served in the French Army when he was captured by the British. After three years in captivity he escaped by stowing away in a ship bound for St. Domingue.

[61] Julien Poydras to Mr. Dulcide Barran, 12 October 1799; Julien Poydras to Mr. Dematerre, 20 December 1799; *Julien Poydras, Private and Commercial Correspondence of An Indigo and Cotton Planter, 1794-1800*, Special Collections, Tulane University; Costello, *The Life, Family and Legacy of Julien Poydras*, 19.

[62] Julien Poydras to Mr. Dela Landes Poydras, 15 February 1796, *Private and Commercial Correspondence*; Costello, *The Life, Family and Legacy of Julien Poydras,* 20-24. Erupting in the wake of the slave insurrection in St. Domingue, it is believed that several white men told many slaves that they were already free. Others believed local Indians encouraged the revolt. No matter the cause, slaves on Poydras's plantation refused to plant the corn and leading black slaves conducted meetings at night regarding an uprising. Although Poydras was in Philadelphia on business at the time, local Pointe Coupee authorities uncovered the plot and began patrolling plantations and conducting interviews. Between April and May of 1795, authorities arrested over sixty slaves. After another week of trials, fifty-seven slaves and three whites were convicted. Ultimately, twenty-three slaves were hung while another thirty-one were flogged and sent to do hard labor in Mexico and Florida.

[63] Julien Poydras to Mr. Dematerre, 20 December 1799, *Private and Commercial Correspondence*.

de Laussat to welcome him to his new post and to give him valuable information regarding Lower Louisiana's climate and geographical contours. He concluded his letter, affectionately proclaiming "May this sweet reunion forever tighten the bonds of blood, friendship, and devotion that always made our homeland dear to us."[64]

Poydras's years in Louisiana failed to dim his attachment to France. He must have been quite disappointed when France's tenure in Lower Louisiana was cut short by the Louisiana Purchase. It would seem only natural that he would resort to resistance against the American government, the same government that brought his hopes for a French reunion to an end. But he did not. Poydras emerged as a leading pro-American politician in territorial Louisiana and helped guide Americanization efforts, believing that cooperation would secure Louisianans statehood while protecting their French heritage.

By the time the United States purchased French Louisiana, Poydras had made a name for himself as a trusted leader and businessman throughout Lower Louisiana. His many connections kept him closely tied to affairs in New Orleans and he soon befriended Governor Claiborne. Finding Poydras to be a "worthy man, of honest reputation, and good information," Claiborne looked to him as a valuable Creole ally.[65] Also his proficiency in English allowed Poydras to bridge the gap between Claiborne and his French-speaking constituents. Hoping to exploit Poydras's strengths, Claiborne appointed him to the Board of the Directors of the Bank of Louisiana in January 1804. At its inaugural meeting, Poydras was elected president of the board, a position he

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[64] Julien Poydras to Pierre Clément de Laussat, 22 July 1803, *Selected Writings of Julien Poydras*, ed. Julie Eshelman-Lee (Fort Collins: Creole West Productions, 2004), 111-112. Poydras hoped to give Laussat insight about Lower Louisiana since the French "know Louisiana only through word of mouth—in other words not at all."

[65] Claiborne to Thomas Jefferson, 29 May 1804, *Letter Books*, II: 176; Claiborne to Jefferson, 30 August 1804, *Territorial Papers*, IX: 284. Here he described Poydras as being "among the most influential Men in the Province, he possesses a large Estate & is a man of good information."

would assume for five consecutive terms. Along with his director duties, Poydras also made efforts to establish a Chamber of Commerce in New Orleans, hoping to further reinforce the territory's financial system.[66]

Claiborne also looked to Poydras to serve other important government positions. Under the Spanish regime, government posts were headed by the offices of military and civil commandant that arbitrated over military, legal, and civil matters. When the United States took control of Lower Louisiana, lawmakers temporarily maintained this system. In such a chaotic time, lawmakers looked to competent and trusting men to keep order. Claiborne wasted little time in appointing Poydras civil commandant over Point Coupee in August 1804.[67]

Moreover, President Jefferson rewarded Poydras's initial support of the Claiborne administration by making the Creole planter a member of the territory's Legislative Council. While many *ancients* declined to serve in the new government, Poydras accepted, admitting that "I conceive it as my duty to accept …. If those, who have great Interest in the Country, should decline serving it when called upon, their conduct would be unwarrantable."[68] Between 1805 and 1808, Poydras served as the president of the Legislative Council.[69] In this capacity he worked vigorously to assist the Claiborne administration and Louisianans in the incorporation process. When the Legislative

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[66] Frances Pirotte Zink, *Julien Poydras: Statesman, Philanthropist, Educator* (Lafayette: University of Southwestern Louisiana, 1968), 10.

[67] Costello, *The Life, Family and Legacy of Julien Poydras*, 27; Claiborne to Julien Poydras, 30 August 1804, *Letter Books,* II: 313. In the same month Poydras took over as civil commandant problems arose with the Spanish living in West Florida. With Pointe Coupee's close proximity to Spanish West Florida, Claiborne wrote to Poydras urging him to use his new position to invoke "all the means in your power to prevent Citizens of your District from aiding the Insurgents."

[68] William C. C. Claiborne to James Madison, 5 November 1804, Ibid., II: 391. In this letter Claiborne forwarded Poydras's acceptance letter to the appointed Legislative Council.

[69] Register of Civil Appointments in the Territory of Orleans, 13 February 1806, *Territorial Papers*, IX: 598. Also see Claiborne to Julien Poydras, 13 June 1806, *Letter Books*, III: 326. Here Claiborne informs Poydras that he has once again been chosen as a member of the Legislative Council.

Council convened in December 1804, Poydras used his first presidential address to encourage his fellow council members to cooperate with American lawmakers to alleviate the stress of the new regime change.[70] As the Legislative Council's president, Poydras guided Louisianans through the Burr Conspiracy and helped them fight for the continuation of civil law. More importantly, Poydras took the lead in helping the Claiborne administration implement aspects of its Americanization program. He continuously urged territorial leaders to pass legislation to establish public schools. He also corresponded with Congress in hopes of securing financial help for the new public school system.[71] Much like his American counterparts, Poydras saw education as the key to Louisianans' incorporation.

Beyond his assistance in the Legislative Council, Poydras also worked to ensure that Claiborne's education system succeeded in his own community. Through Poydras's constant encouragement and generous support, members of the Pointe Coupee community met in September 1808 to begin preparations for the establishment of five parish schools. At the gathering they crafted guidelines for paying instructors and the curriculum that consisted of reading, writing, composition, grammar, morals, the catechism, and arithmetic. Furthermore, attendees decided to fund the schools by levying a fifty cent tax per slave on every planter in the parish. Community members then selected a board of five directors to oversee the implementation of their plans. These directors were to select instructors, establish examination methods, and

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[70] Costello, *The Life, Family and Legacy of Julien Poydras*, 30. He hoped that his fellow council members would put their ethnic differences aside to help Louisiana, arguing that "private interest cannot be isolated from the general good, without more or less hazarding the subversion of the social order, and without brutalizing, and dividing society into classes equally contemptible: haughty and absolute slaves."

[71] Claiborne to Poydras, 6 April 1804, *Letter Books*, II: 83. Here Governor Claiborne wrote Poydras about his educational plans, espousing to the faithful Creole that he hoped that Louisianans would "guard with paternal care the Education of their children and spare neither expense nor attention to enrich their minds with correct morals and useful information." Also see Zink, *Julien Poydras*, 16.

handle disciplinary matters. Julien Poydras gladly served on the board and took a formative role in advancing the school system.[72]

By the end of 1808, only four public schools existed in the Orleans Territory and all of them were located in Pointe Coupee. Also through Poydras's financial support, Pointe Coupee erected an academy for young women that remained open until the Civil War.[73] By 1809, the Pointe Coupee system was fully functional and received accolades from Governor Claiborne. "In the Parish of Point Coupee, it is understood, that provisions has been made for the support of two or more public schools," Claiborne emphatically bragged. He went on to encourage other lawmakers to emulate Poydras's commitment to education, arguing that "Youths are reared into life, become the pride of their parents, the ornaments of society & the pillars of their country's glory. You cannot Gentlemen, but be sensible of the importance of this subject; it embraces the best interest of the community & mingles with the warmest affections of the heart."[74]

As Poydras made his way to Washington to serve as the territory's delegate to Congress, Louisianans looked forward to having such a respected advocate in Congress.[75] Claiborne too felt relieved to have a pro-American representative in Congress, but he also lamented Poydras's departure.[76] Since the Louisiana Purchase, Julien Poydras proved an indispensable ally to the

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[72] Zink, *Julien Poydras*, 17. They ultimately decided to pay instructors $300 a year. The instructor would teach any child despite ability to pay which resembles many of Jefferson's early ideas about elementary education.

[73] Sam Mims, *Trail of the Pack Peddler* (Homer Louisiana: The Guardian-Journal, 1887), 29-31.

[74] Governor Claiborne's Speech to the Two Houses of the Assembly, 18 January 1809, *Letter Books*, IV: 293. He went on to urge lawmakers to make education a priority. Also see *Louisiana Gazette*, 17 January 1809.

[75] Costello, *The Life, Family and Legacy of Julien Poydras*, 33.

[76] The Secretary of State to Governor Claiborne, 20 March 1809, *Territorial Papers*, IX: 831n. Claiborne's faith in Poydras never wavered. As late as 1811, he informed Washington lawmakers that Poydras continued to contribute to the "prevalence of correct political principles." Ibid., IX: 944.

American government. He not only worked alongside Claiborne and Washington lawmakers but also tried to help his fellow Louisianans to do the same. In many respects he provided Louisianans an alternative to political resistance and encouraged them to use cooperation to influence the incorporation process.

Poydras proves a complementary figure next to Daniel Clark and Edward Livingston: Their careers and influence in the Orleans Territory exemplify two vital strategies Louisianans employed in the political arena. Resistance allowed Louisianans to oppose unfavorable policies and ensure the maintenance of their French identity, while cooperation often demonstrated politicians' commitment to assist their constituents in fulfilling the requirements for citizenship. In turn, Creole leaders often used them interchangeably in their dealings with American lawmakers. For instance, the Board of Regents of the University of Orleans for years attempted to make the institution of higher learning a reality. By 1812, the university opened its doors largely because the acting regents secured money from both the Legislative Council and the City Council. They also were successful in obtaining several city lots and buildings to house the inaugural class in November 1811. The university, however, lacked many of the necessary provisions to accommodate more students and provide a thriving university community. In hopes of keeping the university alive, the regents sent a petition to Congress begging for assistance. They requested money to procure more buildings and to make improvements to provide better facilities for current and future students.[77] To reinforce their request, the memorial explained that Congress needed to share the burden of public education. The regents, like so many American lawmakers, believed that education ensured that Louisianans would fulfill citizenship requirements. They believed if lawmakers intended for these prerequisites to be met, they needed to do their part by "affording the

[77] Memorial to Congress from the Regents of the University of Orleans, 20 April 1812, Ibid., IX: 1015.

means (at least to the rising generation) of understanding the laws and maxims that govern the people of the United States, in the language in which they are written." The memorial allowed the regents to demand that Congress be more accountable for public education, while also showing their own commitment to the university's success.[78]

Providing a cogent argument, the regents' memorial illustrates that many Creole lawmakers hoped to see the success of some of Claiborne's Americanization programs. Even more interesting is the fact that many of these regents including Noel Destrehan, Pierre Derbigny, Evan Jones, and James Pitot were the same men that used resistance to combat unfavorable policies. These men resigned their posts in the Legislative Council, wrote impassioned editorials against the Claiborne administration, carried the *Remonstrance of the People of Louisiana* to Congress, and exploited the support of resistance leaders. Yet these men were not always at odds with the American government. At times they found causes that allowed them to cooperate with American lawmakers and to use their leadership skills and influence within the territory to promote a successful incorporation. Public education became one such issue. To them the diffusion of education was necessary for the next generation and an essential vehicle to help Louisianans learn English and the intricate workings of republican principles.[79] Although Poydras undoubtedly influenced the Board of Regents' copious efforts, their memorial reveals that cooperation became an essential tool Creole politicians used to shape the incorporation process to offset their ardent resistant tactics.

The Burr Conspiracy also provides an excellent example of how Louisianans balanced resistance and cooperation. The early years of the territorial period brought considerable protest from Louisianans who seemed dissatisfied with the 1804 Governance Act, the ban on the slave

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[78] Ibid., IX: 1015-1016.

[79] Ibid., IX: 1016.

trade, and the encroachment of English and common law in their lives. Some ardent Creoles even expressed hope that the Spanish or French would reclaim Louisiana. With such strong dissent it would appear that the Burr Conspiracy provided unhappy Louisianans the perfect chance to rid themselves of the American government. Yet Louisianans failed to seize this opportunity. While prominent political leaders such as General James Wilkinson, Daniel Clark, and Edward Livingston faced serious accusations of treason, not one *ancient* Louisianan was indicted or arrested in the malicious scheme. When given the opportunity to rebel, Louisianans remained loyal, illustrating their reliance on attachment rather than defiance.

In the months following the Burr Conspiracy, Louisianans did not miss their chance to remind American lawmakers of their allegiance and attachment during such a chaotic time. In February 1807, members of the Legislative Assembly forwarded Congress a series of resolutions that professed their bonds of affection, saying that they were:

> Assured of the attachment and Devotion of the Citizens of this Territory to the Government of the United States, to Which under the Auspices of Providence they are so highly indebted for their present prosperity and Happiness and desiring to give a solemn testimonial to the World of our firm Determination under all Circumstances and at all hazards to maintain and support that political connextion which has united our Destinies to those of one of the freest and most enlightened people on earth.

The resolutions went on to express Louisianans' horror over an attempt to cast doubt on their loyalty and promised that territorial inhabitants would be ready to assist lawmakers in purging any traitors or those who sought to undermine the American government.[80]

Louisianans ignored Burr's cunning plans in order to show their devotion and attachment to the United States. Their actions proved useful. According to George Dargo, since Louisianans turned

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[80] Resolutions of the Legislative Assembly, 20 February 1807, Ibid., IX: 707-708.

against Burr, Governor Claiborne felt compelled to give special concessions to his loyal constituents. He decided to approve the *Digest of Civil Code,* ending Louisianans' long crusade to preserve civil law.[81] This experience taught Louisianans the power of attachment and the benefits it yielded.

Although Louisianans' professed bonds of affection proved useful during the Burr Conspiracy, they were far from a new concept. Beginning with his first address to his constituents, Claiborne stressed the importance of attachment. But what does attachment truly mean? Why was it so important in the incorporation process? Historian Peter Kastor argues that many historians see attachment and identity as one and the same. He, however, prefers to use the word "attachment", since identity had yet to enter into nineteenth-century Americans' vocabulary.[82] Yet by dissecting the word attachment one realizes it is infused with significant meaning for American lawmakers and Louisianans. Identity refers to being similar or exactly alike. More specifically, to identify with someone means to align one's interests with his/hers. Although identity describes the incorporation process, since Americans hoped that Louisianans would become identical to all Americans and share their values, mores, cultural mannerism, and institutions—attachment goes much deeper. Attachment means the joining of a group through bonds of affection, loyalty, and devotion. The incorporation process rested not only on making Louisianans an exact replica of Americans, but to make them willing Americans. Attachment indicates a choice, a conscious assimilation not by force but through affection, devotion, and loyalty. Americans, therefore, looked to bonds of attachment as the glue that bound willing and devoted Louisianans to the young republic.

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[81] George Dargo, *Jefferson's Louisiana,* 173.

[82] Kastor, *The Nation's Crucible*, 4-5.

Long before the Louisiana Purchase, Americans spoke the language of attachment. Since the colonial era, Americans used attachment as a litmus test for citizenship. This, of course, manifested itself in different ways. Open professions of affection or disavowing loyalty to another nation often furthered ones' attachment. At times it came with showing a love and knowledge of the federal Constitution and willingness to participate in the republican government. More importantly, many immigrants found that gallant sacrifices on the battlefield transcended rhetoric to demonstrate their true love and devotion to the United States. By the time the United States acquired French Louisiana, American lawmakers deemed attachment as essential for naturalization and assimilation as evidenced a by congressional committee's conclusion that "only two modes present themselves whereby a dependent province may be held in obedience to its sovereign State—force and affection."[83] Americans lawmakers hoped attachment would be enough and relied on signs of affection as a prerequisite for Louisianans to receive statehood.

Governor Claiborne himself engaged in the conversation of attachment. He filled his letters to American officials with references to his constituents' affection and gradual warming to the United States. Following the dismal failure of Louisianans' *Remonstrance*, for instance, Claiborne assured James Madison that such minor setbacks did not shake Orleans inhabitants' allegiance to the United States.[84] While discussing tense negotiations between the United State and Spain in July 1806, Claiborne hoped to ease James Madison's mind by assuring him that "we [Orleans Territory] are by no means as divided as has been represented, and my firm opinion is, that in the event of war, many of the Louisianans will be found faithful to the American Standard."[85] Claiborne

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[83] *Annals of Congress*, 8th Congress, 2nd sess., 1016-7.

[84] William C.C. Claiborne to James Madison, 6 June 1805, *Letter Books*, III: 79.

[85] Governor Claiborne to Secretary of State, 21 July 1806, *Territorial Papers*, IX: 676.

obviously saw the importance of the conversation of attachment. He knew many questioned his constituents' loyalty as well as their desire to be affectionately tied to the United States. At times he tried to convince lawmakers that Louisianans' opposition was not a result of their lack of attachment for the Union, but the malice of designing men. On one occasion, he described Louisianans as a "Mild pacific people," with a strong attachment to the Union. Yet he found they were "uncommonly credulous, and may easily be misled by designing Men, of which the Territory at present, has an abundant supply."[86] Years later, he continued to defend his constituents' dissent, admitting to President Jefferson that "I attach no blame to the Louisianans; a few men whose native Language is English, have by their Intrigues, f'omented all the discontents, which have and do yet exist in this Territory."[87] Claiborne continued to use resistance leaders such as Clark and Livingston to explain Louisianans' often less than affectionate attitude towards their new government.

Claiborne also used the conversation of attachment with his constituents. From his first address to territorial inhabitants to his many speeches before the Legislative Assembly, Claiborne constantly urged Louisianans to demonstrate their loyalty and affection. In July 1805, he expressed his confidence in Louisianans' attachment, claiming that "My firm belief is, that the Mississippi will cease to flow, e'er she ceases to behold Louisiana attached to the Empire of American Freedom."[88] His later speeches aped such feelings. In the opening session of the

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[86] Governor Claiborne to the Secretary of State, 3 October 1804, Ibid., IX: 305.

[87] Governor Claiborne to the President, 15 July 1806, Ibid., IX: 672-673.

[88] Claiborne to Legislative Council, 3 July 1805, *Letter Books*, III: 112.

Legislative Council in March 1806, Claiborne felt self-assured of Louisianans' attachment, exclaiming that "in peace or in war—the good people of this territory will do their duty!"[89]

As Claiborne did his part to cultivate his constituents' bonds of affection, Louisianans took it upon themselves to engage in the conversation of attachment. The *Remonstrance of the People of Louisiana* provided Louisianans a chance to use such discourse to secure important goals. The opening statement of the memorial expressed Louisianans' anticipation and joy over becoming part of the United States, stating that "we passed under your jurisdiction with a joy bordering on enthusiasm, submitted to the inconveniences of an intermediate dominion without a murmur, and saw the last tie that attached us to our mother country severed with less regret." It further espoused Louisianans' attachment and dedication to sacred American principles outlined in the Declaration of Independence and the Constitution.[90] Moreover, the *Remonstrance* reveals that Louisianans clearly understood that attachment rested on reciprocal bonds of affection, warning that:

> It is the interest of the United States to cultivate a spirit of conciliation with the inhabitants of the territory they have acquired. Annexed to your country by the course of political events, it depends upon you to determine whether we shall pay the cold homage of reluctant subjects, or render the free allegiance of citizens, attached to your fortunes by choice, bound to you by gratitude, for the best of blessings, contributing cheerfully to your advancement, to those high destinies to which honor, liberty, and justice, will conduct you, and defending, as we solemnly pledge ourselves to do at the risk of fortune and life, our common constitution, country, and laws."[91]

In this concluding remark, Louisianans made attachment a two-way street. If lawmakers wanted their affection and loyalty, then they needed to give Louisianans reasons to be "bound to you by

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[89] *Louisiana Gazette*, 28 March, 1806.

[90] *Remonstrance of the People of Louisiana,* I: 396.

[91] Ibid., I: 399.

gratitude." Although crafted as a protest by Edward Livingston, the *Remonstrance* articulates Louisianans' acknowledgement and utilization of the conversation of attachment and its indispensable role in the incorporation process.

Louisianans' espousals of affection and allegiance continued despite the many disappointments they faced in obtaining statehood. Creole politicians in the Legislative Assembly did their part to advance the conversation of attachment with Washington lawmakers. In April 1806, they sent a letter to Governor Claiborne assuring him that in times of crisis they would defend the country with the utmost energy and patriotism.[92] The Legislative Council went on to send a similar declaration to President Jefferson, promising him that they would "cheerfully submit whatever sacrifice and privations may be necessary for vindicating the rights, the honor, the independence of our nation."[93]

As politicians spoke the language of attachment, so too did the territory's citizenry. On the first anniversary of the cession of Louisiana to the United States, an anonymous author wrote a poem to commemorate the monumental day. One stanza emphasized the attachment and union Louisianans sought to cultivate: "American and French unite, / Like Brothers, should, in love appear; / Let discord cease, with angry spite, / And hail the glories of the year!" [94] Beyond more poetic articulations, Louisianans provided assurances of their attachment when Americans needed it most. In August 1807, New Orleans citizens gathered at the Coffee House to draft a memorial to the president expressing their thoughts regarding the Chesapeake-Leopard incident that resulted in the destruction of the American frigate *Chesapeake* off the coast of Virginia. Appalled and horrified

[92] *Louisiana Gazette*, 14 April 1806.

[93] Ibid., 24 January 1808.

[94] Ibid., 30 April 1806.

by Britain's blatant violation of American neutrality, Orleans citizens vowed to assist Jefferson in rectifying such a cruel act by "risking our lives and fortunes in support of the just cause of our country." These citizens went on to firmly articulate their loyalty and affection, asserting that "The inhabitants of the city of New Orleans pray you Sir, to receive the expression they now make of indignation and wounded pride … of zeal and eagerness to obtain atonement for the injury: of attachment to the United States, and confidence in the administration of its government." More notable than the overt discourse of attachment are the men that wrote such charged words. Daniel Clark served as the meeting's chairman, while Edward Livingston was in attendance.[95] Although Clark and Livingston's part in the memorial exposes their attempt at political damage control so quickly after the Burr Conspiracy, the other attendees at the meeting must have realized that in times of crisis their espousals of attachment were required and even more compelling.

Louisianans wasted little time in understanding and exploiting the conversation of attachment. Whether in angry protests or in the most common petitions to Congress, Louisianans never missed their chance to express their attachment and loyalty nor did American lawmakers fail to accept and revel in such language.[96] Despite their neglect of key Americanization programs, Louisianans used this discourse to offset resistance efforts and signs of indifference. Their espousals of affection and devotion often transcended their neglectful actions that served to frustrate American policies and interfere with lawmakers' vision for the incorporation process. Louisianans carved out a place whereby they could respond positively to certain aspects of Washington lawmakers' proposals

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[95] Ibid., 11 August 1807.

[96] Memorial to Congress from the Inhabitants of Pointe Coupee, 9 June 1809, *Territorial Papers*, IX: 789-790. In this petition, citizens of Pointe Coupee petitioned Congress regarding land claims. They, however, closed their petition, avowing their attachment by "duty, inclination and Interest." Even the most mundane petitions featured the conversation of attachment.

while preserving a degree of autonomy in accepting what they deemed necessary for their assimilation.

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Long before Clark and Livingston disappeared from the New Orleans political scene, Louisianans had already learned the intrinsic value of the conversation of attachment. Territorial lawmakers, through the encouragement of Julien Poydras, used accommodation as a means to secure citizenship. Their new strategy proved useful in preserving civil law. More importantly, their cooperation with the Claiborne administration produced major pieces of legislation that promoted Americanization efforts.

Confident in the territory's progress, in 1809 the Legislative Council drafted a petition for statehood. This request proved premature as Governor Claiborne refused to forward their request on to Congress. Still believing that Louisianans were ill-prepared for self-government, Claiborne expressed misgivings regarding their capabilities to run a state government.[97] Undeterred, in March 1810 Louisianans submitted a second petition. This time they invoked the conversation of attachment to prove their readiness, asserting that "The loyalty of the whole population of this Territory has since been put to trial in circumstances sufficiently critical for you to be Now convinced that the inhabitants of Lower Louisiana are not undeserving of the Confidence of the federal Government."[98] Louisiana lawmakers used their loyal actions in the Burr Conspiracy to convince American leaders of their attachment. Based on the rules of the conversation of attachment, such affection and loyalty were supposed to show that Louisianans were ready and

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[97] Claiborne to Robert Smith, 18 May 1809, *Letter Books*, IV: 361-362.

[98] Territorial Legislature to Congress, 12 March 1810, *Territorial Papers*, IX, 873.

worthy of statehood. Moreover, Louisianans expected Congress to reward their bonds of attachment by allowing Louisiana to enter the Union.

During the territorial period, Louisianans utilized the conversation of attachment as a means of negotiation. Soon, however, they would learn that statehood would only enhance their reliance on this discourse. An impending war with Great Britain altered Louisianans' relationship with American lawmakers and ultimately taught them that proving one's attachment often transcended mere rhetoric.

Chapter Four: The "adopted child of a great family": Private Preservation and Public Negotiations Among Creole Families in Territorial Louisiana

After marching for over a year, Philogene Favrot felt relieved to see the fort at Mobile Point come into view. Philogene, a first lieutenant in the 24th Infantry of the United States Army, left Natchez in September 1813 for what was supposed to be a four-month trip through Mississippi and Tennessee to gather recruits. Yet the young soldier's travels took him far off course. His regiment detoured into Kentucky and then on to Ohio. From there it headed north to reinforce soldiers in the Michigan Territory. At this point, Philogene's recruiting duties expanded to combat. At Fort Michilimackinac, located 350 miles from Detroit, he faced a superior English foe strengthened by their Indian allies. As his unit retreated he felt the pain of losing nearly sixty comrades.[1] Although his travels introduced him to death and defeat, they also supplied the ambitious Louisianan with other, less fatal experiences. "Treacherous Cupid seems to torment me everywhere I go," he informed his sister, "I hardly arrived here [Fort Meigs Ohio] before he started to attack me." At every stop, the handsome Creole fell prey to beautiful ladies. Philogene's military expeditions also allowed him to meet Americans from all walks of life. His unit alone exposed him to men from Pennsylvania to Georgia. In sum, the War of 1812 took Philogene Favrot on a fantastic odyssey through a country he knew little about.[2]

Philogene's travels finally took him to the Gulf South where he watched the sun set on Mobile Point the day after Christmas in 1814. Although he had never been to the historic fort he knew the

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[1] Philogene Favrot to Louis Favrot, 11 October 1814, *The Favrot Family Papers: A Documentary Chronicle of Early Louisiana*, ed. Wilbur E. Meneray (New Orleans: Howard Tilton Memorial, 2001), V: 225-226.

[2] Philogene Favrot to Octavine Favrot, 29 April 1814, Ibid., V: 198; Philogene Favrot to Marie-Francoise Gerard Favrot, 24 October 1813, Ibid., V: 179. Volume V is filled with Philogene's accounts of his trek through the United States beginning with a letter he wrote his mother from Nashville on September 28, 1813, Ibid., V: 175. Also see Philogene Favrot to Fergus Duplantier, 20 June 1814, V: Ibid., 200-201; Philogene Favrot to Marie-Francoise Gerard Favrot, 15 July 1814, Ibid., V: 208; Philogene Favrot to Pierre-Joseph Favrot, 6 October 1814, Ibid., V: 221-223.

significance it held for his family. After his arrival he wrote his father, admitting to him that "You can imagine the thoughts that came to my mind when I saw Fort Mobile formerly commanded by you."[3] Nearly thirty years before, Pierre-Joseph Favrot, a captain in the Spanish Army, oversaw the daily operations at the colonial fort. In many ways, the Favrot Family's long military tradition had come full circle. A young son encountered the vestiges of his father's glorious career and followed in his footsteps as a soldier. What was different, however, was that Philogene was an American soldier and the Favrots were now an American family.

The Favrots were one of Louisiana's earliest families. Philogene's grandfather, Claude-Joseph Favrot, came to Louisiana in 1732 as a second lieutenant in the French Army. Pierre-Joseph, Philogene's father, continued the family's military legacy as a captain in the 2nd Battalion of the Louisiana Infantry under the Spanish. Pierre-Joseph's duties took him all over Spain's vast North American empire. His travels also brought him into contact with Marie-Françoise Gerard, whom he married in 1783. The Favrot home was one filled with love but also tragedy as the couple faced the pain of losing five of their eleven children. In 1799, Pierre-Joseph accepted a position commanding troops in Baton Rouge and soon purchased a plantation near the fort.

In 1801, Pierre-Joseph's career took an unexpected turn when Spain returned Louisiana to France. Having sunk his life's savings into the new homestead, now located in French Louisiana, Pierre-Joseph ended his military career instead of relocating his family to a Spanish fort. At the age of 57, Pierre-Joseph Favrot retired to his West Baton Rouge plantation with his family that included his wife and six

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[3] Philogene Favrot to Pierre-Joseph Favrot, 16 January 1815, Ibid., V: 246.

children. In 1803, as the United States took possession of Lower Louisiana, Pierre-Joseph began his life as a planter, full-time father, and new American.[4]

The Favrot's experience was far from unique. Some of Louisiana's oldest families contributed immensely to both the French and Spanish imperial military. Many witnessed Louisiana's first regime change in 1763 that brought the Spanish to Louisiana. Spanish imperial authorities hoped to integrate Louisianans into their burgeoning American empire by imposing their language, customs, institutions, and cultural mores. Yet the predominance of French speakers in the colony made this virtually impossible. By successfully preserving their heritage under the Spanish regime, Creole families learned how to maintain French cultural hegemony in Lower Louisiana.

The transfer of Louisiana to the United States, however, engendered new challenges for Louisiana's oldest families. American lawmakers and the Claiborne administration expected their newest inhabitants to politically and culturally integrate into the young republic. Unlike the Spanish, American lawmakers implemented programs of Americanization hoping to assist Louisianans in making the desired transition from colonial Frenchmen to American citizens. In many respects, American lawmakers deemed it necessary for Creoles to relinquish ties to their colonial past which ultimately challenged Louisianans' language, culture, and identity. Creoles, however, entertained divergent ideas of their incorporation process. While they looked forward to participating in Americans' republican government and commercial enterprises, they attempted to preserve their French heritage, seeing it as by no means interfering with their ability to be good Americans.

These varying ideas of American citizenship often created a turbulent relationship between American lawmakers and Louisianans. Both wanted to incorporate Louisiana into the Union, but

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[4] Petition Made by Pierre-Joseph Favrot to King Charles IV of Spain, 15 January 1805, Ibid., IV: 169. When Pierre-Joseph retired he was a lieutenant colonel and captain of the grenadiers of the Louisiana infantry regiment. See also Memoir of Pierre-Joseph Favrot's Military Services, 5 April 1803, Ibid., IV: 26. He was officially released from service in October 1805.

they failed to agree on how. Much like their Creole political counterparts, the Favrots tried to balance resistance to programs that infringed on their French identity, while using cooperation to accept aspects of Americanization programs to sufficiently earn the benefits of citizenship. Although not all Louisiana elites shared the Favrot experience or dealt with the Louisiana Purchase in the same way, the Favrot family's extensive papers provide a useful case study of how Creole elites attempted to weave resistance, cooperation, and attachment together to shape the incorporation process.

One Louisiana politician once described the Orleans Territory as the "adopted child of a great family."[5] This reference, although about the entire territory, metaphorically illustrates the precarious situation the Favrots and many Louisiana elites families encountered. When a child is adopted into a new family, undoubtedly it clings to the familiarity of its former traditions, mannerisms, and identity. For this child to truly adjust to its new surroundings, however, it must abandon aspects of its past to embrace its new life. The child, therefore, must find a balance between its preexisting ties and new family. In many ways the Favrots were the adopted children of the great American family. They failed to relinquish ties to their French heritage, while simultaneously Americanizing enough to amalgamate into the young republic. Ultimately, the same tools of negotiation employed by Creole politicians allowed the Favrots to transition from adopted Frenchmen into true Americans.

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The Favrots, like many Creole families, contributed to the growth and development of colonial Louisiana. Their legacy began with the military career of Claude-Joseph Favrot. Born in

[5] *Le Moniteur de La Louisiana* (New Orleans), 4 March 1809 ; Costello, *The Life, Family and Legacy of Julien Poydras*, 33.

Versailles, France in 1701, Claude-Joseph arrived in Louisiana as a second lieutenant in the French Army. He quickly gained acclaim for his many battles against neighboring Indians. In 1736, he fought several campaigns against the Chickasaw Indians, earning a promotion to full lieutenant. Three years later, his continuing conflict with the Chickasaws took him to the Illinois Territory in pursuit of the tribe. In between his many Indian campaigns, Claude-Joseph met and married Louise-Elizabeth Brusle in 1735.[6] The union proved most advantageous for the young soldier since his new father-in-law, Philippe-Antonie Brusle, was a member of the French Superior Council and also one of Louisiana's wealthiest men. Claude-Joseph and Louise Elizabeth soon expanded their family with the birth of daughter Louise (1737) and son Pierre-Joseph (1749).[7]

By 1750, Claude-Joseph had served throughout France's vast territory from Illinois to Mobile and earned the rank of captain. In 1753, he relocated his family to New Orleans to oversee the small garrison force in the port city. As Louise-Elizabeth tried to make a suitable home for their small children, she also dealt with her husband's long absences. With the outbreak of the Seven Years' War, Claude-Joseph left his family once again to reinforce troops in the Ohio Valley. In 1754 and 1757, he commanded troops at Fort Duquesne hoping to protect the French fort from an encroaching British presence.[8]

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[6] Gilles-Augustin Payen de Noyan to Claude-Joseph Favrot, 19 October 1739, *Favrot Family Papers*, I: 49-50. Marriage Certificate of Claude-Joseph Favrot and Louise-Elizabeth Brusle, 4 October 1735, Ibid., I: 47.

[7] Ibid., I: xvii.

[8] Ibid., I: xvi-xviii, xix. The patriarch of the Favrot Family, Joseph-Claude Favrot was born in Besancon in Franche-Comte France in 1668. He quickly became known for his cartography skills and served as an engineer in the French Army. His job took him to the German states where he was held captive for many years. His son Claude-Joseph would serve in France for nearly seven before heading to Louisiana. Henri Louboey to Claude-Joseph Favrot, 16 February 1740, Ibid., I: 51; Jean-Baptiste Le Monyne de Bienville to Claude-Joseph Favrot, 21 July 1742, Ibid., I: 51; Pierre-Francoise de Rigaud Cavagnal, Marquis de Vaudreuil to Claude-Joseph Favrot, 16 March 1747, Ibid., I: 52; Louis Billouart, Chevalier de Kerlerec to Claude-Joseph Favrot, 28 September 1753, Ibid., I: 56; Louis Billouart, Chevalier de Derlerec to Claude-Joseph Favrot, 8 August 1754, Ibid, I: 60-68. When given the assignment to reinforce troops in the Ohio Valley, Kerlerec claimed that "since the ability, intelligence, and experience of this captain are known

Following the French defeat in 1763, Claude-Joseph, like many Creoles, faced a pivotal decision. The loyal Frenchman found it difficult to imagine life under the Spanish regime. Furthermore, his wife's onset cancer necessitated that he end his long military career and relocate his family to France to seek vital medical attention. Upon his return to his homeland, Claude-Joseph's fortunes took a tragic turn: French doctors were unable to save Louise-Elizabeth and she died in Paris in April 1768. Three years later, Claude-Joseph married Madam Goulet, a widow thirty years younger than him. The marriage lasted only a brief stint before the couple separated. In 1777, Claude-Joseph Favrot, a decorated officer and esteemed Frenchman, died alone and impoverished at Senlis Charity Hospital.[9]

As his father perished in France, Pierre-Joseph Favrot continued the family's military tradition in Louisiana. From a tender age, the youngest of the Favrot children was groomed for life as a soldier. When he was eighteen months old, Louisiana Governor Marquis de Vaudreuil made him a fusilier cadet in the French Army. At twelve, he was commissioned as a second ensign in the Louisiana infantry. As Claude-Joseph made preparations to relocate the family to France, Pierre-Joseph, now eighteen, decided to stay behind. In 1767, he was assigned to a post in Arkansas. There he undertook a special mission to follow Indian guides through the Illinois Territory in order to carry news of the arrival of the new Spanish governor Alejandro O'Reilly. On his return trip

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to me, I have thought that I could do nothing better for the service than to entrust him with the command of said convoy." This statement illustrates Claude-Joseph's stellar reputation and years of loyal service. Jean-Jacques Macarty Mactigue to Claude-Joseph Favrot, 25 February 1757, Ibid., I: 68-71.

[9] Death Certificate of Louise-Elizabeth Brusle, 13 April 1768, I: 129; Letter of Madame Goulet de Favrot Regarding the Pension of Claude-Joseph Favrot, 15 June 1778, Ibid., I: 209-210. Here Claude-Joseph's estranged wife indicated that at the time of his death, Claude-Joseph owed money to the hospital and had other outstanding debts.

home, Pierre-Joseph was captured by Chickasaw Indians and held captive for an unknown period of time.[10]

Upon his release from captivity, Pierre-Joseph sailed to France to join his father. There he secured a new military assignment working at a colonial recruiting station. After his adventures in North America, Pierre-Joseph quickly found his new duties tedious and boring. He began petitioning the French Crown for a promotion. He seemed particularly determined to lead a regiment in either St. Domingue or Martinique. His efforts bore little fruit. Finally, Pierre-Joseph decided to go back to Louisiana and offer his services to the Spanish Crown in hopes of building a more lucrative career.[11] By 1779, Pierre-Joseph, now Don Pedro Favrot, arrived in New Orleans as a captain in the 2nd Battalion of the Louisiana Infantry under the Spanish.

Pierre-Joseph wasted little time in becoming accustomed to his new role as a Spanish soldier. The moment he arrived in Louisiana he found himself thrust into war as the Spanish attempted to rid the Gulf Coast region of the British.[12] In August of 1779, he assisted Spanish troops led by Governor Bernardo Galvez in securing forts at Manchac and Baton Rouge. Soon after, Governor

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[10] Military Commission Issued by Pierre-Francois de Rigaud Cavagnal, Marquis de Vaudreuil to Pierre-Joseph Favrot, 1 January 1751, Ibid., I: 55. A fusilier cadet or musketeer refers to young soldiers that carry light muskets or fusil. Military Commission Issue by Louis XV to Pierre-Joseph Favrot, 1 October 1761, Ibid., I: 90; Charles-Philippe Aubry to Pierre-Joseph Favrot, 30 December 1767, Ibid., I: 129; Letter to the Minister of the Navy Regarding Pierre-Joseph Favrot, 14 January 1775, Ibid., I: 166-167. In this letter the minister mentions that while in captivity Pierre-Joseph's life was "at stake several times, for everyone knows how cruel these savages are." Yet it fails to mention the length of his captivity.

[11] Ibid., 166-167. Through his letter, the minister hoped to assist Pierre-Joseph in securing a more exciting assignment in the Caribbean.

[12] Pierre-Joseph to Bernardo Galvez, 15 July 1779, Ibid., I: 235-237. At a council of war, Pierre-Joseph wasted little time in establishing himself as a trusted officer. Here he presented a plan to help defend Louisiana against a British invasion, arguing that "I believe that, since their forces seem to be concentrated at Manchac, it would not be prudent to divide our forces, but to unite the regular troops with the militia of New Orleans, pending orders to march." He went on to contend that "If the enemy should succeed in reaching the outskirts of the city, whether through the woods or by the roads, we could use the young Creoles, who are all hunters. We should employ those who serve in the militia battalions as riflemen, as well as others who are not enlisted. To these could be joined some of the most alert young soldiers to meet the enemy."

Galvez rewarded the ambitious Frenchman by appointing him the commandant of Baton Rouge. At his new post, Pierre-Joseph remained busy securing oaths of loyalty from former British subjects as well as managing relations with neighboring Indians. His tireless efforts earned the approval of Galvez who commended his hard work, claiming that "Each day I am more pleased that I selected you to reestablish that fort. I realize the difficulties you have overcome. You can be sure of my esteem and trust."[13] While in Baton Rouge, the up and coming officer met Marie-Francoise Gerard, a nearby resident of Pointe Coupee. The daughter of a prominent French surgeon, Marie-Francoise shared a strong French heritage with her new beau which only strengthened their bonds of affection. After a two-year courtship, the young couple wed in 1783. In preparation for his life as a husband, Pierre-Joseph secured several properties in New Orleans as possible homes for his new bride.[14]

Pierre-Joseph's intentions to settle in New Orleans were put on hold as the young newlyweds made their way to Mobile where Pierre-Joseph accepted an appointment as the acting commandant of the coastal fort. There he maintained peaceful relations with neighboring Indians in addition to negotiating vital commercial agreements with English and American traders.[15] Pierre-Joseph's copious efforts earned him the respect and support of the Mobile citizenry. In 1786, when

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[13] Bernardo de Galvez to Pierre-Joseph Favrot, 13 December 1779, I: 255-256.

[14] Documentation Presented to Authenticate the Purity of Blood and Good Character of Marie-Francoise Gerard, Preparatory to her Marriage to Pierre-Joseph Favrot, 25 November 1781-20 February 1782, I: 288-295. Spanish law required that royal officers receive permission from the King to marry. In order to secure this permission, both Marie-Francoise and Pierre-Joseph had to submit documentation of their purity of blood and good character. This process explains why their courtship was quite long. Also see Act of Sale by Claude Chabot to Pierre Joseph Favrot, 26 September 1781, Ibid., I: 265-267; Act of Sale Made by Henri Desprez to Pierre-Joseph Favrot, 7 June 1782, Ibid., I: 285-287, 299-301. It is possible that Pierre-Joseph secured such property in hopes of being assigned to New Orleans.

[15] Instructions Issued by Pierre-Joseph Favrot to John Linder, 15 September 1785, Ibid., II: 30-32. At Fort Mobile, Pierre-Joseph was in charge of implementing Governor Don Esteban Miro's Indian policy. The governor sought to create a buffer between Spanish territory and the United States by making crucial alliances with Indian tribes in the Mississippi Valley.

he faced a possible transfer, citizens petitioned the governor requesting that he remain at his post. "We have enjoyed great satisfaction since we have been under M. Favrot's command," they strongly professed. "We have proofs of his justice and fairness. He has been able to keep the savages quiet and contented."[16] Their request had little influence as Pierre-Joseph was sent to New Orleans in June 1787 and then on to Fort St. Philip in 1795.

Pierre-Joseph's new appointment at Plaquemines served as a testament of imperial authorities' confidence in his job performance. Located at the mouth of the Mississippi River, Fort St. Philip stood as the colony's first line of defense. In charge of nearly eighty regular troops, Pierre-Joseph worked tirelessly to maintain strong discipline while also combating occasional Indian attacks and rampant disease. His assignment at Fort St. Phillip, moreover, put new demands on the seasoned soldier. Although Spain enjoyed several years of relative peace in Europe, tense relations with Great Britain and France made foreign vessels more dangerous fixtures in the Gulf Coast region. The Mississippi River only added another troubling concern to colonial safety as incoming and outgoing traffic allowed foreign invaders easy access to New Orleans and adjoining areas. These realities made Pierre-Joseph's appointment at Fort St. Philip the most taxing one of his career.[17]

Monitoring traffic along the Mississippi River became one of Pierre-Joseph's top priorities. All incoming ships were required to have papers and passports of clearance. Without such documentation, Pierre-Joseph was instructed to detain such vessels until further notice from the governor. Furthermore, his surveillance required him to search for any free or enslaved blacks

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[16] The Inhabitants of Mobile to Esteban Miro, 28 October 1786, Ibid., II: 50.

[17] Before going to Fort St. Philip, Pierre-Joseph was stationed in New Orleans for five years and then Natchez where he was promoted to lieutenant colonel. Very little is known about his specific duties and activities during this time. For his duties at Fort St. Philip see Francisco Luis Hector Baron de Cardondelet to Pierre-Joseph Favrot, 1 August 1796, Ibid., II: 216.

arriving from Africa or other foreign destinations.[18] Pierre-Joseph also undertook the task of revamping the fort's defenses for a possible invasion. The governor required regular drills and expected Pierre-Joseph to adhere to a strict training schedule. Along with preparing his troops, Pierre-Joseph coordinated construction projects to fortify walls and protective batteries at both Fort St. Phillip and Fort Bourbon, located across the Mississippi River. His renovation duties were further exacerbated when a hurricane destroyed parts of both forts in August of 1796.[19] After playing a manic balancing act at Fort St. Philip for nearly four years, in March 1799 Pierre-Joseph was once again reassigned to Baton Rouge. He left his post at Plaquemines with stellar reviews. Both Governor Carondelet and his successor commended Favrot for the "zeal and exactness" with which he ran his post.[20]

In September 1799, Pierre-Joseph arrived in Baton Rouge serving as the chief military officer. Soon he bought a plantation across the river from the fort with hopes of setting up a permanent residence for his bourgeoning family. Governor Casa Calvo, however, had other plans. In October 1800, Casa Calvo transferred Pierre-Joseph back to Fort St. Philip. The father of five protested, hoping to remain in Baton Rouge near his plantation, but the governor failed to relent. In 1801,

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[18] Proclamation of Francisco Luis Hector Baron de Cardondelet, 19 February 1796, Ibid., II: 184-185. Here the governor prohibited all "foreign Negroes and mulattoes, whether from Africa or elsewhere." He went on to declare that any ship carrying such blacks would be denied entry into Louisiana; Pierre-Joseph Favrot to Francisco Luis Hector Baron de Cardondelet, July 20, 1796, Ibid., II: 200-204.

[19] Quote found in Francisco Luis Hector Baron de Carondelet to Pierre-Joseph Favrot, 22, July 1796, Ibid., II: 206-207; Francisco Luis Hector Baron de Cardondelet to Pierre-Joseph Favrot, 1 August 1796, Ibid., II: 217-218; Francisco Luis Hector Baron de Cardonelet to Pierre Joseph Favrot, 6 August 1796, Ibid., II: 226-228; Francisco Luis Hector Baron de Cardondelet to Pierre-Joseph Favrot, 2 September 1796, Ibid., II: 240; Francisco Luis Hector Baron de Cardonelet to Pierre-Joseph Favrot, 3 September 1796, Ibid., II: 242-244.

[20] Francisco Luis Hector Baron de Carbondelet to Pierre-Joseph Favrot, 9 August 1797, Ibid., III: 55. Nearly a year later the new governor, Manuel Gayoso, continued to praise Favrot, contending that "I am extremely well satisfied with the painstaking care and zeal with which you manage your garrison." See Manuel Gayoso de Lemos to Pierre-Joseph Favrot, 4 September 1798, Ibid., III: 95-96.

Pierre-Joseph and his family once again relocated to Plaquemines with hopes of returning to their West Baton Rouge home shortly thereafter.

At the age of fifty, Pierre-Joseph had served all over the Spanish empire and received accolades for his performance. His successful career, however, took a toll on his family. Marie-Francoise and their children Josephine, Louis, Philogene, Octavine, and Henri often lived in rugged conditions far from the comforts of home. While living at Fort St. Philip, young Josephine once recounted the trials of military life to her friend Helen de Grand-Pre, admitting that "It is common in this wretched post to contract intestinal trouble as soon as fever disappears, my spleen is as large as a three-pound biscuit." She went on to recall the troublesome mosquitoes, claiming that "there must be a thousand of them around me if there is one …. nothing frightens them. They are fearless."[21] Illness remained a persistent problem for the Favrot children. While at Plaquemines, Philogene spent months plagued by problems with urination and fever. At times such sickness was only exacerbated without proper medical care at the post.[22] Furthermore, military life often exposed the Favrot children to less than desirable characters. Convicts sent by the governor to assist in the construction projects at Fort St. Phillip, along with foul-mouthed soldiers and intoxicated travelers, often introduced an unwanted influence in the Favrot children's lives.

To alleviate such burdens, Pierre-Joseph and Marie-Francoise tried to provide stability for their nomadic family. Their home was one filled with love and affection. They maintained constant correspondence with extended family and friends, hoping to ease the burdens of the distance that separated them. While at Fort St. Philip, Pierre-Joseph also composed his *Education Manual for*

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[21] Marie-Josephine Favrot to Helen de Grand-Pre, 18 September 1801, Ibid., III: 232-233.

[22] Jean Delassize to Pierre-Joseph Favrot, 28 May 1801, Ibid., III: 203; Armand Allard Duplantier to Pierre-Joseph Favrot, 5 August 1801, Ibid., III: 217.

his Sons to provide Louis and Philogene a proper education despite their constant mobility and rugged lifestyle. His manual stressed the importance of subjects such as ethics, arithmetic, grammar, physical science, geography, and history. He also sought to instill his sons with a moral education, beginning his work with a section entitled, "The Conduct of a Wise Man." Here he catalogued the virtues of selflessness, generosity, humility, propriety, and compassion. Pierre-Joseph also included a selection addressing the art of fencing in preparation for his sons' future military careers.[23] Pierre-Joseph's manual provides an insightful glimpse into the mind of a father preparing his sons for adulthood. From cultivating their morality to expanding their minds, Pierre-Joseph hoped his sons would "follow the dictates set forth in this book." He also aimed to raise his sons to respect their French heritage by encouraging them to appreciate the French language while adhering to Catholic doctrine and civil law.[24]

Beyond education, Pierre-Joseph and his family remained tied to their French heritage. They spoke French at home and even wore the latest French fashions. At one point Josephine's aunt sent her a Roman-style dress modeled after ones worn in Paris. The young girl hoped to secure black pearls to accessorize her new outfit to truly emulate fashionable French ladies.[25] The Favrots also kept up with the latest news from France. Pierre-Joseph intently monitored the events of the French Revolution and the ongoing war between France and Spain. As many Louisianans showed their support for the Revolution by singing French songs in the streets, Pierre-Joseph went

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[23] Pierre-Joseph Favrot's *Education Manual for his Sons: A Précis of Knowledge for An Eighteenth Century Louisiana Gentleman, The Favrot Family Papers: Separtum I*, ed. Guillermo Náñez Falcón (Tulane: Howard-Tilton Memorial Library, 1988), 3-4.

[24] Ibid., 1.

[25] Madame A. Delassize to Marie-Francoise Gerard Favrot, 11 January 1801, *The Favrot Family Papers*, III: 194; Jean Delassize to Pierre-Joseph Favrot, 28 May 1801, Ibid., III: 202

one step further. Between 1793 and 1794, rumors circulated throughout Louisiana that Citizen Genet planned to retake Louisiana for France as he made his way down the Ohio River. Unable to hide his elation at the idea, Pierre-Joseph wrote Genet an anonymous letter expressing his approval, stating that:

> You arrive in a colony inhabited by Frenchmen like yourself. The same blood flows through their veins. The same spirit moves them. Long separated from their mother country, they lament their abandonment in secret. Their eyes constantly fixed on her, although she seems to have forsaken them. They follow her in her campaigns and, in silence, they rejoice in her victories. Notwithstanding all indications to the contrary, they dare to hope that one day they shall return. This longed-for day has a last arrived, and we have become again the children of France, our country. Even if we have not shared her dangers, we shall enjoy her prosperity. We shall be compensated for having been deprived of the honor of participating in her glory and for having been unable to be in a position to serve her …. It is under such circumstances, Citizen General, that you are coming to organize this colony and to reunite the spirit of the people, which Spanish rule believed it must divide. If, for one moment, one of our countrymen forgot that he was a Frenchman, remorse will punish him enough for his failing. We shall be as we once were, before the coming of foreign domination, all relatives and friends. Those of Europe and those of America will glory equally in the name of Frenchmen and will acknowledge the obligations that so beautiful an epithet imposes.[26]

Such commanding language reveals the strong affection Pierre-Joseph felt for his mother country. Although a high-ranking Spanish military official, he never relinquished his ties to France.

The family's strong ties to France were only further reinforced as the Spanish government negotiated the retrocession of Louisiana back to France. By 1803, as both Spanish and French imperial authorities made the final preparations for the transfer, Pierre-Joseph, still serving at Fort St. Phillip, found himself taking on a whole new role. He was the first Spanish official to meet Pierre Clément de Laussat, the new French Colonial Prefect of Louisiana. Before Laussat's voyage to Louisiana, Pierre-Joseph sent several letters to the prefect assuring him of the favorable

[26] Anonymous Letter to "Citizen Ge" [Edmond-Charles Genet], 1794, Ibid., II: 158-159.

reception he and the new French government would receive in Lower Louisiana. His letters also revealed his own jubilation over France's homecoming.[27] When Laussat and his family finally arrived in Plaquemines in March 1803, he found an anxious Pierre-Joseph waiting. Later, in his memoirs, Laussat recounted his first meeting with Pierre-Joseph who could not hide his euphoria as "Joy beamed in this good man's face upon seeing us." Pierre-Joseph took the prefect on a tour of Fort St. Philip and hosted a lovely dinner as "endless toasts were accompanied by artillery fire and French songs with choruses praising love and wine."[28]

France's return to North America fulfilled many of Pierre-Joseph's longtime hopes; however, it also threw his military career into jeopardy. Knowing that a high-ranking French commission was well out of his reach, Pierre-Joseph realized that staying in the Spanish Army meant that he would have to relocate his family once again and abandon his West Baton Rouge plantation, now located in French territory.[29] In hopes of staying in the army, Pierre-Joseph began petitioning King Charles of Spain for an appointment close to home. In December 1800, he asked the King to allow him to command the militia stationed in Baton Rouge, Pointe Coupee, and New Feliciana. Nearly a year later, he begged to be assigned to either Baton Rouge or the German Coast.[30]

As he counted on his loyal service to render him influence with King Charles, Pierre-Joseph also conferred with family and friends. His brother-in-law Armand Allard Duplantier advised him to

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[27] Pierre Clément de Laussat to Pierre Joseph Favrot, 22 March 1803, Ibid., IV: 19-20.

[28] Pierre Clément de Laussat, *Memoirs of My Life*, 15-16. Laussat commended Pierre-Joseph for being a loyal and hospitable Frenchmen. He also recalled that his trip to Fort St. Philip was like a "miniature exhibition of life in the colonies."

[29] Although Baton Rouge remained in the Spanish Empire, the Favrot plantation, which was located on the other side of the Mississippi River, was included in the retrocession and given to France.

[30] Pierre-Joseph Favrot to Charles IV King of Spain, 6 December 1800, *The Favrot Family Papers*, III: 190; Pierre-Joseph to Manuel De Salcedo, 26 July 1801, Ibid., III: 214; Pierre-Joseph Favrot to Charles IV of Spain, 28 September 1801, Ibid., III: 237.

continue his efforts to seek a commission in Baton Rouge. Even Duplantier realized that Favrot was caught in quite a quandary, claiming that "there is no middle way. You must accept your regiment's fate, or quit." Heeding Duplanteir's advice, Pierre-Joseph continued petitioning King Charles, yet bureaucratic channels stalled his efforts, hindering his chances of receiving a desirable assignment. In desperation he even looked to Prefect Laussat for assistance, asking him if he could secure him a high-ranking French commission. Laussat provided verbal encouragement, but promised nothing.[31] The realities of the retrocession proved bittersweet for Pierre-Joseph. He welcomed the return of France to Louisiana, but the reunion threatened his military career and his family's financial security.

As he faced questions regarding his career, Pierre-Joseph continued his duties at Fort St. Phillip which included preparing the fort to be transferred to the French Republic. Pierre-Joseph's concerns, however, were further exacerbated as rumors circulated throughout Louisiana that France had sold French Louisiana to the United States. Pierre-Joseph promptly wrote Laussat to gauge the validity of such talk. Laussat initially eased Favrot's fears, encouraging him to "not believe a word of them." Just weeks later, however, Laussat and Louisianans were shocked to learn about the Louisiana Purchase. "I could not believe, Sir, in the cession of Louisiana up to the moment when doubt was no longer possible," Laussat lamented to Pierre-Joseph. He went on to express his deep regret over the purchase and thanked Pierre-Joseph for his friendship and support.[32]

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[31] Armand Allard Duplanteir to Pierre-Joseph Favrot, 11 January 1802, Ibid., III: 260-261. Pierre-Clément de Laussat to Pierre-Joseph Favrot, 29 April 1803, Ibid., IV: 30. Here Laussat claimed that despite "the unforgettable welcome you extended us warrants, I cannot give much hope."

[32] Pierre Clément de Laussat to Pierre-Joseph Favrot, 6 August 1803, Ibid., 61-62; Pierre Clément de Laussat to Pierre-Joseph Favrot, 28 August 1803, Ibid., IV : 76.

Still in disbelief over the Louisiana Purchase, Pierre-Joseph continued to fulfill his final duties at Fort St. Phillip. He spent his last few weeks in Plaquemines collecting and compiling inventories of weapons, supplies, and troops in preparation to relinquish control of the fort to French Frigate Captain Gilberto Leonard. Finally on December 7, 1803, Pierre-Joseph lowered the Spanish flag over Fort St. Philip as a twenty-one gun salute played behind him. As he left his longtime post with the French flag flying high above, Pierre-Joseph deplored the fact that within weeks the American stars and stripes would replace his beloved tricolors.[33]

By April 1804, Pierre-Joseph received a leave of absence from the Spanish Crown and headed home to West Baton Rouge to contemplate his next career move. By June, he received word that he was to rejoin Spanish forces in Pensacola.[34] Immediately, Pierre-Joseph knew that it was time for his career to end. In a letter to Charles de Grand-Pre, he admitted that he would be unable to continue his military career, contending that "I believe that Louisiana comprises the whole province, although the dividing line has separated the western bank of the river on which all of my property is located. I could not abandon it under any circumstances, because this would mean the ruination of my entire family." In January 1805, Pierre-Joseph submitted his resignation to the Spanish Crown, claiming that his poor health and the loss of his property prevented him from continuing his service. At this time, he also requested that Louis and Philogene, both serving as cadets, be released from

[33] Sébastian de la Puerta Y O'Farril Marques De Casa Calvo to Pierre-Joseph Favrot, 2 December 1803, Ibid., IV : 118-119. See also Proces-Verbal of the Delivery of the Forts of Plaquemines to Gilberto Leonard, Frigate Captain and Agent of the French Republic, By Pierre-Joseph Favrot, 7 December 1803, Ibid., IV: 121-122; Pierre-Joseph Favrot to Sebastian de la Puerat Y O'Farril Marques, 5 April 1804, Ibid., IV: 153. In this letter Pierre-Joseph sends along three inventories to complete his work at the fort. By April 17, Pierre-Joseph was back on Baton Rouge with his family as evidenced by a letter from Manuel de Lanzos to Pierre-Joseph Favrot, 17 April 1804, Ibid., IV: 154-155.

[34] Sebastian de la Puerat Y O'Farril Marques De Casa Calvo to Pierre-Joseph Favrot, 18 May 1803, Ibid., IV: 36.

service. By October 1805, Pierre-Joseph and his sons retired from the Spanish Army although their quest to receive their military pensions would last for several more years.[35]

After thirty years of military service, Pierre-Joseph began life as a civilian and new American. For decades the Favrots were a French family living under the Spanish regime. They benefited from appointments in the Spanish military, but in their daily lives they remained French from their language to their innermost feelings. Very rarely did Louisianans, such as the Favrots, compromise their French identity to appease Spanish officials. Yet they soon learned that the new American government expected them to not only compromise, but to abandon their former French ties.

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With the Louisiana Purchase, the Favrot family again faced another regime and a new government. As American lawmakers attempted to assimilate their newest inhabitants through vehicles of Americanization, they expected Louisianans to show signs of acceptance and attachment. Whether Louisianans sent their children to public schools or verbally espoused their loyalty and affection, American lawmakers monitored them for any indication that they were becoming more "Americanized." Undoubtedly, such demands engendered many challenges for the Favrots. From their language to their cherished traditions, the Favrot family attempted to safeguard their French heritage while integrating themselves into the young republic on their own terms.

A glimpse at the family's extensive papers reveals that during the early years of the territorial period the Favrots remained more focused on their own domestic security than the external

[35] Charles De Grand-Pre to Pierre-Joseph Favrot, 20 June 1804, Ibid., IV: 158; Pierre Joseph to Charles de Grand-Pre, 20 June 1804, Ibid., IV: 158-159; Petition Made by Pierre-Joseph Favrot to King Charles IV of Spain, 15 January 1805, Ibid., IV: 169-170. Louis Favrot would receive his release from the Spanish Crown in February 1806. See Leave of Absence issued by Colonel Manuel Artazo to Cadet Louis Favrot, 28 February 1806, Ibid., IV: 216-217.

presence of the new American government. There is little mention of the actual transfer of Lower Louisiana to the United States or key territorial events such as the Burr Conspiracy. Instead of being consumed with political and public issues, the Favrots focused more on matters that directly affected the family. Pierre-Joseph spent much of his time securing his overdue pension from the Spanish Crown. He also sold and accumulated property and slaves to enhance the family's wealth and status.[36] Pierre-Joseph did, however, monitor happenings in East Baton Rogue and Mobile for any information regarding longtime friends and comrades.[37]

Besides keeping up with the happenings in the Spanish empire, Pierre-Joseph focused his full attention on his family and home. As he oversaw his plantation and slaves, life as a civilian provided him ample time with his family which now included his wife and six children Josephine (19), Louis (17), Philogene (14), Octavine (9), Henri (6), and Eulalie (1).[38] In many ways, Pierre-Joseph escaped the politically and ethnically charged atmosphere of New Orleans into the private enclaves of his family. Having learned valuable lessons under the Spanish regime, the Favrots understood that, despite outside forces around them, the family served as their French sanctuary.

As their children matured, the Favrots' bonds of affection continued to grow. While on a trip to New Orleans, daughter Josephine received a heartfelt letter from her mother expressing her

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[36] Joseph Noriega to Pierre-Joseph Favrot, 8 January 1808, Ibid., IV: 256. In this letter Noriega expresses his joy over the "King having granted your retirement on half pay, as you had requested." At this point it seems that Pierre-Joseph's long struggle to receive his pension ended. Yet other letters indicate that despite the King's approval he failed to get any money. See Pierre-Joseph Favrot to Salvador Muro Salazar, 30 September 1809, Ibid., IV: 308-309; Pierre-Joseph Favrot to The Captain General of Cuba, 1 October 1809, Ibid., IV: 310-311.

[37] Pierre-Joseph Favrot to Francisco Caso y Luengo, 16 December 1808, Ibid., IV: 271. Pierre-Joseph did closely monitor events on the east bank of the Mississippi River as tensions brewed between Spanish and French inhabitants. His longtime friend Charles de Grand-Pre served as the commandant of the Baton Rouge District. As rumors circulated about a possible revolution in Spain, Spanish officials in Havana worried about Grand-Pre's French heritage. When Grand-Pre died from fever while in Havana, Pierre-Joseph became the executor of his estate.

[38] Last Will and Testament of Pierre-Joseph Favrot, 15 May 1805, Ibid., IV: 176.

despair over the distance between them and the "long time it has been since I have kissed you!" The Favrot children reciprocated such loving sentiments. On one occasion, Louis wrote his mother, admitting that he could hardly stand being away from her. His solemn letter also asked her to "give my respects to my dear Papa. I embrace him and my brothers and sisters." Philogene articulated similar heartfelt tidings when he informed his mother that "You may be surprised my dear Mama, that I am not expressing any wishes to you. Alas! The reason is simple …. I am unable to put all that I mean into words: I have to satisfy myself by embracing you a thousand times and letting you guess more of my feelings."[39] Letters from Louis and Philogene often were signed with expressions such as "respectful affection of your obedient son" or "the tenderest wish of your most obedient child."[40] Favrot family letters expose a deeply devoted and affectionate family. Having long relied on the family to deal with the rigors of military life and a foreign government, the Favrots found comfort in their strong family bonds.

Moreover, the Favrots continued to use their home as a place to preserve their French heritage. They continued to speak French as well as remain in contact with extended family in Spanish Baton Rouge and France. These ties allowed them to combat the encroachment of the new American government and reinforce their French identity. Also Pierre-Joseph and Marie-Francoise continued to stress the importance of adhering to French traditions. In February 1810, Pierre-Joseph accompanied Josephine and Octavine to New Orleans to receive their first communion. As his daughters engaged in one of Catholicism's most important sacraments, they also experienced another one of France's sacred traditions—Mardi Gras. Arriving in New Orleans at the heart of

[39] Marie-Francoise Gerard Favrot to Josephine Favrot, 25 April 1810, Ibid., V: 26; Louis Favrot to Marie-Francoise Gerard Favrot, 23 June 1809, IV: 299; Philogene to Marie-Francoise Gerard Favrot, 1 January 1813, Ibid., IV: 112,

[40] Philogene Favrot to Pierre-Joseph Favrot, 29 June 1812, Ibid., V: 76; Philogene Favrot to Pierre-Joseph Favrot, 5 August 1812, Ibid., V: 85.

Carnival, Pierre-Joseph reveled in the fact that his daughters would have the opportunity to attend balls and partake in the French celebrations.[41]

As they schooled their children in all things French, Pierre-Joseph continued to implement his *Education Manual*. Furthermore, he provided his children with more practical skills about running a plantation and the planting seasons. Marie-Francoise focused more on her children's decorum. In her many letters, she provided snippets of advice regarding manners and proper public behavior. After she inquired about Philogene's sleeping arrangements on one trip away from home, the loyal son quickly replied that "I have not been in any questionable homes. I feel I would find myself out of place there." She even instructed her sons on matters of the heart. At one point Philogene thanked his mother for her opinions regarding the opposite sex, admitting that "nothing is more true than your remark about the female enemies. I fear them more than any others."[42] Pierre-Joseph and Marie-Francoise groomed their maturing children to become respectable adults and to be ready to deal with the challenges of living under a new government.

The Louisiana Purchase did little to change the Favrot's private lives. Pierre-Joseph and his wife ensured their home remained a French refuge that safeguarded their family's colonial heritage. At times, their efforts put them at odds with the American government. They ignored Claiborne's educational program, choosing to school their children at home using Pierre-Joseph's faithful manual. The fact that they failed to engage in many territorial debates or weigh in on important issues, to many lawmakers, served as an indication that the Favrots were indifferent to

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[41] Pierre-Joseph Favrot to Philogene Favrot, 8 February 1810, Ibid., V: 4-6. Here he tells Philogene that he hopes that Octavine will have the chance to "take twenty or twenty-five dancing lessons and to go to the theater two or three times." Marie-Francoise Gerard Favrot to Josephine Favrot, 26 February 1810, Ibid., V: 6-14; Pierre-Joseph Favrot to Philogene Favrot, 12 March 1810, Ibid., IV: 15. Here Pierre-Joseph admits to this son that he is anxious to see the communion ceremonies end "because I want to give Octavine eight to ten days of amusement before leaving."

[42] Philogene Favrot to Marie-Francoise Favrot, 12 October 1812, Ibid., V: 92.

the new American government. However, one must not assume that just because the Favrots failed to mention or discuss such events that they were ambivalent. At times historical participants reveal much more by what they fail to say. Following the Louisiana Purchase, the Favrots continued their copious correspondence not only amongst each other but also with friends and family. Their letters addressed important events from happenings in the Spanish Empire to mundane details from an occasional fever to the rising cost of sugar. Therefore, it seems safe to assume that if the Favrots harbored strong opinions regarding the Louisiana Purchase or early territorial events they would have divulged them in their many letters. The absence of such talk simply demonstrates that the Favrots' primary concerns rested within the family. For Pierre-Joseph and Marie-Francoise, obtaining financial security and raising their children were more important than the charged debates in New Orleans or the malicious schemes of men like Aaron Burr. The fact that they did not seem consumed with the new American presence, furthermore, proves that they had long become accustomed to handling the realities of a regime change. They looked to the things that had provided them solace in the past. The family supplied the familiarity of their colonial heritage and ensured their survival in a new environment.

As the Favrots turned to their strong family bonds to ease the transition to life in the new American republic, they also employed other techniques to shape their incorporation. Much like Creole politicians in New Orleans, the Favrots often resisted aspects of Americanization programs that challenged their French heritage. However, they also utilized cooperation and attachment to demonstrate their willingness to assimilate. After years of isolation, the Favrot family became more active in territorial issues. This renewed interest might be attributed to Pierre-Joseph's trip to New Orleans in February 1810. Although there to chaperone his daughters, this trip was the first time the aging Frenchman visited the Crescent City since he was a commander in the Spanish military.

Pierre-Joseph was amazed by how much the thriving port city had changed, forcing him to admit to his son that it was virtually unrecognizable.[43] Perhaps the realization that Louisiana was changing as he remained tucked away on his West Baton Rouge plantation prompted him to take a second look at his new surroundings. Pierre-Joseph's short time in New Orleans reminded him that he belonged in the United States and that he needed to prepare his family to be good citizens of their newest country.

Pierre-Joseph's new interest was shared by other members of the Favrot family. By the later part of the territorial period, Favrot correspondence reveals that publicly the family made conscious efforts to Americanize by showing their growing attachment to the United States. Both Louis and Philogene joined the military, no doubt at the urging of their father. In 1807, Louis received his first military commission as an ensign in the 7th regiment of the Militia of the Orleans Territory. Within four years, he advanced to the rank of captain. Despite his promotion, Louis hoped to advance even further within the ranks of the Louisiana militia. In May 1813, Governor Claiborne attended a ball in East Baton Rouge where Pierre-Joseph used this opportunity to speak with the governor about his son. Within a month, Claiborne made Louis a major in the 8th regiment of the Louisiana militia.[44]

As Louis's duties kept him near Baton Rouge and New Orleans, his younger brother Philogene enjoyed a much more eventful military career. At the age of twenty, Philogene received a commission to serve as an ensign in the 24th Regiment of the Infantry of the Army of the United

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[43] Pierre-Joseph Favrot to Philogene Favrot, 8 February 1810, Ibid., V: 5.

[44] Military Commission Issued by Governor William C. C. Claiborne to Louis Favrot, 5 October 1807, Ibid., IV: 251; Military Commission Issued by Governor William C.C. Claiborne, 13 June 1811, Ibid., V: 55; Louis Favrot and Marie-Francoise Gerard Favrot to Philogene Favrot, 13 May 1813, Ibid., V: 153; Military Commission Issued by Governor William C. C. Claiborne to Louis Favrot, 28 June 1813, Ibid., V: 169.

States. His duties included recruiting soldiers which became even more important as the War of 1812 began. His military responsibilities continued to keep him near New Orleans until his regiment was deployed to Tennessee in September 1813.[45]

Philogene stayed in Tennessee for only a short time before his regiment continued on to Kentucky. There Philogene advanced to a second lieutenant and learned that his recruiting duties were over and that his unit was headed north to reinforce troops fighting near Canada.[46] By April 1814, his regiment arrived at Fort Sandusky, located about thirty-six miles from Lake Erie. He practiced field medicine for nearly a month until his unit crossed over into Malden, Canada, arriving in Detroit on May 26, 1814. In July, portions of his unit were dispatched to Fort Michilimackinac located at the junction of Lake Huron and Michigan. On August 4, Philogene faced his first combat experience as he and 700 men engaged in open battle with the British and their Indian allies. Although American forces defeated the enemy, sixty-six of Philogene's comrades died. Following the battle, Philogene headed back to Detroit where he remained for several days before he received orders to resume his recruiting duties in Mobile.[47] In December 1814, Philogene, now a first lieutenant, arrived in Mobile where the fighting had largely subsided.

Military service provided Philogene with a chance of a lifetime to see his new country. He served with men from all over the United States and ventured far from his Baton Rouge home. In

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[45] William Eustis to Philogene Favrot, 14 March 1812, Ibid., V: 66; Military Commission Issued to Philogene Favrot as an Ensign in the Twenty-Fourth Infantry Regiment, 23 July 1812, Ibid., V: 80-81. Philogene Favrot to Marie-Francoise Gerard, 5 July 1813, Ibid., V: 170.

[46] Philogene Favrot to Louis Favrot, 16 November 1813, Ibid., V: 186-187.

[47] Philogene Favrot to Louis Favrot, 11 October 1814, Ibid., V: 225-227. At times Philogene did not give his family accurate information about his whereabouts. He told them he was at Fort Meigs in Ohio, not Fort Sandusky. Also he mentioned little of his combat experience. In this letter his gives his brother the true story since "I have promised to tell you some things that would surprise you, my dear brother." Philogene Favrot to Marie-Francoise Gerard Favrot, 15 July 1814, Ibid., V: 208; Philogene Favrot to Josephine Favrot, 18 October 1814, Ibid., V: 229.

his unit alone, Philogene served alongside an Irishman from Pennsylvania and several Americans from different states. He also encountered a variety of unfamiliar Americans customs. In Nashville he noticed that "duels are such rare events that fathers describe them to their children, who do not forget them for as long as they live." He found that people in Tennessee and Kentucky tended to be more pious, contending that "Papa would spend a great deal of money if he were here because some judges fine a man fifty cents every time he swears." He even found that such strong piety kept women from dancing even on weekdays, something quite strange to a Frenchman long versed in the art of dancing.[48]

Philogene's service in the 24th Infantry also strengthened Favrot family bonds. Upon leaving his Baton Rouge home to report for duty in New Orleans, Philogene lamented leaving his family. "I think each minute is bringing me further from the only people who bring life to me; that I am going to be separated from them for a considerable length of time of unknown duration," he sadly wrote in his journal. "Such thoughts throw me into a profound sadness." His letters continued to become more affectionate as he spent time away from home. To his brother Louis he signed one letter "Farewell dear brother. I embrace you with my soul but with my eyes closed."[49]

Philogene's separation was often eased by letters from his family. He and Louis often spoke about their military service, local gossip, and their future wives. Philogene once wrote his brother wishing for him a "young wife who is gentle, witty, virtuous, sensitive, and belongs to a good family. I would not want her to be wealthy, because money does not bring happiness, but I do hope she would be rich enough to supply the needs of an easily satisfied man like you." His sister Josephine

[48] Philogene Favrot to Marie-Francoise Gerard Favrot, 28 September 1813, Ibid., V: 176; Philogene Favrot to Marie-Francoise Gerard Favrot, 24 October 1813, Ibid., V: 178-179.

[49] Journal of Philogene Favrot, 29 March 1813-22 June 1813, Ibid., V: 117-117-118; Philogene Favrot to Marie-Francoise Gerard Favrot, 15 September 1812, Ibid., V: 90; Philogene Favrot to Louis Favrot, 16 July 1812, Ibid., V: 80.

often disparaged him for allowing his flippant romances to prevent him from writing her more often. "Really, I cannot understand how three little crickets of Faubourg St. Mary can make you forget your family," she scolded, "Confound this vain little girl who is making you lose your head! We have to believe that when love fires certain hearts it cools off filial love, brotherly tenderness, and friendship."[50]

As the Favrot children stayed well connected with their traveling brother, Pierre-Joseph and Marie-Francoise continued to guide their son from afar. Pierre-Joseph often instructed his son on how to deal with Americans, recommending that "if people take you for a physician, it might be very profitable. If you are mistaken for a lawyer, do like Niveson and make them pay ahead for your advice." Marie-Francoise monitored her son's propriety by always inquiring about his sleeping arrangements and the company he kept. At one point she must have disapproved of his behavior as Philogene informed her that "On reaching the part of your letter where you said vous [to show disapproval] to me, I started to take off my hat, expecting a big scolding."[51]

Philogene's time in the United States Army, although often lonely, served as an Americanizing experience. In August of 1812, he was passed over for a promotion to serve as General James Wilkinson's *aide-de-camp*. He remained convinced that he failed to advance because he did not speak English. To avoid missing another such opportunity, Philogene used his military assignments to learn English. In a letter to his mother, he admitted that "I remain in this service

[50] Philogene Favrot to Louis Favrot, 1 January 1813, Ibid., V: 113; Josephine Favrot, Louis Favrot, and Marie-Francoise Gerard Favrot to Philogene Favrot, 20 July 1813, Ibid., V: 172.

[51] Louis Favrot, Marie-Francoise Gerard Favrot, and Pierre-Joseph Favrot to Philogene Favrot, 28 October 1813, V: 185-186; Philogene Favrot to Marie-Francoise Gerard Favrot, 18 November 1812, V: 99-100. In this letter, Philogene addresses a comment his mother made about being overbearing and trite to which he responded, "Do not imagine that your letters can bore me; without them your absence would be unbearable. Do no remain silent, I beg of you." Also see Philogene Favrot to Marie-Francoise Gerard Favrot, 15 September 1812, V: 93. Here Philogene tries to ease his mother's fears regarding his behavior, claiming that "Your fears about me have no foundation, so stop worrying. I am taking my meals with a young lieutenant who came with me from the city."

only to learn English." In later letters, he informed his mother that he often experienced humiliation "by not being able to speak English.[52] As he perfected English, Philogene also became enthralled with territorial politics. While serving in New Orleans, Philogene observed the hotly contested gubernatorial race between William C.C. Claiborne and Jacques Villeré. "The Governor's election and other elections have greatly agitated the two opposing parties [Creoles and Americans]," he reported to his brother. He went on to inquire about his brother's political selections, stating that "I hope, my dear friend, that being a Creole, you voted for one of your fellow citizens."[53] His short time in New Orleans exposed Philogene to ongoing ethnic and cultural disputes between *ancient* Creoles and American lawmakers. It did not take long for Philogene to feel sympathy for his Creole counterparts and empathize with their cause.

Philogene's growing familiarity with the English language and American politics undoubtedly allowed him to become more acquainted with American life. His military service also allowed him to cultivate a greater attachment to his country. At one point during his time up North, the Favrot family received a letter informing them that Philogene was caught in a skirmish where his horse was killed out from under him as bullets whistled by his head. Upon hearing this news, Pierre-

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[52] Philogene Favrot to Pierre-Joseph Favrot, 5 August 1812, Ibid., V: 83-84; Philogene Favrot to Marie-Francoise Gerard Favrot, 1 January 1813, Ibid., V: 111.

[53] Philogene Favrot to Louis Favrot, 25 July 1812, Ibid., V: 77. Philogene went on to inquire about the election results in Baton Rouge, claiming that "I believe that the county poll will resemble it [city results] a great deal." Jacques Villeré was one of Louisiana's *ancient* Creoles. His grandfather, Etienne Rio de Villeré, accompanied some of the first settlers to Louisiana when it first became a French colony. His father went on to serve as the Naval Secretary of Louisiana under the French. Born in 1761 on the German Coast, Jacques was educated in France and served in the French Army in St. Domingue in 1776. After the Louisiana Purchase, he accepted several jobs in the territorial administration, serving as the Major General of the territorial militia, a Police Juror in Orleans Parish, and a Justice of the Peace for St. Bernard Parish. His longtime service earned him the respect of his peers and he sat alongside Julien Poydras and others to draft Louisiana's state constitution in 1812. That same year he ran for governor against Claiborne, but lost because the Creole votes were split between him and longtime resister Noel Destrehan. Following his defeat for governor, Villeré went on to command the First Division of the Louisiana Militia in the Battle of New Orleans. In 1815, his political hopes came to fruition when he was finally elected governor of Louisiana. He retried from politics in 1824 and died in March 1830.

Joseph immediately wrote to his son begging him "to resign your commission and come back to live in the midst of our family, where you will be able to find a good position and live honorably." When Philogene received this letter he responded by asking his father, "you don't mean this do you? At the moment when my regiment (most of which is here) receives the order to reinforce the garrison at Mobile; at the moment when my fellow countrymen are called upon to defend their homes; at the moment when rest would be a torment for me; you want me to renounce my seniority and rank."[54] Philogene's letter illustrates a monumental transition. For years, his family served as an asylum from the changing landscape of Lower Louisiana; however, his military service exposed him to his new surroundings and aided him in fostering attachment to the United States. When New Orleans faced an invasion and the United States was in danger, Philogene felt compelled to do his civic duty. It appears that military service Americanized Philogene Favrot. In turn, his service allowed him to fulfill one of the most important requirements for American citizenship.

Louis and Philogene's military service provides an excellent example of how the Favrots employed cooperation as a means to assimilate into the American Union. At a young age, both sons joined the Spanish Army as cadets. Thus it is conceivable that they could have easily rejoined the Spanish Army. With Baton Rouge still under Spanish control and plenty of family friends in high-ranking positions, the young men could have easily secured decent commissions within the Spanish ranks. Yet they chose to enlist in the American military. Although both sons

[54] Philogene Favrot to Pierre-Joseph Favrot, 6 October 1814, Ibid., V: 221-222. Philogene went on to plead with his father, "you want me to resign in order to return home (however appealing home is to me) that I may be compelled to leave before long to serve as a simple militiaman?" He also dispelled the rumors forwarded by Fergus, claiming that "It is true that I heard several bullets whistling by and that a few men were killed near me." Philogene Favrot to Louis Favrot, 11 October 1814, Ibid., V: 227.

wrote little about their motivation to serve alongside Americans, their hopes of fulfilling their family's civic duty must have been a strong motivating factor. [55]

The Favrot sons were not the only members of the family to display their growing affection. Pierre-Joseph, like so many of his Creole counterparts, looked to political participation to demonstrate his family's loyalty to the United States. In the summer of 1814, Pierre-Joseph was elected to the Louisiana state legislature. By December, he arrived in New Orleans to begin his new appointment. His new political duties soon threw him into the government's feverish preparations for the Battle of New Orleans.[56] Although many Creoles used political activism to resist the American government, Pierre-Joseph's role as a legislator not only sealed his family's bond to American republican principles, but also allowed him to help defend his new country in a moment of peril.

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Despite their affinity for all things French, the Favrot family invoked several strategies to shape their incorporation process. At times the private enclaves of the family allowed them to preserve crucial aspects of their French heritage and their existing colonial ties. This often put them at odds with Claiborne's education programs and major territorial debates. The Favrots, however, made attempts to show their growing assimilation publicly. The Favrot sons' military service demonstrated that they were willing to do their duty to their new country, while Pierre-Joseph's

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[55] Philogene Favrot to Marie-Francoise Gerard Favrot, 8 June 1813, Ibid., V: 163-164. In several letters to his mother, Philogene attempted to explain why he chose to join the United States Army rather than serving with his brother in the Louisiana infantry. "When I was tempted to join the Louisiana regiment, I did not know that I could be discharged in peacetime, which might come any day," he explained. He went on to argue that a commission in the regular forces was much more advantageous since "it is much more respected than others; furthermore, its officers remain in cities or forts and are not subject to go on marches."

[56] Pierre-Joseph Favrot to Philogene Favrot, 16 September 1814, Ibid., V: 219; Neuville DeClouet to Pierre-Joseph Favrot, 5 January 1815, Ibid., V: 134-135.

election to the state legislature revealed that even the most ardent Creole could gradually learn and accept the principles of the American government.

Outside of the public political arena, Louisiana elites like the Favrots found ways to dictate the incorporation process. Their home remained a French sanctuary that safeguarded their colonial heritage and family values. Yet publicly, the Favrots demonstrated their attachment by choosing to participate in the republican government as well as the defense of Lower Louisiana. Their efforts often brought them closer together and brought them even closer to their adopted American family. Where American lawmakers often saw Louisianans failing to assimilate, Louisianans often saw themselves striking the essential balance between their private preservation and public negotiations in the Orleans Territory.

Chapter Five: "The Chosen Men of Color": Free People of Color in a New Racial Hierarchy

Feeling the effects of the unusually hot weather in his full military gear, Noel Carrier stood in formation next to longtime friends and comrades waiting in anticipation for the day's festivities. As the ceremony began on the afternoon of December 20, 1803, Carrier reflected back on his long military career in the service of the Spanish Crown. He remembered being promoted to captain of the *morenos* in the *milicia de color*, the many battles with neighboring Indians, and chasing runaway slaves through the swampy bayous. As he watched the French flag come into view, the tricolors caused him to pause as he remembered that it was under the French regime that he was emancipated from slavery and allowed to live as a free man. Finally, as he caught a glimpse of the ascending American stars and stripes, Carrier remembered leaving his young bride Marianne to assist Anglo-Americans in the American Revolution. Although many spectators that day celebrated the transfer of French Louisiana to the United States, Noel Carrier quietly commemorated an extraordinary life and the accomplishments of Lower Louisiana's free people of color.[1]

Lower Louisiana's racial composition has long been the subject of history and fiction. From the secret world of the quadroon balls to Congo Dances, many find that Lower Louisiana represents a racial anomaly. At the time of the Louisiana Purchase, even American lawmakers recognized the unique racial landscape of their newest land acquisition. As Americans spent nearly two centuries codifying racial contempt and white supremacy, Lower Louisiana's colonial history engendered a special class of free people of color that possessed freedoms unparalleled in nineteenth-century America.

[1] Pierre Clément de Laussat, *Memoirs of My Life*, 90.

The first African slaves arrived in Louisiana in 1719 along with French settlers in John Law's Mississippi Company. For the next several decades the slave population grew through natural increase and direct importation from Africa. Very quickly, slaves in colonial Louisiana assumed a quite different role than their counterparts in British North America. Louisiana's first white settlers were ill-equipped to handle the rigors of the wilderness, forcing them to rely on their slaves for food and other vital resources.[2] The colony's inadequate numbers also compelled white settlers to use their slaves to defend against neighboring Indians. By 1739, French authorities created a permanent company of black militiamen to fight Indians and help build fortifications and levees. French settlers' heavy reliance on their chattel provided slaves with privileges that often undermined regulations established in the *Code Noir* and ultimately promoted slaves as an essential group.[3]

Within a decade of settlement, free blacks appeared in colonial Louisiana. In 1731, Governor Perier reported that several Indians and "free blacks" had been massacred in a raid. His dispatch clearly distinguished these victims as free people of color or *gens de couleur libre* rather than *gens de couleur* which designated African slaves. Although little is known about the origins of free blacks in colonial Louisiana, historians believe that a growing number of manumissions contributed to their existence. Over time, this group of free blacks took on a dynamic role in colonial Louisiana.[4]

[2] Jerah Johnson, "Colonial New Orleans: A Fragment of he Eighteenth Century French Ethos," *Creole New Orleans*, 32-33. Johnson estimates that over two-thirds of Louisiana's first settlers were craftsmen with little agricultural knowledge or skills. See also Gwendolyn Midlo Hall, "The Formation of Afro-Creole Culture," *Creole New Orleans*, 61.

[3] Alice Moore Dunbar-Nelson, "People of Color in Louisiana," 10; Hanger, *Bounded Lives, Bounded Places,* 40-42.

[4] Ibid., 11-12. In 1735, Governor Bienville reported that his military rolls contained bands of Negro slaves commanded by free blacks.

Under the Spanish regime, however, *libres* thrived. It is estimated that by 1805, 1556 free blacks lived in New Orleans. Immigration from Haiti and other Caribbean islands as well as natural increase explain such growth.[5] Spanish officials also helped to enhance these numbers by allowing more slaves to enter the free black population. In addition, Spanish policies promoted libre rights by allowing them to arrange contracts, own and transfer property, and bring suit in civil litigation. These new laws allowed many free blacks to accumulate enough wealth to own thriving businesses and slaves. Besides participating in the commercial activities of colonial Louisiana, *libres* served in the Spanish military.[6] Spanish policies gradually placed *libres* like Noel Carrier in a middle stratum that allowed them to freely interact with white society while having a separate identity from slaves. By the time the United States took possession of French Louisiana, *libres* helped create Lower Louisiana's unique three-tiered racial hierarchy.

Although the day's events made Carrier quite nostalgic, they also filled him with apprehension over an uncertain future. He wondered if the new American presence signaled an end of an era for free people of color in Lower Louisiana. He worried that Americans' white supremacist ideology might undermine the rights and privileges *libres* enjoyed. Carrier also recognized the irony of the day's events. Less than thirty years before he and other free black soldiers fought against the British in the Gulf Coast, which in turn helped Anglo-Americans secure their independence under the banner "all men are created equal." Carrier could not help but wonder if Americans included Lower Louisiana's free black population under this Enlightenment idea. Would Americans

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[5] Hanger, *Bounded Lives, Bounded Places*, 1-2, 12. See also *New Orleans in 1805: A Directory and A Census Together with Resolutions Authorizing Same Now Printed for the First Time From the Original Manuscript* (New Orleans: The Pelican Gallery Inc.,1936).

[6] Ibid., 111-113.

acknowledge that every aspect of Louisiana's founding, growth, and survival depended on free people of color? Would Americans extend *libres* the same rights they helped them secure so many years before?

Carrier's anxiety was certainly not unwarranted. Governor Claiborne and other American officials saw Lower Louisiana's unique racial composition as one of the most pressing issues facing lawmakers. Over the course of several years, American officials sought to redefine the status of *libres* hoping to emulate the strict racial hierarchy found in the United States. Hoping to solidify white supremacy in the Orleans Territory, the territorial legislature passed a new Black Code. The 1806 act forced free blacks to more subordinate roles, creating a rigid society of whites and non-whites.[7] As the new code attempted to circumscribe the status of free blacks, territorial officials also sought to diminish *libres*' role in the military. Although the *militia de color* remained in existence following the Louisiana Purchase, territorial lawmakers systematically neglected the black corps. By the end of the territorial period, white Creoles and American lawmakers managed to impede *libres'* typical avenues of autonomy and citizenship. Free people of color, like white Creoles, were forced to adapt to a new American presence and find strategies of negotiation. Yet they would face a different set of challenges than their white counterparts. Besides maintaining their colonial heritage and gaining American acceptance, free blacks had to combat a strong white supremacist ideology that demoted them to second-class citizens.

Dying just one year after the transfer ceremony, Noel Carrier would not live to see many of his concerns vindicated.[8] Rather his son, Noel Carrier Jr., would carry the burden of Americans' strict

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[7] Kastor, *The Nation's Crucible*, 82.

[8] Noel Carrier Sr. died on December 5, 1804. *Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans*, ed. Charles E. Nolan (New Orleans: Archdiocese of New Orleans, 1993-1999), Volume 8.

racial hierarchy and confront the challenge of securing a place for himself and all free people of color in the young republic. His life illustrates that *libres* made substantial efforts to maintain their colonial rights despite American policies that sought to marginalize them. Through kinship networks, property ownership, and military service, *libres* continued to utilize their colonial heritage and their parents' legacy as bargaining chips with lawmakers and white Louisianans. Ultimately, free blacks employed innovative techniques in order to secure citizenship in an increasingly hostile racial environment.

The men who participated in the *milicia de color* were often referred to as the "chosen men of color." Their status gave them a prominent role in the *libre* community and colonial Louisiana. Noel Carrier Jr. and the sons of these chosen men of color would have a much different battle than their fathers. They did not fight a strong military foe but a government that sought to expunge their special racial status and destroy Louisiana's unique racial hierarchy. Equipped with the lessons imparted by their fathers and a strong colonial heritage, Carrier and other *libres* fought to live as free men in the United States.

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It is impossible to comprehend the experience of Noel Carrier Jr. and other *libres* in territorial Louisiana without first understanding the role free people of color played in colonial Louisiana. Like other European colonists, the early founders of France's southern colony had to contend with many of the rigors of the North American wilderness. Precarious relationships with neighboring Indians coupled with environmental challenges made the initial settling of Lower Louisiana an arduous task. Historians have also found that the composition of the colony only exacerbated these demands. The first settlers to Louisiana consisted of many gentlemen accompanied by debtors,

prisoners, and other undesirables from Canada. Lacking any real knowledge of farming, these settlers established vital relationships with the colony's Indians. Furthermore, slaves supplied needed labor to keep the early settlement afloat.[9] Besides relying on slaves for food and shelter, French settlers soon began using them to defend the colony from foreign and Indian threats. As early as 1729, Governor Perier armed a band of slaves to defend New Orleans against the Choctaws.[10] Throughout the French period, imperial officials counted on slave soldiers in desperate times. The realities of the wilderness and colonial demands allowed slaves to assume a special role in colonial Louisiana.

Despite the services slaves provided, white Louisianans sought to create a society that promoted white supremacy and the institution of slavery. In hopes of solidifying their control over their chattel, colonial officials drafted and implemented the *Code Noir* in 1724. Borrowed from the Caribbean model, the *Code Noir* restricted slave's mobility, regulated relationships between slaves and Indians, and prohibited slaves from carrying weapons or assembling without white supervision. Although the *Code* placed many restrictions on slaves and crafted a clear racial barrier, it also revealed slaves' unique role in colonial Louisiana. Historian Jerah Johnson finds that the *Code Noir* attempted to integrate slaves into the larger community with common social rights. It stipulated, for instance, that slaves were to be instructed in the Christian faith and receive Catholic sacraments. Colonial officials encouraged slave marriages and baptisms overseen by masters and clergymen. Moreover, the *Code* defined a master's responsibilities that included taking care of sick and disabled slaves as well as providing proper food, shelter, and clothing. Although some of the *Code's* provisions seem contrary to the racial contempt that officials intended to engender, early

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[9] Johnson, "Colonial New Orleans," 32-33; Hall, "The Formation of Afro-Creole Culture," 61.

[10] Dunbar-Nelson, "People of Color in Louisiana," 10.

Louisianans used the *Code Noir* to control slaves while also acknowledging the valuable role they played in Lower Louisiana's survival.[11]

The *Code Noir* also helped promote a new class of blacks in colonial Louisiana, the free person of color. In 1731, Governor Perier mentioned that *gens de couleur libre* were killed in an Indian raid. His used of the word *libre* indicated that these men were not slaves but free black men. There must have been a small group of *libres* in Louisiana before this date since the *Code Noir* dedicated several provisions to the status of "freed or free-born negroes." It stated, for instance, that if a child was born to a slave father and a free woman of color, that the child would "share the condition" of its mother. This language acknowledges two important realities. First, under the French a substantial number of slaves were freed from bondage and entered into the *libre* class. This can be explained through the *Code Noir's* liberal manumission policy that allowed masters to free slaves for various reasons from loyal service to old age. Colonial officials also contributed to the growing *libre* population by granting freedom to slaves who showed valor on the battlefield. On one occasion, nearly fifty slaves gained their freedom by assisting colonial forces in suppressing the Natchez Revolt.[12]

More importantly, the *Code Noir* illustrates that *libres* were present in colonial Louisiana as early as 1724. As more slaves received freedom, they contributed to the strength and numbers of the *gens de couleur libre.* Thus by the time the *Code* was drafted there were enough *libres* to merit its

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[11] Johnson, "Colonial New Orleans," 42.

[12] Roland C. McConnell, *Negro Troops of Antebellum Louisiana: A History of The Battalion of Free Men of Color* (Baton Rouge: Louisiana State University Press, 1968.) 14; H.E. Sterkx, *The Free Negro in Ante-Bellum Louisiana* (Rutherford: Fairleigh Dickson University Press, 1972), 26-27.

final provision which stated that free people of color were to receive the same "rights, privileges, and immunities which are enjoyed by free born persons."[13]

As the *Code Noir* served to control Louisiana's slave population, it remained flexible as the demands of the colony required. One particular deviation came in arming slaves. Although slaves were prohibited from having their own weapons, French officials armed them when necessary. When Indians invaded the Natchez settlement in 1729, Louisianans turned to every able-bodied man in the colony. The initial attack claimed the lives of nearly 200 settlers and caused the destruction of farms and crops. Governor Perier had only 400 men available to fight as more Indians joined the massacre and made their way through the colony. Fearing an invasion of New Orleans, Perier looked to slaves and free people of color to provide much needed manpower. Along with white soldiers, slaves and free blacks met Natchez warriors near Point Coupee where they demonstrated "surprising valor"[14] As the conflict continued, Jacques De La Chaise, the president of the Superior Council of Louisiana, drafted a memorial advocating the formation of a permanent company of black soldiers to be ready at all times to defend Louisiana. Chaise's proposal failed to immediately materialize, but French officials continued to use black volunteers in their ongoing struggle against the Natchez Indians and their Choctaw allies. In April 1736, Governor Jean Baptiste le Moyne, Sieur de Bienville, assembled nearly 140 slaves and free black troops to take on the Natchez in Mobile. He placed forty-five of these troops under the command of free black officers. As expeditions against the Indians continued, black recruits increased, forcing French officials to form a separate *negres' libres* company.[15]

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[13] *Code Noir.*

[14] McConnell, *Negro Troops of Antebellum Louisiana*, 7.

[15] Ibid., 12-13.

When French campaigns against the Natchez ended in 1740, black soldiers, both slave and free, had not only found a new avenue of freedom, but a vital means of establishing a special status in the community. Many slaves received their freedom as reward for their service, while free blacks gained valuable experience that would make them even more viable and needed members of the colony. Although the French never used black troops in any other major engagements, they had created a distinct black fighting force that would continue long after the French left Louisiana.

When the French ceded Lower Louisiana to the Spanish in the wake of the Seven Years' War, Louisianans confronted their first regime change. *Libres* became willing beneficiaries of new Spanish policies that enhanced their numbers and group identity. Under the Spanish, the population of *libres* continued to grow. One historian estimates that at the time the Spanish obtained Lower Louisiana free people of color made up about 7.1% of Louisiana's population. By 1805, just two years after the Louisiana Purchase, this number increased to nearly 33.5%.[16] Immigration from the Caribbean and natural increase undoubtedly contributed to such growth. Spanish policies, however, also promoted growth. Where the French relied on slaves and free people of color for survival, the Spanish found them useful in combating hostile Frenchmen resentful of the new imperial regime. Replacing the *Code Noir*, the Spanish implemented a new set of provisions known as O'Reilly's Laws. It is clear that these policies upheld white supremacy and a slave society, but also served to forge unity between the Spanish government and Louisiana's burgeoning free black population. O'Reilly's Laws codified the practice of *coartacion* which allowed slaves to "purchase their freedom for a stipulated sum of money agreed upon by their master or the Spanish courts." What made this law so unique is that a slave did not need

[16] Hanger, *Bounded Lives, Bounded Places*, 12.

his/her master's permission to initiate the court proceedings. Furthermore, O'Reilly's Laws allowed masters to free slaves without receiving permission from the Superior Court as the French required. From self-purchase to a third party securing the freedom of a slave, Spanish policies made freedom the gift of the Crown rather than a benevolent master. In essence, the Spanish tried to make loyal free blacks, grateful for their new-found freedom, important allies against foreign invaders and disgruntled white Creoles.[17]

Spanish policies, moreover, gave free blacks many new privileges that provided them the means to start thriving businesses and acquire property. O'Reilly's Laws allowed slaves and free blacks to receive donations and gifts from former masters and white kin. Don Marcos de Olivares bequeathed to his slave daughter Maria Josepha not only her freedom but also two thousand pesos, several pieces of furniture, and silver. Such gifts allowed free blacks to purchase and possess luxury items and accumulate real estate and slaves. Although *libres* owned fewer slaves than their white counterparts, slave ownership became an important means for free blacks to associate themselves with white society and distinguish themselves from black chattel. Many *libres* also used such gifts and donations to help other slaves secure their freedom and join the free black community. [18]

Besides using monetary gifts to acquire real estate and other property, free blacks utilized favorable Spanish policies to start businesses. In a society of masters and slaves, free blacks assumed a middle stratum in the commercial hierarchy. Excluded from professional and

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[17] Ibid,. 25. Sterkx, *The Free Negro in Ante-Bellum Louisiana*, 37-39. According to Sterkx, Spanish laws allowed slaves to become free even if their master opposed the emancipation.

[18] *Code Noir.* The *Code* prohibited whites from bestowing any monetary or propertied gifts and donations to their slaves or free blacks. See also Hanger, *Bounded Lives, Bounded Places*, 70-73. Sterkx, *The Free Negro in Ante-Bellum Louisiana,* 55-57.

government positions, free blacks supplied the bulk of Louisiana's skilled labor as carpenters, shoemakers, and blacksmiths. Many of these skills free blacks learned while slaves. In turn, second-generation *libres* typically worked in the same profession as their fathers and other male relatives. *Libre* women also worked in the service sector as seamstresses, laundresses, and even tavern keepers.[19] Spanish imperial officials also provided *libres* with many employment opportunities. They hired *libres* to fix and build levees, bridges, and roads. Juan Bougin, a free black carpenter, received a handsome salary from the Cabildo for work he did on a bridge in the Carondelet Canal cemetery. Working for the crown often allowed free blacks to accumulate property to invest in other businesses or join partnerships. For example, Marie Louise, a free black woman, had enough money to financially support the business endeavors of a white blacksmith, Nicholas Duquenay.[20] Ultimately, the Spanish provided new channels of autonomy for free blacks, encouraging them to accumulate property, build important economic partnerships, and create thriving businesses.

As Spanish officials promoted *libre* involvement in the commercial sector, they also encouraged their participation in the military. In 1762, Spanish authorities sought to reorganize their imperial forces throughout their vast empire. During the Cuba restructuring, officials reorganized the historic *milicia de color* by creating two separate companies. The first company consisted of free *pardos* or light skinned *libres* who had traces of white ancestry. The second company, the *morenos* (dark-skinned), consisted of black troops more recently freed from bondage.[21] In 1769,

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[19] *Hanger, Bounded Lives, Bounded Places*, 58-59. A 1795 Census reveals that outside of agricultural jobs, free blacks worked in artisan occupations.

[20] Sterkx, *The Free Negro in Ante-Bellum Louisiana,* 58-60.

[21] McConnell, *Negro Troops of Antebellum Louisiana*, 16.

newly-appointed Spanish governor Alesandro O'Reilly arrived in New Orleans to implement the militia reorganization. Upon taking a census of Louisiana, O'Reilly created four white military units and a company of *libres.* Just one year later, he appointed a free black man, Pedro Simon, as the captain and commander of the free *pardo* and *moreno* militia. Along with Simon, several other prominent free blacks were commissioned as officers in the Spanish Army. O'Reilly also extended *libres* the right of *fuero militiar* which was a set of special military privileges that included retirement and death benefits, the right to bear arms, as well as equal pay. More importantly, *fuero* provided *libres* privileges that even members of the white community did not possess. As one historian argues, *fuero* "placed the holder [*libre*] above and apart from the rest of society and in effect constituted the militia as a social elite."[22] O'Reilly included free blacks in this social elite, elevating their status in the Louisiana social structure.

In 1779, Louisiana's reorganized *milicia de color* received its first orders as Spain declared war on Great Britain. Louisiana Governor Bernardo de Galvez quickly assembled his forces to expel the British from the Gulf of Mexico and Mississippi River. Among his new recruits were eighty free blacks, many with previous military experience under the French.[23] These black troops, arranged into *pardo* and *moreno* units led by black officers, marched with Galvez and his forces towards Baton Rouge where they forced a British surrender at Fort Bute de Manchac. Galvez and his forces soon turned their attention to Mobile, hoping to secure the Gulf of Mexico. In January 1780, Galvez strengthened his forces, adding an additional thirty black troops. By March, these brave soldiers secured Mobile and began heading towards Pensacola. Needing more manpower, Galvez enlisted slaves to serve alongside the *milicia de color*. A month later, British forces surrendered at

[22] Hanger, *Bounded Lives, Bounded Places*, 111-112, 118.

[23] McConnell, *Negro Troops of Antebellum Louisiana*, 17.

Fort George, thus completing the Spanish conquest of the Gulf South.[24] Following these successful expeditions, free black troops received praise through monetary rewards and medals from the Spanish Crown.

After the American Revolution ended, black troops in the *milicia de color* continued to provide valuable services. Their predominant peacetime role consisted of chasing and capturing runaway slaves called *Cimarrons*. These particular runaways flocked to the swampy bayous where they created slave armies that raided Louisiana farms and plantations. *Libre* troops also undertook public works projects along the Mississippi River and throughout New Orleans. By the end of the Spanish period, free black soldiers grew nearly five-fold as the Spanish took measures to provide organization and structure to a legitimate *milicia de color*.[25]

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Looking at the lives of Noel Carrier Sr. and other chosen men of color it is apparent that free blacks utilized the advantages that Louisiana's unique racial hierarchy offered. Noel, born a slave, entered the *libre* population during the French regime. Although the exact circumstance of his manumission is unknown, it is possible he received his freedom through some noble military act. Soon Carrier became a master cooper in New Orleans and married Marianne Thomas in November 1778. As he built a thriving business, Carrier became a second lieutenant in the *moreno* unit in the newly revived *milicia de color.* In 1779, Carrier put his leadership skills to the test as he joined Governor Galvez and other Spanish troops to purge the Gulf Coast of the British. Leaving Marianne behind, Carrier and his troops followed Galvez where they forced a British surrender in Baton Rouge and Natchez, securing key posts along the banks of the Mississippi

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[24] Ibid., 17-21.

[25] Ibid., 22-23. See also Hanger, *Bounded Lives, Bounded Places*, 113.

River. Along with his comrades Bautista Hugon and Francisco Dorville (lieutenant of the *pardo* unit), he received special honors for the Baton Rouge expedition. Carrier and Dorville would go on to earn more accolades including a bonus of 300 pesos for their efforts in both Mobile and Pensacola.[26]

Following the Spanish conquest of the Gulf Coast region, Carrier reunited with his wife and welcomed his first son Noel. Although he never left home again in the service of the Spanish Army, his role as an officer in the *milicia de color* required his constant attention. In 1784, Carrier and his *moreno* unit maneuvered through the Louisiana bayous in pursuit of *Cimarron* rebels. Moreover, the harsh realities of the mighty Mississippi also consumed Carrier's role as a military leader. In 1790, now a captain of the *morenos*, he oversaw the rebuilding and repairing of a levee near the city. Working alternately with Bautista Hugon's *pardo* unit, Carrier ensured the city's vital levee system remained intact.[27]

Carrier's career exemplifies how the military served as a tool for *libres,* giving them the opportunity to fight for the defense of their homes, but also to demonstrate their worth to society. The military fulfilled other purposes as well. At times it proved economically advantageous. It is not inconceivable that Carrier used his bonus from the British campaign to invest in his expanding business, family, and even property. Some *libres* even received military pensions that allowed them to take care of their families into their old age. Beyond monetary gain, the military also gave *libres* the opportunity to further separate themselves from slaves. By fighting against *Cimarrons, libres* joined with white Louisianans rather than runaway slaves, demonstrating that the safety of

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[26] Ibid., 120-121. McConnell, *Negro Troops of Antebellum Louisiana*, 18-19.

[27] Ibid., 23.

the colony transcended the empathy they felt for black chattel.[28] Furthermore, the leadership roles *libres* assumed in the military spilled over into society, allowing black leaders the bargaining power to request privileges for the entire free black community.

Libres like Carrier took advantage of favorable Spanish policies that provided them avenues of freedom and a means to forge a separate group identity. Free blacks also employed other strategies that continued to strengthen their cohesion and position in colonial Louisiana. One important factor in *libre* methods was their ancestral connection to white society. French and Spanish authorities referred to *libres* as mulattoes (or more specifically *pardos* and *morenos*), yet free blacks themselves created much more complex racial classifications based on one's degree of separation from the Caucasian race. It is important to note that not every free person of color had white blood since so many came directly from Africa as slaves and later earned their freedom. Many *libres* did have claims to white ancestry which only enhanced their status. Ultimately, *libres* created important racial classifications that emphasized one's lineage and connection to white society. These distinctions fell into three phenotypes. The most common in slave societies, the mulatto designated the offspring of a white and black parent. Generations of racial mixing, however, engendered even more specific categories. Quadroon, for example, refers to the combination of whites and mulattoes, while a griffe was a child with a black and mulatto parent.[29]

These particular racial phenotypes became important in the *libre* community serving as either badges of honor, distinction, or denigration. Many *libres* exploited such ancestry to create advantageous business partnerships and strong bonds with white kin. Within their own community,

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[28] Ibid., 23.

[29] W. A. Vaughan, "The Black Militia in the Battle of New Orleans" (Ph.D. diss., University of Southern Mississippi, 1993), 3.

free blacks adhered to their distinct racial classifications. Colonial marriage records indicate that many free blacks married within their own phenotype illustrating that one's link to white society was worth preserving.[30] Such a concern for one's racial composition and white ancestry illustrates that many *libres* hoped that their connection to white society, no matter how distant, enhanced their position among other free blacks and encouraged favorable relations with white kin.

Beyond the intricate web of racial phenotypes, *libres* also relied on a variety of kinship networks, both real and fictive, to protect their status and corporate identity. In *Bounded Lives, Bounded Places*, Kimberly Hanger argues that godparenthood joined free blacks together, but also linked them to white society. The goal in choosing a godparent centered on finding someone of equal or preferably higher status that would gain one's children privileges. This included selecting white godparents, but also *libres* of status, usually black militia officers.[31] *Libres* used complex kinship bonds to promote their well being and that of succeeding generations.

Many free blacks looked to white Louisianans to serve as godparents to their children. Colonial records indicate that between January 1787 and December 1797, nearly 56% of free black children had at least one white godparent.[32] Such records also reveal that more white males were used as godparents than white females, indicating that *libres* hoped to benefit from the influence of white men. In 1796, Carlos Brule, a lieutenant in the *milicia de color*, asked Ygnacio Fernandes to sponsor his daughter Maria. As a second lieutenant in the white Louisiana Infantry, Fernandes' role as godfather provided Brule with a vital link to the white military and white society. Pierre Bailly, another lieutenant in the *milicia de color*, also used white men as godfathers to all of his

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[30] Hanger, *Bounded Lives, Bounded Places*, 95-96.

[31] Ibid., 89, 108.

[32] Ibid., 105.

children. For his son Joseph Pedro's godfather, Bailly chose Joseph De La Pena, a captain in the white infantry. Later he asked Andres Armesto to sponsor his son Andres. As the secretary to the governor of Louisiana, Armesto proved an important ally and through godparenthood Bailly forged a relationship that could later benefit him and his children.[33]

Libres who did not have connections with white society often turned to prominent free black leaders to help secure favors and privileges. Many free blacks used officers in the *milicia de color* as godfathers. At times this strengthened the camaraderie between fellow soldiers as in the case of Noel Carrier and Pedro Claver. In 1796, Noel Carrier Sr. witnessed the baptism of Claver's son Manuel. Two years later, Claver returned the favor serving as godfather to Carrier's son Balthazar. For both men the role of godparent was one that kept fellow soldiers united. Moreover, for Claver, a lower ranking officer, having Captain Carrier as a godparent strengthened his connection with other black officers. Claver continued to utilize his relationship with Carrier, asking him and his wife Marianne to sponsor his son Pedro several years later.[34]

Besides strengthening external links, godparenthood also solidified the nuclear family. Carlos Brule often asked female family members to serve as godmothers. He asked his sister Charlotte Brule to sponsor his son Carlos Savidor. Later he asked his wife's sister to be godmother to daughter Margarita. Noel Carrier often used more immediate family members as well. When his daughter Ana was born in 1796, he asked his wife's brother and sister-in-law to serve as sponsors. Carrier also used godparenthood to maintain attachments to more distant, but important relatives.

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[33] *Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans*, Volume 4, 5, 6.

[34] Ibid., Volume 6, 7.

Linked to the Montreuil family through Fanchon Carrier, Noel asked cousins Bartalome, Descanda, and Francisco Montreuil to serve as godparents to three of his children.[35]

Much like the sacrament of baptism, strategic marriages also provided free blacks the opportunity to make vital connections. Statistics reveal that free blacks preferred to marry within their ranks rather than having less sanctioned unions with whites and slaves. Marriage allowed free blacks to dissociate from slaves and enhance a growing *libre* community. Weddings also allowed free blacks to solidify special bonds. *Libre* military leaders often arranged marriages among their children. Pedro Claver, the son of Augustin Claver, a corporal in the *milicia de color*, married Celeste Hugon, the daughter of Bautista Hugon, captain of the *pardo* unit. Such a union allowed the *libre* elite to maintain their status for generations. Many couples also asked military officers to witness their nuptials. Noel Carrier Sr. and several other officers witnessed the above union between Claver and Hugon. Carrier witnessed three other marriages between 1784 and 1796. Francisco Dorville's role as a captain of the *pardos* also made him a popular witness to many *libres* unions.[36]

Through strategic marriages and godparenthood, *libres* created an intricate network of real and fictive kinship bonds that sought to enhance their status among whites, camaraderie in the military, and cohesion among the *libre* community. Free blacks, however, went outside the private enclave of the family to secure their rights and identity. During the colonial era, free blacks maintained an open dialogue with Spanish authorities through the military. During the Revolutionary War, Francisco Dorville requested that black troops receive a portion of the wartime spoils. Other

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[35] Ibid., Volume 5, 6, 7, 8.

[36] Ibid., Volume 4, 5.

officers petitioned imperial authorities to receive pensions as reward for wartime sacrifices.[37] Using the *milicia de color*, free blacks collectively received benefits, but more importantly created a dialogue with colonial officials that allowed *libres* to demand and obtain certain privileges.[38]

Libres also used the public sphere of New Orleans as a means to interact with white society and assert their status. In the city streets, free blacks marched in celebratory holidays and military musters as well as paraded in costumes during Mardi Gras festivities. Alongside whites, *libres* partook in some of Louisianans' most sacred holidays and cherished pastimes. White and black men mingled in the many taverns and dance halls throughout the city. Together they bet on cockfights, horse races, and games of chance. Whites and *libres* lived in the same neighborhoods and even worshipped and received the sacraments together at the St. Louis Cathedral.[39] Free blacks attempted to make the streets and facilities of New Orleans a common space for all Louisianans—a public realm that downplayed racial distinctions and promoted unity among partygoers, parishioners, gambling men, and citizens.

By the time the United States took possession of French Louisiana, free people of color had already helped to settle, secure, and sustain Louisiana. Throughout the colonial period, free blacks employed many strategies that allowed them to strengthen their own community, but more importantly to downplay race and emphasize their status as citizens. Ultimately, *libres* contributed to the unique three-tiered racial hierarchy that would prove problematic for Americans.

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[37] McConnell, *Negro Troops of Antebellum Louisiana*, 21.

[38] Ibid., 28; Hanger, *Bounded Lives, Bounded Places,* 136, 152-153. Some *libres* displayed more radical activism. During the French Revolution, many Louisianans not only empathized with their former countrymen but were lured by the promises of "Liberty, Equality, Fraternity." Pierre Bailly became one such patriot and used a public ball to solicit *libre* assistance in overthrowing the Spanish regime. Hoping to pave the way for a new revolutionary French regime, Bailly believed that fellow *libres* would help him with his radical plot in exchange for equality. For his efforts Bailly landed in a Havana prison for several years.

[39] Ibid., 138, 143.

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Noel Carrier Jr. perhaps felt similar apprehensions as his father when the United States took possession of Lower Louisiana. He worried about the fate of his property, his business, and even his status as a solider in the *milicia de color*. Yet he faced different challenges than his father, not only having to combat a new American government but preserve the legacy and rights of the chosen men of color. Throughout the territorial period, Noel and his fellow *libres* continued to use the same strategies employed by their fathers in the face of obstacles that threatened their colonial heritage.

As American lawmakers made preparations for the transfer of Lower Louisiana, they quickly began to realize they had much more to deal with than border disputes and unhappy Creoles. They also were confronted with a free black population much more numerous and autonomous then those found in the United States. Initial reports estimated that nearly one-fourth of Louisiana's population consisted of free people of color.[40] Just days after the official transfer of French Louisiana, Governor Claiborne expressed concern regarding the existing companies of the *milicia de color,* contending that "to re-commission them might be considered as an outrage on the feelings of a part of the Nation, and opposed to that Policy which the Safety of the Southern States has necessarily established." Here Claiborne illustrates the main dilemma facing American lawmakers. Maintaining the historic *milicia de color* violated the rigid racial hierarchy well established in the United States. Nowhere in the Union did Americans accept or even consider arming slaves or free blacks, let alone allowing them to form a military battalion. Over time, Claiborne's anxiety gave way to practicality as he acknowledged *libres*' importance to domestic

[40] *Territorial Papers* IX: 18, 32-33. Clark and Claiborne initially believed Lower Louisiana had nearly 50,000 to 60,000 people, of which one-third to one-forth were *libres*. Both mentioned the existence of the *milicia de color*. Their estimates have been backed by others in the territory such as Benjamin Morgan.

security. He feared that alienating free blacks "would disgust them, and might be productive of future mischief. To disband them would be to raise an armed enemy in the very heart of the Country."[41] Claiborne faced a precarious situation. Should he protect white Americans' cherished racial hierarchy at the expense of *libres*, thereby risking a possible black revolution? Or should he protect the rights of the *milicia de color* at the risk of alienating many of his white constituents?

As Claiborne begged for instructions regarding *libres,* other Americans reflected on the racial predicament. Benjamin Morgan, a longtime resident of New Orleans, pondered the race issue with his good friend Chandler Price. Commending *libres'* colonial contributions, Morgan believed that free people of color could also be useful to Americans especially in dealing with slaves, contending that "it is worth the consideration of government they [*libres*] may be made good citizens or formidable abettors of the black people [slaves] … if they should ever be troublesome."[42] He concluded that Americans should make free blacks friends rather than enemies. General James Wilkinson shared many of Morgan's postulations. He urged American authorities to cultivate good relations with free blacks, warning that "the People of Colour are all armed." He believed that by treating *libres* with respect and delicacy, Americans averted feelings of resentment that could "produce those Horrible Scenes of Bloodshed & rapine, which have been so frequently noticed in St. Domingo"[43] Like Claiborne, Wilkinson clearly understood that free people of color were vital to Louisiana's racial harmony.

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[41] Claiborne to Madison, 27 December 1803, *Letter Books,* I: 314.

[42] Benjamin Morgan to Chandler Price, 7 August 1803, *Territorial Papers*, IX: 7.

[43] James Wilkinson to the Secretary of State, 11 January 1803, Ibid., IX: 160. Wilkinson also commended free people of color who had "universally mounted the Eagle in their hats & avowed attachment to the United States" as white Creoles continued to profess loyalty to France.

Contemplating their own precarious situation, free blacks initiated negotiations with territorial and Washington lawmakers. In January 1804, fifty-four free men of color sent the "Address from the Free People of Color" to Governor Claiborne. The *libre* petitioners referred to themselves as "free Citizens of Louisiana" who possessed a "sincere attachment to the Government of the United States." The address went on to explicitly articulate *libre* views regarding their status in the United States, stating that:

> We are Natives of this Province and our dearest Interests are connected with its welfare. We therefore feel a lively Joy that the Sovereignty of the Country is at length united with that of the American Republic. We are duly sensible that our personal and political freedom is thereby assured to us for ever, and we are also impressed with the fullest confidence in the Justice and Liberality of the Government towards every Class of Citizens which they have taken under their Protection.[44]

The opening paragraph of the address quickly set the tone for *libre* interactions with American lawmakers. First, they invoked the rhetoric of attachment that had become essential in territorial negotiations. By providing assurances of their affection to the United States, *libres* hoped to depict themselves as loyal countrymen. More importantly, the potent language of the address left little doubt that *libres* considered themselves legitimate citizens of the United States. Their bold assertion came in large part from Article III of the treaty between the United States and France that stated that Louisiana inhabitants would be admitted to the United States "as soon as possible" to enjoy "all the rights, advantages, and immunities of citizens."[45] For free people of color this included them.

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[44] Address from the Free People of Color, January 1804, Ibid., IX: 174.

[45] Treaty Between the United States of America and the French Republic, Article III. See also Dunbar-Nelson, "People of Color in Louisiana," 8n. According to Dunbar-Nelson, the cession treaty included free people of color and all mixed bloods in their definition of inhabitants thus granting *libres* full citizenship. Although there is a lack of evidence behind this assertion it is obvious that free people of color did believe that Article III granted them the same rights as every other white citizen.

To buttress claims of citizenship, the address reminded Americans of *libres'* military contributions, recounting that:

> We were employed in the military service of the late Government, and we hope we may be permitted to say, that our Conduct in that Service has ever been distinguished by a ready attention to the duties required of us. Should we be in like manner honored by the American Government, to which every principle of Interest as well as affection attaches us, permit us to assure your Excellency that we shall serve with fidelity and Zeal. We therefore respectfully offer our Services to the Government as a Corps of Volunteers agreeable to any arrangement which may be thought expedient.[46]

This reference to the colonial *milicia de color* illustrates that *libres* were willing to use the legacy of their ancestors to protect their colonial rights and citizenship. Ultimately, this address served as a preemptive strike that unveiled *libres*' approach in dealing with American lawmakers.

Governor Claiborne's response to the address proves just as insightful in understanding the strategy he adopted in negotiating with *libres*. In a letter to the free black petitioners, Claiborne promised them protection of their "Liberty, Property, and Religion." However, when it came to the issue of military service, he failed to provide any assurances, but rather simply stated that the fate of the *milicia de color* depended on Washington lawmakers.[47] Claiborne's letter was even more ambiguous regarding their status as citizens, failing to address Article III of the cession treaty. Claiborne treated the "Address from the Free People of Color" with delicacy, instituting an approach he would use in his many encounters with free people of color.

These early negotiations between *libres* and territorial lawmakers bore fruit. After waiting months for a response from Washington, Claiborne finally received instructions regarding the

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[46] Address from the Free People of Color, *Territorial Papers*, Ibid., IX: 174-175.

[47] Claiborne to Madison, 17 January 1804, *Letter Books*, I: 339-340.

milicia de color. Secretary of War Henry Dearborn encouraged Claiborne to renew the black militia under the strict orders not "to increase the Corps, but diminish it, if can be done without giving offense." Also he instructed Claiborne to replace colonial black leaders with white officers of good character. As a token of the government's confidence and acknowledgement of the new free black battalion, Dearborn wanted Claiborne to present them with a flag.[48] Claiborne immediately implemented Dearborn's orders. In June, he selected Major Michael Fortier and Lewis Kerr as commanding officers for the new free black battalion. Just days later, Claiborne presented the Free Color Battalion with an official flag that was "made of white silk, Ornamented with fifteen Stripes (alternately red and white)."[49]

By the Spring of 1804, *libres* felt confident in their new relationship with the territorial government. They earned the right to continue their time-honored military tradition and received a standard of recognition similar to other white units. Soon, black troops patrolled New Orleans streets and other public facilities on night watches, a job designated to the territorial militia. *Libres* also found that the early airing of their grievances proved a useful tactic in engendering an open dialogue with lawmakers and a vehicle for negotiation. Claiborne abated the "color problem,"

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[48] Henry Dearborn to William C. C. Claiborne, 20 February 1804, Ibid.,II: 54-55.

[49] Claiborne to Fortier, 22 June 1804, Ibid., II: 215-216. Fortier was a native of New Orleans and had become a prominent merchant and plantation owner. Kerr, a relative of Claiborne, had previously lived in the Mississippi Territory and accompanied Claiborne to New Orleans when he was appointed territorial governor of Lower Louisiana. Claiborne described both men as having good character and respectability. See also Claiborne to Dearborn, 9 June 1804, Ibid., II: 200. In July 1804, General James Wilkinson sent President Jefferson a correspondence in which he characterized prominent citizens in New Orleans. He described Fortier as a merchant who was "Rich, ignorant, Creole, rather hasty presumptuous, obstinate & intemperate, warm Friend of the Prefect Laussat, but without influence—no morals." *Territorial Papers*, IX: 252.

temporarily appeasing *libres* without toppling the American racial hierarchy. He happily reported to Washington lawmakers that the renewal of the *milicia de color* proved sound policy.[50]

Having initial success with lawmakers, free blacks hoped another address could secure them more privileges. This time they set their sights on political rights. In 1804, as white Louisianans drafted the *Remonstrance of the People of Louisiana,* they failed to represent the interest of all Louisianans since free blacks were excluded from the proceedings. A prominent black leader, therefore, began preparations for a separate meeting for *libres* to draft their own memorial to Congress. As a portent for looming racial animosities, city printers refused to print or circulate the meeting announcement. Hearing of the proposed *libre* meeting, Claiborne lashed out at the free black community, calling their actions "reprehensible and of a nature to create anxiety."[51] Several days later, he met with ten prominent *libre* leaders hoping to discourage an assembly or petition. Despite these efforts, however, white Louisianans confronted the prospect of a free black memorial with scorn. Claiborne reported to Secretary of State Madison that the proposed meeting "excited some alarm among the white citizens," and that many white Louisianans wanted him to apprehend and punish the free man of color who orchestrated the meeting. Ultimately, no one went to jail over the incident and free blacks abandoned plans for a memorial to Congress.[52]

The outcry over a possible *libre* memorial demonstrates an important undercurrent that often dictated negotiations between lawmakers and free blacks—white Louisianans. The presence of

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[50] Claiborne to Dearborn, 22 June 22, 1804, *Letter Books,* II: 218. Free black militiamen served for a time as watchmen as evidenced by an incident when a black solider on watch struck a white man.

[51] Claiborne to James Pitot, 1 July 1804, Ibid., II: 232.

[52] Claiborne to Madison, 3, 5, 7, July 1804, Ibid., II: 234-235, 237, 239, 244-245. Claiborne reported to Madison that the free black leaders left their meeting "convinced of their error, declared their intention to abandon the suggested project, gave the most unqualified assurances, of their friendly pacific disposition, and devoted attachment to the present Government and to good order."

free people of color undoubtedly engendered a volatile situation for all Louisiana inhabitants. Historically free blacks were important members of society and assisted whites in upholding the institution of slavery. These contributions, however, did not often merit respect. Rather, for white Louisianans, free blacks were a serious threat. Despite black claims of citizenship, their skin color made them more like slaves than whites. Many white Louisianans feared that free blacks would one day join their enslaved counterparts and incite a racial revolution. Such feelings were only exacerbated in the context of international affairs. As Americans watched in horror as slaves in St. Domingue overthrew their white masters, many worried about a similar insurrection in the United States. Louisiana seemed even more vulnerable to such a revolt due to its close proximity to the Caribbean. As a large influx of island refugees flooded into New Orleans, white concerns intensified, fearing that armed free blacks with military experience would be enticed by ideas of freedom and equality. The Haitian Revolution, therefore, generated scorn and fear and further strained free blacks' relationship with Creole and Americans living in the Orleans territory.

There existed an equally, if not more, significant dimension to white Louisianans' growing disdain for free blacks. At first glance it would seem that white and black Louisianans faced the same struggle. Both had to negotiate with American lawmakers to maintain their colonial heritage and receive the benefits of American citizenship. In actuality, whites attempted to secure American acceptance by reinforcing white supremacy and Americans' racial hierarchy. Thus to make their claims of citizenship more legitimate, white Creoles disassociated themselves from free people of color. As they fought for a new territorial government, white Louisianans feared that *libres* would

only hinder their efforts since most Americans refused to accept the special status of Louisiana's free people of color.[53]

As *libres* attempted to negotiate with territorial and Washington lawmakers, they also had to combat white Louisianans who sought to alienate them. At every turn, *libres* faced suspicions and scrutiny. In the *Louisiana Gazette,* one angry citizen called the "Louisianan" criticized Claiborne for his haste in organizing the Free Color Battalion and for presenting it with a standard similar to that of white units. Although this disgruntled citizen was disturbed that Claiborne would put black troops on equal footing with whites, he seemed even more upset at the prospect of armed free blacks parading in the streets.[54] Slave insurrections also provided white Louisianans opportunities to depict *libres* as a dangerous lot. In September 1805, a slave named Celestin exposed a plot orchestrated by a recent white immigrant from St. Domingue named Le Grand. Celestin produced Le Grand's writings outlining his malicious scheme to use blacks to overtake New Orleans. What was particularly damaging about this rumored insurrection is that Celestin implicated several prominent free people of color who served as Le Grand's agents. This incident only further supported white fears. New Orleans mayor John Watkins, for instance, believed Le Grand's plot proved that all free blacks were "political enemies."[55] Creoles failed to see free blacks as fellow countrymen in a common struggle against the new American government, but rather as foes and potential threats.

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[53] Kastor, *The Nation's Crucible*, 82.

[54] *Louisiana Gazette*, 29 January 1805.

[55] John Watkins to Secretary Graham, 6 September 1805, *Territorial Papers*, IX: 500-504. Louisianans seemed to been constantly concerned with free black and slave activity. In September 1804, concerned citizens sent a letter to Governor Claiborne regarding a slave insurrection uncovered on the plantation of Michael Fortier. They used this failed revolt to urge Claiborne to set up a new special court to prosecute slaves and to increase security throughout New Orleans and adjoining areas. See also Petition of the Inhabitants & colonists of Louisiana, 17 September 1804, Ibid., IX: 297.

White Louisianans' paranoia soon spilled over into the policies of the territorial legislature. As early as October 1804, the Free Color Battalion was in danger as officials failed to mention it in the new militia law. This neglect continued when the Legislative Council reorganized the territorial militia in 1805. As council members created twenty-four new militia districts, they failed to include the free black corps.[56] In this same year, Claiborne surveyed the new territorial militia, giving it positive marks.[57] However, neither the Legislative Council nor Claiborne made any mention of the Free Color Battalion in this evaluation. In 1806, festivities celebrating the anniversary of the Louisiana Purchase and the Fourth of July featured territorial militia units. They paraded in the *Place d' Armes* in front of government officials and New Orleans residents. Ignored again, the Free Colored Battalion was not even invited to participate.[58] For nearly two years the Free Color Battalion only existed in name, as territorial officials deactivated it by omission.

Besides neglecting the Free Color Battalion, territorial officials also sought to circumscribe the place of free blacks in territorial New Orleans with a new black code. The Black Code of 1806 in many respects resembled the *Code Noir,* outlining certain white responsibilities and restricting the activities of slaves. Concomitantly, the new code redefined the racial landscape of territorial Louisiana by specifically addressing the status of free people of color. It required any *libre* carrying a weapon to produce papers proving his freedom. This particular stipulation certainly demeaned black militiamen accustomed to having their own guns. The last section of the Black Code, however, struck the hardest blow to the *libre* community, stating that "free people of color ought never to insult or strike white people, nor presume, to conceive themselves equal to whites; but on

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[56] *Louisiana Gazette* 7, 11, 14 June 1805.

[57] William C.C Claiborne to James Madison, 11 November 1805, *Territorial Papers*, IX: 592.

[58] *Louisiana Gazette*, 2 May 1806 and 17 June 1806.

the contrary that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under penalty of imprisonment according to the nature of the offense."[59] This particular statement is what made the new 1806 Black Code quite different than its colonial counterpart. The *Code Noir* clearly limited slaves and solidified white supremacy, yet it always remained flexible as colonial realities necessitated. The Black Code of 1806 was quite clear—no longer did the demands of the wilderness or population concerns make slaves and free people of color valuable members of the community. Rather the Code stressed the absolute subordination of slaves and free blacks that engendered a clear racial barrier between black and white. More importantly, the new Code lacked a blanket statement promising free people of color the enjoyment of all rights and privileges as citizens. Ultimately, the new Black Code urged free blacks to accept that their status mirrored that of a slave rather than a white citizen.[60]

Despite mounting pressure from the legislature and white Louisianans, Claiborne failed to permanently abandon the Free Color Battalion. Like so many Louisianans, Claiborne feared free people of color and their possible interaction with slaves. As early as 1804, he admitted to James Madison that "at some future period, this quarter of the Union must (I fear) experience in some degree, the Misfortunes of St. Domingo, and that *period* will be hastened if the people should be indulged by congress with a continuance of the African Trade." Claiborne clung to the belief that

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[59] Black Code, *Acts Passes at the First Session of the First Legislature of the Orleans Territory*.

[60] *Acts Passed at the Second Session of the First Legislature of the Orleans Territory;* McConnell, *Negro Troops of Antebellum Louisiana*, 47. Along with the Black Code, legislators passed a new act restricting the number of free people of color from Hispaniola and the French Caribbean islands entering the Orleans Territory. The following year legislators strengthened this act by prohibiting all free blacks entry, stating that "no free negro or mulatto shall emigrate to, or settle in this territory, after the passage of this act, under the penalty of twenty dollars for every week of any such person who should remain in the territory." In many respects these acts served as practical measures to address the influx of immigrants from war-torn Europe and the Caribbean, yet they also aimed to prevent any more free blacks from exacerbating the "color problem." Claiborne tried to keep track of the refugees and expressed concern that "we have already a much greater proportion of that population, than comparts with the general Interests." He even attempted to have free black immigrants diverted to other places.

free people of color could be even more dangerous if ostracized by territorial officials and white Louisianans. "I remembered that the events which have Spread blood and desolation in St. Domingo," Claiborne warned, "originated in a dispute between the white and Mulatto inhabitants, and that the too rigid treatment of the former, induced the Latter to seek support and assistance of the Negroes."[61] As white Louisianans and legislators ignored free blacks' demands, Claiborne continued to invoke a delicate approach. He hoped to give *libres* some concessions to keep them happy, yet always mindful of white concerns and resentment. One dispensation he hoped to make to free blacks was the continuation of the free black battalion.

By 1807, Claiborne made efforts to reorganize the black militia and gave orders for military officials to ascertain the number of free men of color in the territory.[62] This particular request fits into Claiborne's larger concerns regarding the general state of the territorial militia. Following the militia reorganization act in August of 1805, Claiborne still believed the territorial militia remained "greatly defective." He seemed particularly concerned about the scarcity of arms and the lack of discipline among militiamen. Inadequate numbers and poor organization contributed to Claiborne's concerns that the militia had "hardly sufficient strength to ensure internal tranquility should foreign intrigue give motion to the disaffected."[63] External threats proved just as troublesome as American relations with France and Great Britain deteriorated. Although President Jefferson initially abated conflict with the unpopular Embargo Act, many believed that war was imminent and Americans

[61] Claiborne to Madison, 12 July 1804, *Letter Books*, II: 244-245.

[62] Claiborne to Madison, 8 January 1804, *Territorial Papers*, IX: 561.

[63] Claiborne to the Two Houses of the Assembly, 13 January 1807, *Letter Books*, IV: 92-93. See also Carter, *Territorial Papers*, IX: 558, 717.

needed to be ready.[64] Nowhere was this readiness more vital than in Louisiana. Fearing that a war would open the door to foreign intrigue from the British or even the Spanish, many believed that Louisiana's security affected the nation's safety.

Exploiting this precarious situation, Claiborne hoped to kill two birds with one stone by using free black troops to strengthen the territory's deficient military. He urged lawmakers to consider recognizing and using the free black battalion with the regular militia.[65] The territorial House of Representatives agreed to "give to the Battalion of free men of Color the activity which their zeal solicits."[66] National security brought renewed interest in the free black corps and temporarily circumvented white fears of *libre* troops. Yet despite the international situation and assurances of activating the black militia, the Legislative Council failed to recognize the free black battalion in any militia laws passed during the territorial period.

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Despite Claiborne's efforts and a few empty promises, the *milicia de color* existed only in name and in the memories of free people of color. Year after year, the black corps remained absent from territorial laws and debates. Concomitantly, free blacks dealt with a changing racial environment as the new Black Code and white hostility marginalized them. The territorial period posed an important crossroads for free blacks. Severely handicapped by American policies and racism, free blacks were forced to find ways to combat such obstacles to preserve their colonial heritage and

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[64] As early as January 12, 1807, the *Louisiana Gazette* speculated that war with Great Britain was imminent. Throughout 1807 and 1808, the *Gazette* was filled with articles discussing the possibility of war with Great Britain. See *Louisiana Gazette,* 27 November 1807, 20 May 1808. Many disparaged the Embargo and advocated war as a way to alleviate the Embargo's financial burden. See *Louisiana Gazette*, 30 August 1808, 20 September 1808, 1 November 1808.

[65] *Louisiana Gazette*, 12 January 1807. Claiborne also read and circulated a message sent to him by a prominent free person of color who offered *libre* military assistance.

[66] From House of Representatives, 26 Jan. 26 1807, *Letter Books*, IV: 113.

rights. Noel Carrier Jr. and many other *libres* continued to use the strategies invoked by their parents to secure citizenship.

In the colonial era, *libres* fostered an open dialogue with Spanish authorities to secure military privileges, pensions, and concessions for the *libre* community at large. Hoping to achieve similar success, territorial *libres* attempted to maintain communication with government officials as illustrated by the "Address from the Free People of Color." Besides asserting their citizenship, this address also revealed the leaders of the territorial *libre* community. Among the fifty-four petitioners were officers in the Spanish *milicia de color* including Captain Charles Simon and Lieutenant Pierre Bailly. In addition to this older breed of libre leaders, a new generation of free black crusaders emerged. Many of them were the sons and relatives of former colonial soldiers. Luis Simon, who signed his name first to the "Address from the Free People of Color," was related to not only Charles Simon but also Pedro Simon, the first black commanding officer of the *milicia de color.* Pierre Bailly Jr. joined his father in submitting the address, undoubtedly inheriting his father's fighting spirit. As the Simon and Bailly names invoked the legacy of the chosen men of color, new names such as Populus, Fortier, Hardy, and Poree all appeared on the address and introduced the next generation of *libre* leaders. These men joined with old breed *libres* and their relatives to preserve free blacks' rights. Over the course of the territorial period, these young men formed important business partnerships, initiated further political protest, demanded militia service, and later fought in the Battle of New Orleans.[67]

As many *libre* leaders resorted to political activism, some took more extreme measures. In 1806, Stephen, a free black man, informed Governor Claiborne of a possible black revolt. He

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[67] Address From the Free People of Color, January 1804, *Territorial Papers*, IX: 174-175, *Hanger, Bounded Lives, Bounded Places*, 130-131, McConnell, *Negro Troops of Antebellum Louisiana*, 35.

claimed that *libres* harbored “hostile intentions” and met nightly making preparations to assist the Spanish in overtaking Louisiana. Stephen explained that former Spanish governor Marquis Casa Calvo planned to return with three or four thousand troops to join free blacks in implementing the massacre. Stephen implicated several prominent free men of color including Francisco Dorville and Carlos Brule, both officers in the Spanish *milicia de color*. The validity of Stephen’s sworn statement is uncertain, however, Governor Claiborne took precautionary measures ordering militia companies on guard every night for several months. Although a *libre*/Spanish revolt failed to materialize, it appears that many free blacks resented new territorial policies. Dorville, for example, wore a Spanish cockade at all times and continued to sign his name followed by the title “Commander of the mulattoes during the time of Spanish domination.”[68] Dorville’s frustration with the American government could certainly explain his public display of loyalty to Spain and perhaps drove him and other chosen men of color to contemplate a possible revolt.

While *libres* attempted to negotiate with American lawmakers, they also relied on kinship networks to strengthen their community cohesion. Utilizing tactics employed by their parents, *libres* continued to look to godparenthood and marriage to foster vital links amongst each other and to white society. Free blacks still relied on former military leaders to witnesses their marriages and baptisms. Francisco Dorville spent much of his time in St. Louis Cathedral. Between 1803 and 1810 (the year of his death), he witnessed seven *libre* unions. In March 1804, both he and Noel Carrier Sr. witnessed the marriage of Captain Carlos Brule’s daughter. Dorville and other former free black officers such as Pedro Claver and Brule continued to serve as godfathers for *libre*

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[68] McConnell, *Negro Troops of Antebellum Louisiana*, 42. See also *Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans*, Volume 8. When Noel Carrier Jr. died his death record from St. Louis Cathedral listed him as the “commandant of the Negro militia of this city in the time of Spanish rule.” In many records former members of the *milicia de color* continued to showcase their military service.

children, illustrating that within the libre community old military officers, although ignored by American officials, remained prominent men.[69]

The selection of witnesses and godparents also reveals that many *libres* began turning to the younger generation of black leaders. In 1808, Vincent Populus asked not only his three brothers, but also Luis Simon to witness his daughter's wedding. Simon also was godfather to one of Pierre Bailly's sons. Several years later, Simon returned the favor by asking Bailly to sponsor his daughter Melania. Through religious sacraments, the emerging leaders of the black community forged fictive kinship bonds that spilled over into their public and military activities.[70]

Libres also continued to use godparenthood to strengthen real family ties. Brothers Francisco and Juan Bautista Dauphin chose immediate family members to sponsor all of their children. In 1811 alone, they served as godfathers to each other's children. Free blacks also tried to maintain preexisting family bonds. Basilo Montreuil, for instance, asked Marianne Carrier to witness his nuptials, sealing the connection between the two families that had existed for nearly three generations. In a hostile racial environment the family served as a safe haven from the harsher realties of the new American regime.[71]

Although territorial *libres* often relied on black godparents more than their colonial counterparts, many did not abandon hope that white godparents were still advantageous. A glance at territorial marriage and birth records indicates that Antonio Xerez witnessed many free black marriages and baptisms. Xerez's family came to New Orleans from the Canary Islands years before he was born.

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[69] *Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans,* Volume 7, 8, 9, 10. Francisco Dorville died in November 1810 at the age of 66.

[70] *Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans*, Volume 9, 10.

[71] Ibid., Volume 8.

Although his occupation and status are unknown, it is certain that Antonio was a white man. Between 1812 and 1814, Xerez witnessed four *libre* baptisms. He also witnessed several marriages including the union of Carlos Brule's daughter to emerging black leader Nobert Fortier. Brule, a former Spanish officer and prominent *libre*, could have asked many other people, yet Xerez was in attendance. Many *libres* must have seen him as an important link to white society through either his occupation, status, or just the color of his skin. Other white Louisianans agreed to witness *libre* sacraments. Noel Dupuy, a white officer in the United States military, served as godfather to Antonio Foucher's son Noel. Foucher also made Elisabeth Cap-Grand the young boy's godmother. A landowner in St. Domingue, Cap-Grand possibly was a white relative of Foucher's wife, also from Port-au-Prince. This choice reveals that Foucher hoped the good fortunes of his wife's white kin could bestow rewards to his son and other children.[72] Perhaps the most interesting godparent selection came from Jose Terencio LeBlanc for his son Henrique. Although he came from a large *libre* family, Jose chose Henrique St. Geme to be his son's godfather. St. Geme was the brother of Louis XVI and made his way to New Orleans when the French were expelled from Haiti. Upon his arrival he bought a sugar plantation and served in the Louisiana militia commanding the elite fighting force known as the Dragons of Pied.[73] Terencio chose a white man of great prominence as his son's godfather in hopes of having a white ally against the American government.

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[72] Ibid., Volume 10, 11. Although many white clergymen were present for *libre* sacraments, it is clear that Xerez was not a member of the clergy.

[73] Henri de Ste-Geme Papers, MSS 100, Historic New Orleans Collection. As a soldier in the French Republican army, St. Geme made his way to St. Domingue. When the French were expelled from Haiti he came to New Orleans. Later, he fought in the Battle of New Orleans and earned the name "salty little French rooster" from Andrew Jackson. He later returned to France but kept ties in Louisiana, leaving his plantation to his son.

As free blacks cultivated real and fictive kinship networks, they also utilized the territorial legal apparatus to maintain their diminishing rights. Although the Black Code sought to marginalize *libres* in New Orleans society, these laws failed to change the civil code of law which protected free blacks. *Libres*, therefore, exploited territorial courts to protect their property and fight against other offenses. Alexis Andry, a free man of color, went before the City Court to secure property he purchased on St. Anne Street from a free woman of color named Babel Bienvenu. Babel sold Andry a home on the lot under the stipulation that she be allowed to have one chamber of the home for herself. Eight months later when Andry rented out the apartment to Lewis Pareset, she refused to allow him to live in the home, claiming it was hers. Andry demanded Babel pay damages and abide by their original agreement.[74]

Although many such cases involved disputes amongst fellow *libres*, the courts also helped free blacks fight against white Louisianans. Alexis Andry appeared before the First Judicial Court filing suit against J. B. Brampin, a white man he hired to do upkeep on a house located in the Faubourg Marginary. Andry believed that Brampin failed to meet the stipulations of their agreement and sought monetary damages.[75] These court cases reveal that many *libres* continued to uphold their legal rights despite their military and political alienation. Furthermore, free blacks' legal activities illustrate that, much like their colonial counterparts, they owned and accumulated property and established thriving businesses.

Libres continued to support the New Orleans commercial sector as artisans. In many cases they carried on the family business. Noel Carrier Jr. worked as a cooper just like his father. Also many *libre* relatives worked together in profitable partnerships. Maurice, Juan Baptiste, and

[74] New Orleans City Court Case 1594, 27 April 27 1809, City Archives Collection, New Orleans Public Library.

[75] First Judicial Court of Orleans Parish, Case 951 and 419, March 1814, 1816, City Archives Collection.

Vincent Populus were all shoemakers, while their brother Bathelemy worked as a tailor. When they were not signing addresses to the governor, the Hardy brothers Jacque and Joachim worked as a shoemaker and a butcher. Many of the emerging free black leaders supplied New Orleans with skilled labor as carpenters, blacksmiths, and woodcarvers.[76]

Along with setting up businesses throughout the city, many *libres* continued to accumulate considerable property and slaves. At the time of his death, Noel Carrier Jr. owned five different city lots and nine slaves with an estimated worth of $17,000. His younger brother Balthazar also owned several adjacent properties, demonstrating that families often pooled their resources to yield maximum profits.[77] Pedro Claver possessed property throughout the city, including a lot located between Burgundy and St. Louis Street valued at $1800. He also owned at least one slave which he bequeathed to his daughter upon his death. Francisco Poree's inventory demonstrates that wealth went beyond slaves and land. Among his possessions, Poree had tables, chairs, a liquor stand, armoire, candlesticks, and a looking glass. Poree also owned tools valued at $290.97. Free blacks used their skills as master craftsmen to accumulate property throughout New Orleans. Such properties provided them a higher standard of living, but also allowed them to mingle with whites in city streets and neighborhoods.[78]

In many ways free black strategies had one underlying purpose: to bolster claims of black citizenship. The lynchpin to their methods rested on proving that they had more in common with whites than slaves. Choosing black colonial officers to witness their sacraments, for instance,

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[76] Albert J. Robichaux Jr., *Civil Registration of Orleans Parish Births, Marriages, and Deaths: 1790-1833* (Rayne Louisiana: Herbert Publications, 2000), 406, 669-671. This collection of records provides ample evidence that *libres* continued to make up a large portion of New Orleans' artisans. See also Probate Records, City Archives Collection.

[77] Probate Records Orleans Parish, City Archives Collection.

[78] Robichaux., *Civil Registration of Orleans Parish Births, Marriages, and Deaths;* See also *New Orleans in 1805.*

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showcased that many *libres* had military distinctions that even white citizens did not possess. Their ownership of businesses and real estate allowed *libres* to accumulate wealth promoting lifestyles similar to their white counterparts. Their role as slaveholders made them facilitators of the institution of slavery and white solidarity. Throughout the territorial period, free blacks employed any means necessary to differentiate themselves from slaves and to prove that their activities, wealth, and loyalty mattered more than their skin color.

Perhaps no event reinforced free black claims of citizenship more than Louisiana's most widespread and destructive slave insurrection. In January 1811, slaves on the plantation of Colonel Manuel Andry revolted, wounding the colonel and killing his son. Several hundred slaves left the Andry plantation and headed towards New Orleans about forty miles away. As they made their trek to the city they recruited other slaves and destroyed everything in their path. When news of the insurrection made its way to Governor Claiborne he detached two New Orleans volunteer units led by General Wade Hampton. Fearful that the insurrection would reach New Orleans, Claiborne put all militia units under arms including the Free Color Battalion. Hampton met the slave army at Fortier's sugar works eighteen miles outside New Orleans. There his forces, along with reinforcements sent from Baton Rouge, subdued the slaves, killing their leaders and detaining the rebels for trial.[79] As New Orleanians rejoiced at the successful suppression of the slave revolt, many praised the efforts of black militiamen who, despite being neglected for nearly seven years, showed great military prowess in the face of danger. Claiborne applauded *libres* for their "zeal for public safety" and their "great exactitude and propriety." Almost a month later, Claiborne presented the Legislative Assembly with a message signed by prominent white Louisianans "bearing

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[79] Claiborne to Secretary of State, 14, January 1811, *Letter Books,* V: 100. See also McConnell, *Negro Troops of Antebellum Louisiana*, 49-50.

testimony to the good conduct of certain free men of color during the late Insurrection, and recommending them to the favorable attention of the Legislature."[80]

Free people of color gained attention for their bravery and their willingness to protect New Orleans. More importantly, free blacks hoped that loyal conduct would trump the race card. By siding with white Louisianans against slaves hoping to secure freedom, free blacks validated the institution of slavery while disassociating themselves from slaves. *Libres* owned property, received sacraments, worked hard, and fought gallantly just like white Louisianans. Their strategies of negotiation sought to transcend race and expose *libres* as viable and necessary citizens of the United States.

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In 1811, Noel Carrier Jr. could be assured that his father would have been proud of him. He established a successful business, owned real estate and slaves, took care of his family, and volunteered for military service. In many ways he followed in his father's footsteps. Yet much had changed in New Orleans that dictated many of the contours of the younger Carrier's life. Where his father received military accolades from a grateful Spanish Crown, Noel Jr. belonged to a black militia that existed only in name. Where his father voiced his concerns and opinions to an open government, Noel's political expressions were often described as "reprehensible." Where his father lived in a unique racial society where *libres* assumed a vital role, Noel faced disdain and resentment from white Creoles and Americans who deemed him more like a slave than a citizen.

Despite such obstacles, Noel Jr. and other *libres* continued to fight and negotiate with American lawmakers, unwilling to relinquish the rights and privileges their ancestors enjoyed. With every

[80] Message to Gentlemen of the Legislative Council and House of Representatives, 25 February 1811, *Letter Books* V: 163.

policy, decree, and territorial law, *libres* hoped to combat marginalization by employing strategies once used by their parents. These efforts allowed territorial *libres* to build even stronger kinship bonds as well as a community centered on survival. Also by invoking the legacy of their fathers, free blacks hoped to legitimize their claims for citizenship as Americans fumbled to define a class of people that had little place in their rigid racial hierarchy.

At times, free blacks had little control over their precarious fate. American lawmakers viewed and treated *libres* much differently than their colonial counterparts. Although French and Spanish authorities sought to establish a clear racial divide through policies such as the *Code Noir*, necessity often bent the confines of such racial restrictions. Under the American regime, however, this necessity had largely diminished, making free blacks seem less important for the territory's survival. Americans delicately negotiated with free blacks hoping to make them loyal subjects especially in the face of foreign invasion and possible slave insurrections. As lawmakers remained careful not to upset the racial balance in favor of free blacks, most territorial policies failed to protect *libres'* colonial rights. In many ways, free blacks maintained aspects of their colonial status because Americans feared them rather than accepted them.

As a war with Great Britain approached, necessity once again required *libres* to stand up and fight just like their fathers. *Libre* strategies of negotiation sustained free blacks during the territorial period, but ultimately it would be their efforts on the field of battle that would provide them the opportunity to secure more of the benefits of American citizenship. Wartime necessity would allow Noel Carrier Jr. and many *libres* to become themselves "chosen men of color" and to temporarily challenge Louisiana's unique racial hierarchy.

Chapter Six: "Applause of an admiring nation": Louisianans' Battle for Acceptance and Citizenship

On January 23, 1815, Pierre-Joseph Favrot arrived at the *Place d' Armes* to find a triumphal arch placed in front of St. Louis Cathedral. Lining the path from the arch to the cathedral stood young girls each representing an American state or territory. General Andrew Jackson and several of his men walked under the arch as two children representing Louisiana placed a laurel crown on his head. As jubilant music played in the distance, children threw flowers at the general's feet.[1] After weeks of uneasiness and constant preparation, Louisianans finally felt safe enough to celebrate their stellar victory at the Battle of New Orleans. For Pierre-Joseph, it was a pleasant relief from the rigors of his new political position. From the moment he arrived in New Orleans in December 1814 to take his legislative seat, the Creole father and one-time Spanish solider worked feverishly to procure weapons and fortify city defenses against a British invasion. He also maintained constant contact with his wife and children in West Baton Rouge in addition to monitoring the whereabouts of his sons Louis and Philogene fighting under the American flag. Yet on this morning he simply enjoyed the festivities and took time to reflect upon the importance of the ceremony and what the recent Battle of New Orleans meant to him. For Pierre-Joseph and so many Louisianans, this event at the *Place d' Armes* marked the end of a battle that took much longer then the engagement at Chalmette. For on this day, the state of Louisiana, much like the girls lining the triumphal arch, stood alongside other American states as a received member of the Union.

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[1] Major A. Lacarriere Latour, *Historical Memoir in West Florida and Louisiana in 1814-1815* (1816; reprint, Gainesville, University of Florida Press, 1964), 199; Pierre-Joseph Favrot to Marie-Francoise Gerard Favrot, 21, January 1815, *The Favrot Family Paper,* V: 261; Robert V. Remini, *The Battle of New Orleans: Andrew Jackson and American's First Military Victory* (New York: Viking, 1999), 187-188.

The Battle of New Orleans still holds a secure place in America's historical memory. Historians continue to examine aspects of the battle ranging from military strategy to the social implications of the American victory. The Battle of New Orleans, however, has also been the subject of folklore, where actual facts often become blurred with myth. According to historian Carol Reardon, memory often determines what one considers truth or history. Reardon contends that commonly held values, traditions, hopes, and fears are all embedded in how and what people remember.[2] What one considers truth is influenced by societal mores and individual ideology. Americans filtered the Battle of New Orleans through their own personal and national aspirations. In the context of the War of 1812, the victory at Chalmette became synonymous with the success of the citizen-soldier. Americans had long wrestled over the appropriate form of national defense that could provide vital protection without threatening civil liberties. Throughout the Revolutionary War and the early national period, however, militiamen proved an unreliable and inconsistent form of national defense. In *Citizen Soldiers in the War of 1812*, C. Edward Skeen finds the same militia inactivity during the War of 1812. States initially failed to meet national quotas, while many militia units were poorly organized and unfit for war.[3] These shortcomings were easily forgotten after the Battle of New Orleans. Soon victorious militiamen were revered in songs and poems. The "Hunters of Kentucky," a song by Samuel Woodward M. Ludlow, exemplifies the postwar image of the militia. As the lyrics praised the noble efforts of Kentucky riflemen who defeated British professionals, it also celebrated the virtues of the American citizen-soldier. For many Americans, the service of farmers who left their homes to defend New Orleans reaffirmed their faith in republicanism.[4]

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[2] Carol Reardon, *Pickett's Charge in History and Memory* (Chapel Hill: University of North Carolina Press, 1997), 3.

[3] C. Edward Skeen, *Citizen Soldiers in the War of 1812* (Lexington: The University Press of Kentucky, 1999). Skeen mentions militia insubordination throughout the book.

“Hunters of Kentucky” also downplayed the dismal militia defeats that were commonplace during the War of 1812. This symbolism attached to the Battle of New Orleans reflected early Americans’ faith in the militia over a standing army and the merits of republican virtue.

Another byproduct of the Battle of New Orleans, according to the work of John William Ward, was the formation of a national exceptionalism. Borrowing ideas from colonial Puritanism, Americans believed that they were God’s chosen people. Many looked at the victory at Chalmette as divine intervention.[5] According to congressman George McIntosh Troup, “The God of Battles and of Righteousness took part with the defenders of their country, and the foes were scattered bare before us as chaff before the wind.”[6] Americans saw British defeat as an indication that God ordained them with His protection and blessing. An integral element to this spiritual myth was General Andrew Jackson, who many believed served as God’s earthly agent. Ward contends that Jackson’s heroism in the War of 1812 caused Americans to equate him with God himself and declare him the savior of Louisiana.[7] This exalted image of Jackson largely conditioned his public image and has often colored historical interpretations of him since. Indeed, historians continue to cite Jackson’s transcendent character as the major reason behind the victory at Chalmette and the main reason why Louisianans fought with him.

In 1816, Major A. Lacarriere Latour, a French engineer who accompanied Jackson on his Mobile and New Orleans campaigns, published his memoir providing one of the first accounts of the historic battle. Although his work is a valuable source in understanding the day to day operations

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[4] John William Ward, *Andrew Jackson: Symbol for an Age* (New York: Oxford University Press, 1955), 9, 20.

[5] Ibid, 108.

[6] *Annals of Congress,* 13th Congress, 3rd sess., 1156.

[7] *Louisiana Gazette,* 6 July 1815.

within Jackson's ranks, it at times inaccurately characterizes Louisianans' wartime mobilization and motivation. Latour insists that Jackson's mere presence was the main reason Louisiana's diverse population fought, arguing that "love of country, the hatred of England … fire every heart; -but all this would have availed nothing without the energy of the commander-in-chief:" Furthermore, he argued that Jackson's charisma and military expertise inspired confidence among Louisianans.[8]

Many historians continue to ape Latour's conclusions. In *The British at the Gates*, Robin Reilly contends that the prewar, chaotic state of New Orleans could only be remedied by Jackson's presence, claiming his "boundless energy, apparent confidence, and his ruthless removal of obstacles" demanded respect and subordination of the disunited Louisiana populace.[9] According to Samuel Carter in *Blaze of Glory*, Jackson's "authoritative presence, his bold assurance infected the people with a spirit of self-confidence that they badly needed." Carter goes on to argue that Jackson seemed to have a mystical power to unite Louisianans, asserting that "the jealousies and suspicions, the cantankerous disputes, began to wain before a common leader and a common purpose."[10] These few examples of the historical literature demonstrate that Latour's interpretation left a lasting imprint on historical memory. Unfortunately, this memory and interpretation are highly selective and leave many pieces of the story untold.

Jackson's arrival in New Orleans on December 1, 1814 certainly catalyzed the mobilization efforts already prompted by Louisiana Governor William C.C. Claiborne. Historians, however, have treated this too simplistically. They depict Jackson riding into New Orleans and soothing the ethnic

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[8] Latour, *Historical Memoir of the War in West Florida and Louisiana*, 54.

[9] Robin Reilly, *The British at the Gates: The New Orleans Campaign in the War of 1812* (New York: G.P. Putnam's Sons, 1974), 211.

[10] Samuel Carter, *Blaze of Glory: The Fight for New Orleans, 1814-1815* (New York: St. Martin's Press, 1971), 111.

tensions and political disputes that had plagued Louisiana for years. This popular image overlooks what really motivated Louisianans to fight and follow Jackson. To ignore this crucial aspect of wartime mobilization is to neglect the history of the Orleans Territory marked by Louisianans' ongoing struggle for incorporation and American acceptance.

The diverse ethnic composition of the territory rendered it foreign to many Americans outside of Louisiana and engendered questions about its loyalty and attachment to the Union. Statehood in 1812 failed to dispel such doubts. As an invasion of New Orleans seemed imminent, Americans continued to cast dubious glances at their newest countrymen. For Louisiana militiamen, their obligation as citizen-soldiers went much further than the expectations placed on their neighbors in Tennessee or New York: They became emblematic of the state as a whole. Their actions or inactions appeared as indicators of the extent of all Louisianans' allegiance. American apprehensions regarding Louisianans' loyalty made wartime mobilization and the Battle of New Orleans a crucial event representing Louisianans' final strategy of negotiation and a true demonstration of their attachment.

As Pierre-Joseph and other Louisianans celebrated victory at the *Place d' Armes*, Louisiana representative Thomas B. Robertson stood before Congress to convey the impact the war's final engagement had on his constituents. He proudly professed that in the Battle of New Orleans Louisianans displayed "a zeal, a patriotism … which command the applause of an admiring nation." In addition, he argued that Louisiana militiamen's gallant efforts not only defeated British forces, but dispelled suspicions "derogatory to the history of Louisiana."[11] After years of professing their affection, resisting unfavorable policies, and cooperating with lawmakers, it was Louisianans'

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[11] *Annals of Congress*, 13th Congress, 3rd sess.,1157.

sacrifice on the battlefield that showed they were true Americans. From New Orleans to the floor of Congress, Louisianans celebrated their victory at Chalmette and the end of their long-fought battle for acceptance.

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In February 1809, Julien Poydras rode on horseback from his home in Pointe Coupee, Louisiana to Washington D.C. to take his seat in Congress. The long journey provided him ample time to think about affairs at home, but more importantly his new government position. Poydras looked forward to the opportunity to serve his fellow Louisianans and hoped that he could enhance his constituents' relationship with Washington lawmakers. He also made it his top priority to convince fellow congressional members to approve Louisiana's admission into the Union.[12] Despite their failed attempt in 1809, Louisianans reapplied for statehood in March 1810. Although the territory's population failed to meet the required 60,000 inhabitants needed for statehood, Louisianans begged Congress to grant them special concessions as it did when it "erected in 1802, the territory of Ohio into a State, long before it possessed the number of inhabitants required by the [1787 Northwest] Ordinance."[13] Due to a congressional recess, Poydras did not introduce Louisianans' petition to the House until December 17, 1810. At this time he happily reported that since the petition was submitted in March, the Orleans Territory had reached the 60,000 residents needed for statehood.[14] To Poydras, nothing ought to prevent Congress from admitting Louisiana into the

[12] Brian J. Costello, *The Life, Family and Legacy of Julien Poydras*, 33.

[13] Memorial to Congress by the Legislature, 12 March 1810, IX: 873-876. .

[14] *Annals of Congress*, 11th Congress, 3rd sess. 413-414 & 481. Costello, *The Life, Family and Legacy of Julien Poydras*, 34; George Dargo, *Jefferson's Louisiana,* 6. In March 1810, the Senate received Louisianans' petition for statehood. Senator Giles submitted the memorial to the Senate as a whole and it was then referred to a committee of five. By April, the memorial was brought before the Senate and discussed. At this time, the Senate drafted and amended a bill entitled "A Bill to enable the people of the Territory of Orleans to form a Constitution and State government and for the admission of such as State into the Union, on an equal footing with the original States; and for

Union. He soon found, however, that residency requirements were the last concern on lawmakers' minds and many of them had yet to shake their initial perceptions of Louisianans. Representatives continued to question if Louisianans had learned republican principles or fostered the needed bonds of attachment to the United States.

These debates also revived many constitutional questions regarding statehood and the durability of the infant nation. Massachusetts Representative Laban Wheaton strongly opposed granting Louisianans statehood, believing that the Constitution prohibited the admission of a territory not included "within the limits of the United States when the Constitution was established."[15] John Quincy Adams continued to express fears regarding the detrimental effect Louisiana statehood would have on the political and economic power of the old Northeastern states. As he did in the Eighth Congress, Adams attempted to use the Constitution as a tool to block Louisiana's admission, claiming that Congress lacked the constitutional authority to admit new states into the Union. Failure of congressional leaders to adhere to the confines of the country's most sacred document, Adams predicted, would be "a death-blow to the constitution."[16] Federalists continued their crusade against Louisiana which they still viewed as the agent of their demise. In refutation, Maryland Republican Robert Wright believed that Louisiana statehood did nothing to undermine the Federal Constitution, arguing that Article IV, Section III allowed Congress to not only admit new states, but also to make needed regulations for American territories. Wright considered statehood as one such regulation. He also countered earlier arguments against extending the original

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other purposes." Due to the congressional recess, the Senate did not revisit the bill until January 1811. See *Annals of Congress*, 11th Congress, 2nd sess., 596, 646, 663-664, 670, 674.

[15] *Annals of Congress*, 11th Congress, 3rd sess., 494.

[16] Ibid., 542.

borders of the United States, contending that the United States already exceeded its original boundaries when it admitted Vermont into the Union.[17]

Beyond constitutional matters, congressional leaders seemed concerned whether Louisiana's diverse population had cultivated the political expertise needed to run a state government. Virginia Representative Daniel Sheffey argued that Louisianans needed more time to ensure that they truly understood the republican system, urging congressional members to "let them become accustomed to our Government, before permitting those to govern themselves who had lately emerged from despotism."[18] Others expressed apprehensions over whether Louisianans were loyal and had formed the necessary bonds of attachment. To Tennessee Representative Pleasant Miller, it seemed doubtful that Louisiana's foreign population would ever sever ties to France. "I was born in Virginia, sir, and I have not yet lost some of my Virginia feelings," Miller admitted, "and I cannot see why we should expect the people of Orleans to act and feel differently from other people… they [inhabitants] will have some attachments."[19] Washington representatives such as Miller continued to view Louisianans as adopted Frenchmen who had yet to undergo the proper Americanization process. Yet several lawmakers came to Louisianans' defense, arguing that the conversation of attachment proved their readiness for statehood. North Carolinian Nathaniel Macon scolded his fellow lawmakers for depriving Louisianans statehood, claiming that they had "already served a sufficient apprenticeship to the United States." Macon also contended that Louisianans had shown their attachment in repelling a Spanish invasion in 1806, as well as by remaining loyal during the Burr Conspiracy. These acts of affection, to Macon, proved that

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[17] Ibid., 574-576.

[18] Ibid., 321.

[19] Ibid., 495-496. Miller's party affiliation is unknown.

Louisianans "possessed certainly as strong an attachment to the nation as could be expected for the time they had belonged to it."[20]

The Louisiana statehood bill underwent several revisions in both the Senate and the House before receiving final approval in February 1811. At this time, Congress passed the Enabling Act which authorized Louisianans to select delegates to prepare a state constitution. In addition, the act required Louisianans to include certain provisions in their new constitution such as making English the official language in government and legal proceedings.[21]

The debates in the Eleventh Congress demonstrate that many congressional members felt that Louisianans still needed more time to fulfill their apprenticeship to liberty. Yet Washington lawmakers admitted Louisiana to the Union anyway. Why? What prompted these men to give statehood to a population that many still deemed politically ignorant and culturally unattached? Further examination reveals that American lawmakers granted Louisiana statehood not out of willingness, but rather out of necessity.

The port of New Orleans had become one of the most prominent in North America. To secure its advantages, American lawmakers needed to align Louisianans' economic interests with those of the United States. The territory's close proximity to Spanish Texas and Florida also made it quite vulnerable to foreign invasion. Concomitantly, the territory's diverse population theoretically made intrigues by European powers more likely. In the event of a war, the British could use Louisiana's

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[20] Ibid., 504-505.

[21] Act of 20 February 1811, ch. 21, *Stat*. III, *The Public Statutes At Large of the United States of America* (Boston: Little Brown and Company), II: 641-643; *Louisiana Gazette*, 26 May 1811; Frances Pirotte Zink, *Julien Poydras,* 21. "A Bill to enable the people of the Territory of Orleans to form a Constitution and State government and for the admission of such as State into the Union, on an equal footing with the original States; and for other purposes," or the Enabling Act, provided instructions on what Louisianans needed to do for statehood. This of course included naming the state and drafting a constitution. Congress put few restrictions on how Louisianans were to set up their constitutional convention but did limit the number of delegates to sixty.

population to strike a destructive blow to the United States. Congressional leaders recognized these important realities. Mississippi delegate George Poindexter saw Louisiana's economic and geographic position as vital to the well-being of the republic since New Orleans commanded "the mouth of the Mississippi and Mobile River" and controlled the outlets of western commerce. Also Poindexter looked to Louisiana as a needed buffer between the Spanish and the western states of the Union such as Kentucky and Tennessee. To ensure that Louisianans protected both the economic and domestic safety of the country, he believed that Orleans inhabitants needed incentives and reciprocal bonds of attachment between them and their American brethren. These bonds, he argued, would encourage "the deep interest of the people … and stimulate them to repel at every hazard an attempt to disturb that intercourse." In essence, Poindexter contended that statehood would seal Louisianans' loyalty and affection to the United States.[22] Representative John Rhea reiterated Poindexter's assertions. He argued that the Orleans Territory's proximity to foreign territory, as well as the danger of a possible war with England, made it extremely susceptible to invasion. To strengthen its ties and loyalty to the United States, Congress needed to provide Louisianans with "all the rights of freemen and citizens, to the full extent of the term to uphold and defend." According to Rhea, these privileges were the only sure way to secure Louisianans' loyalty against foreign invasion. He avowed, "you will make them warriors indeed, they will fight for themselves and for the United States if invaded, because they will then have everything worth contending for, their grateful hearts with irresistible vigor will strengthen their arms to wield the sword against the enemies of the United States."[23]

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[22] *Annals of Congress,* 11th Congress, 3rd sess., 507. Poindexter was a Virginian who moved to the Mississippi Territory in 1802. He was elected the congressional delegate for the Mississippi Territory in the Tenth, Eleventh, and Twelfth Congress. Later he served as a representative for the state of Mississippi and governor from 1819-1821. Later in his career he would become a strong opponent of Andrew Jackson.

The Eleventh Congress seemed troubled over Louisiana statehood. Many harbored the same apprehensions once expressed by their predecessors in the Eighth Congress, while others believed statehood provided one more means to secure Louisianans' loyalty and attachment. Louisianans, therefore, received statehood not because lawmakers deemed them ready to be full members of the Union or accepted them as countrymen, but out of necessity to keep them loyal and ensure they remained attached to the United States.

Despite congressional reservations, Louisianans welcomed statehood. On November 4, 1811, forty-five delegates met at Tremolet's Coffee House in New Orleans to draft Louisiana's state constitution. Having returned from Washington, Poydras assumed the role as president of the convention that included many *ancient* Creoles such as Noel Destrehan and Colonel Joseph Bellechasse.[24] Creole delegates wasted little time in speaking out against the Enabling Act. Destrehan bewailed the provision that made English the official language of the Louisiana government. He also deplored other aspects of the bill that he believed undermined Louisianans' French identity. Despites his objections, in January 1812, the convention unanimously voted to accept the new state constitution.[25] To mark this occasion, Poydras spoke to the convention about their landmark work. He compared Louisianans to a ship navigator who weathered adverse winds and fatigue only to enter "the port which is the object of his wishes and the hope of his fortune."[26]

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[23] Ibid., 501.

[24] Governor Claiborne to the Secretary of the Treasury, 21 November 1811, *Territorial Papers*, IX: 956-957. Here Claiborne writes, "The Convention of the Territory is now in Session, & our mutual friend Mr. Poidrass is their President." Edward Livingston ran for a spot as a convention delegate but was not elected due to the Batture controversy.

[25] Vernet, "Strangers on Their Native Soil," 264-265.

[26] *Louisiana Gazette*, 23 January 1812. Julien Poydras to the President, 28 January 1812, *Territorial Papers*, IX: 998.

On March 3, 1812, Louisiana's completed constitution made its way to Congress. Following a close examination of the laws and provisions of the document, it was approved and President James Madison signed the "Act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state" on April 8, 1812.[27] After years of pledging their attachment, cooperating with lawmakers, and employing political resistance, Louisianans' strategies of negotiations earned them statehood. Louisianans had faced the adverse winds of the territorial period; now they had safely arrived in port as American citizens. Yet underneath the merriment and celebration, Louisianans realized that Americans still questioned their loyalty and affection to the United States. They monitored the congressional debates regarding statehood and understood that many still looked askance at Louisiana's diverse population. Little did Louisianans know that they would have another opportunity to show their attachment and once and for all dispel such doubts.

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Louisianans' statehood fanfare came to a quick end on June 18, 1812, when Congress declared war on Great Britain. As the Eleventh Congress prepared for war, it soon became evident that its predecessors failed to provide an effective militia organization or the appropriations needed to fund major military expeditions. In New York, 1,600 militiamen gathered to fight, but lacked any arms or supplies for battle. Governors all over the country failed to meet militia quotas issued by Adjutant General Thomas H. Cushing. Militiamen complained about serving under officers from other states while other soldiers deserted before their term expired.[28] Partisan affiliations also hindered militia

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[27] *Debates in Congress*, 12th Congress, 1st sess., IV: 176; Act of 8 April 1812, *Public Statutes at Large*, ch. 50, *Stat*. I, II: 701-704.

[28] Skeen, *Citizen Solider in the War of 1812*, 39-40, 61.

participation. The Federalist governor of Massachusetts refused to muster his forces, demonstrating his opposition to the Madison administration and the War of 1812.[29]

Governor Claiborne faced similar problems as Louisiana's militia was ill-prepared to engage in a full-scale war. He found not only a lack of military supplies, but also insubordination among many of his constituents. In an address to the Louisiana state legislature, Claiborne reiterated Henry Hopkins' 1809 critique of the state militia, asserting that the "contrariety of language spoken by the Citizens of Louisiana; the dispersed situation of settlements" both hindered wartime mobilization.[30] These persistent problems created strong waves of resistance towards militia service. To President Madison, Claiborne admitted that Louisiana's heterogeneous population rendered the city militia inefficient, as French descendants refused to fight for the United States. In June 1813, the worried governor lamented the disorganized state of the city militia, which he described as in "Great Derangement."[31]

Governor Claiborne confronted the same challenges facing other state governors. For many American lawmakers, however, these common problems carried a different connotation when occurring in Louisiana. Louisianans' failure to answer militia calls prompted many to question if these new Americans were truly attached to the United States. These questions became even more potent as many turned their attention to a possible invasion of New Orleans. As early as July 1813, Claiborne acknowledged that "Louisiana I fear is in greater danger than the Secretary of War apprehends."[32] By the next year, Claiborne's fears were vindicated as an invasion of New Orleans

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[29] Ibid., 67.

[30] William C.C. Claiborne to State Legislature, 30 July 1812, *Letter Books,* VI: 144-147.

[31] William C. C. Claiborne to General Flournoy, 17 June 1813, Ibid., VI: 226.

[32] William C. C. Claiborne to James Brown, 27 July 1813, Ibid., VI: 245.

seemed imminent. As the southeastern Indian campaign came to a close, both American and British officers turned their attention to New Orleans. General Andrew Jackson, on March 16, 1814, accepted his new appointment as Major General of the United States Army and immediately set his sights on Louisiana. Claiborne had little good news to provide the general, admitting that "there are many faithful Citizens, but I repeat there are others, on whose Attachment to the United States I cannot confide." Claiborne cited ethnic tensions and militia insubordination as the major obstacles obstructing a strong Louisiana front.[33] Months later, James Monroe received intelligence that revealed that "a British force consisting of twelve or fifteen thousand men would sail from Ireland early in September for New Orleans and Mobile with the intention to take possession of the city."[34] General Jackson soon reaffirmed Monroe's warning, informing Governor Claiborne that a detachment of a thousand Irishmen were heading for Louisiana in hopes of overthrowing the American regime.[35] Louisianans themselves also entertained notions of a possible invasion. Pierre-Joseph Favrot cautioned his family that "News from Pensacola states that the English are making big preparations to capture New Orleans …. It is said that the English want to take back Louisiana and give it back to Spain, who intends to reoccupy her former possessions."[36] Such reports and Claiborne's inability to mobilize military forces made many Americans wonder if Louisianans would defend their newest country or welcome a foreign invader.

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[33] William C. C. Claiborne to Andrew Jackson, 24 August 1814, *Correspondence of Andrew Jackson,* ed. John Spencer Bassett (Washington: Carnegie Institution of Washington, 1927) II: 29-30.

[34] James Monroe to Governor William Blunt, 10, October 1814, James Monroe Letter, MSS 17, Historic New Orleans Collection.

[35] Andrew Jackson to Governor Claiborne, 31 October 1814, *Letter Books*, VI: 312.

[36] Pierre-Joseph Favrot to Philogene Favrot, 19 September 1814, *The Favrot Family Papers*, V: 221.

Questions of Louisianans' loyalty not only lingered within the United States, but also among the international community. European powers assumed that Louisianans' attachment to the United States rested on a precarious foundation. The Secretary of the Navy intercepted a detailed letter outlining plans for the Spanish conquest of Louisiana. The letter from Colonel Louis DeClouet to Spanish officials in Cuba stated that over two-thirds of the state's population remained loyal to Spain.[37] The British also hoped to use unattached Louisianans to defeat American forces. British Captain James Stirling saw New Orleans as the key to British domination of the Gulf Coast region, but more importantly as the ideal place for an invasion because of its vulnerability. Stirling believed that Louisiana's distance from the rest of the United States and weak military forces provided the British easy access to the port city. Moreover, he hoped Louisiana's population would be a useful asset since it was "made up chiefly of emigrants from all Nations unconnected by blood or long fellowship with the other states of America." He also believed that the precarious political situation in Louisiana might induce Creoles to support any plan to separate Louisiana from the Union.[38] Heeding Stirling's advice and hoping to exploit Louisianans' perceived disloyalty, in August 1814, English Col. Edward Nicholls issued a proclamation urging them to join him:

> Natives of Louisiana! On you the first call is made to assist in liberation from a faithless, imbecile government, on your paternal soil. Spaniards, Frenchmen, Italians, and Britons, whether settled or residing for a time in Louisiana, on you also I call to aid me in this just cause. The American usurpation in this country must be abolished, and the lawful owners of the soil put in possession… You will have no fear of litigious taxes imposed upon you for the purpose of

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[37] Powell A. Casey, *Louisiana in the War of 1812* (Ph.D. diss., Louisiana State University, 1963), 2.

[38] James Stirling Memorandum, 17 March 1813, MSS 94, Historic New Orleans Collection. He believed that Louisianans would be forced to join the British once a naval blockade diminished their commerce. He also laid out a plan for the invasion of New Orleans that included exploiting General James Wilkinson who "is reported to be a man of much excess and considerably in debt --- His principles are not considered very firm and he has been treated very harshly by the American government."

> carrying on an unnatural and unjust war; your property, your laws, the peace and tranquility of your country will be guaranteed to you by men who will suffer no infringement on theirs.[39]

Nicholls encouraged Louisiana's ethnic population to retaliate against the United States in order to return their native soil to its original inhabitants. He also went so far as to attempt to enlist the support of pirate Jean Lafitte. Nicholls hoped that Lafitte would help him convince Louisianans to join the British cause in exchange for the rank of captain and land from the spoils of victory.[40]

Aware that there existed an international consensus questioning their loyalty, Louisianans themselves took active measures to dispel such doubts and transcended mere rhetoric to show their attachment to the United States. By the summer of 1814, a new spirit seemed to infect New Orleans and adjoining parishes. Some historians argue that this was sparked by Jackson's arrival in New Orleans in December; however, as early as September Louisianans took a renewed interest in strengthening the city's defense and volunteering for military service. One group of concerned Louisianans assembled at Tremoulet's Coffee House on September 15, 1814, to form a committee to assist civil and military forces throughout New Orleans. Edward Livingston was elected the chair of this newly-formed Committee of Defense while Julien Poydras participated in the proceedings. After years of clashing over Louisianans' incorporation process, these political adversaries put aside preexisting feuds to help Louisianans safeguard New Orleans from danger. In a speech opening the meeting, Livingston argued that a Committee of Defense was essential to ensure protection, but more importantly to show the English that their assumptions about Louisianans' disloyalty were grossly erroneous. Furthermore, Livingston contended that Louisianans owed it "to ourselves to disavow such unfounded and calumnious

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[39] Latour, *Historical Memoir of the War in West Florida and Louisiana*, 185-186.

[40] Edward Nicholls to Messier Jean Lafitte, 31 August 1814, Edward Nicholls and William H. Percy Letter, MSS 196, Historic New Orleans Collection.

insinuations, and by a prompt and cheerful offer of support, to show the rest of the United States that we are not unworthy of a place among them."

Livingston realized that this Committee of Defense provided an opportunity for Louisianans to show their attachment through their diligent actions. In turn, committee members adopted several resolutions that revealed that they felt the same. For instance, one resolution stated that "the good people of this State are attached to the Government of the United States, and they will repel with indignation every attempt to create disaffection." The committee also agreed to build up city defenses and rally support amongst the citizenry.[41] Fulfilling its promise, the committee recruited wealthy citizens to donate money to assist government efforts. Livingston himself gave $400, while many Creoles made generous contributions to the fund.[42] Just days later, the Committee of Defense circulated a public proclamation to Louisianans that encouraged them to cooperate with government officials and to answer the call to arms. Moreover, it urged Louisianans to remain steadfast in their affection to the United States, arguing that "A just idea of the geographical situation of your country will convince you that your safety, and in a greater degree your prosperity, depends on your being irrevocably and faithfully attached to an union with the other states."[43] The nine-person Committee of Defense included many of Livingston's former Creole cohorts such as Noel Destrehan. In the face of danger and constant suspicion, even the most fervent *ancient* stood up to help Louisianans show their attachment.

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[41] Latour, *Historical Memoir of the War in West Florida and Louisiana,* Appendix XIII, 200-201. See also *Louisiana Gazette*, 20 September 1814. Among the nine members, five were Creoles and four were Americans including Benjamin Morgan. Livingston's new role as the leader of the Committee of Defense put him in constant contact with General Jackson. They had previously served together in the Fourth Congress. See also Extracts from General Orders Issued by Adjutant General's Office for the Seventh Military District and by the Commander of the East Section of the Seventh Military, *The Favrot Family Papers,* V: 231-233; Charles Havens Hunt, *Life of Edward,* 209-211.

[42] Edward Livingston Papers, MSS C0280, Box 7, Folder 24.

[43] Latour, *Historical Memoir of the War in West Florida and Louisiana*, 202.

Following the lead of the Committee of Defense, the New Orleans City Council also did its part to prepare the city. On September 20, 1814, Mayor Nicholas Girod and members of the council sought to set up a government defense committee for the express purpose of uniting civil and military leaders.[44] Members of the Louisiana state legislature, including Pierre-Joseph Favrot, also contributed to wartime mobilization by appropriating $17,000 to repair fortifications and provide needed ammunition. Besides providing political support, Pierre-Joseph also felt compelled to use his military expertise to enhance mobilization efforts. In a published memorandum, he suggested how Louisiana leaders could improve Fort St. Phillip. He recommended that batteries with numerous militiamen and infantry be placed in front of the fort as well as at the English Turn to prevent British access from the mouth of the Mississippi River. He also suggested that Fort Bourbon receive six new 18-caliber cannons. By Pierre-Joseph's estimates these improvements would take under a week to implement and would ensure Louisianans' safety.[45] Louisianans' copious mobilization efforts helped ease American apprehensions and prompted Governor Claiborne to happily report that "a great change has taken place in the Public mind in this Quarter, and a very Patriotic Spirit pervades the State."[46]

As New Orleans' citizens spurred mobilization efforts, the state's military forces converged in New Orleans. The Louisiana Drafted Militia under Alexander DeClouet was the first to assemble in September 1814. The regiment consisted of men from various units from throughout the state. These regiments were later dispersed throughout Jackson's forces. The 6th, 7th, 8th, and 9th regiments of the

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[44] City Council of New Orleans, 14 September 1814, Kuntz Collection, MSS 600, Manuscripts Department, Tulane University.

[45] Memorandum Written by Pierre-Joseph Favrot Concerning the Defenses of Louisiana, 19 November 1814, *The Favrot Family Papers*, V: 230-231.

[46] William C. C. Claiborne to Governor Blount, 18 November 1814, *Letter Books*, VI: 316.

Louisiana Drafted Militia also assembled and were stationed at Magazine Barracks.[47] Louis Favrot, now a major in the 8th regiment, was among these troops. Statewide cavalry units also reported for duty between September and November 1814. On September 29, Captain Jedediah Smith's Feliciana Troop of Horse began patrolling the riverbanks near St. Francisville preparing for a possible slave insurrection or a surprise British attack. In October, Captain Joseph Dubuclet's Volunteer Troops of Hussars of the Teche-Attakapas joined forces with Captain Thomas Beale's Company of New Orleans Riflemen which consisted of sixty-eight men of prominent families. As these militia and cavalry units gathered in New Orleans, specialized volunteer companies united with their statesmen to help defend New Orleans.

By November 1814, the Uniformed Battalion of Orleans Volunteers assembled in New Orleans. This unit included five companies that existed under the French and Spanish colonial regimes. Serving as the senior company, the Carabiniers consisted of 114 French businessmen from New Orleans. The Francs, led by Captain Jean Hundry, consisted of artillerymen whose ancestors fought in the French colonial militia. Captain Henri St. Geme's company of "Dragons D'Orleans" numbered ninety-nine Frenchmen, while the company of Chasseurs totaled to eighty-two. The final company of this elite fighting force was the Louisiana Blues, a unit made up of Irishmen from the city.[48] The Uniformed Battalion of Orleans Volunteers represented the rich ethnic composition of Louisiana's population and the long ties they had with their colonial past. Yet these *ancient* Creoles joined New Orleans' militiamen to repel a British invasion and gain national acceptance.

Like their white counterparts, *libres* also mobilized their own battalions. For years the Free Color Battalion existed only in name, as black militiamen were ignored by Louisiana legislators. Despite this

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[47] Casey, *Louisiana in the War of 1812*, 16.

[48] Ibid., 30-31.

neglect, Governor Claiborne continued his efforts to make a free black battalion a recognized militia unit. Using *libres*' participation in the 1811 slave rebellion as well as the impending war with Great Britain, Claiborne pleaded with state legislators to activate the Free Color Battalion as a vital military necessity. In January 1812, state legislators began deliberations on a comprehensive militia bill. In August, House members debated the section of the bill regarding the free black militia and within a day approved the measure to allow the governor to enlist certain *libres*. Louisiana lawmakers included several stipulations including one limiting the battalion to only four companies. Those *libres* eligible for service were required to meet the same property requirements as their white counterparts.[49] "An Act to Authorize the Governor to Enroll Certain Free People of Color" passed through both the House and Senate. On September 7, 1812, Governor Claiborne signed the bill into law creating the Battalion of the Free Men of Color. For over nine years free blacks fought for the same military privileges enjoyed by their fathers. Four companies of the "chosen men of color" carried on their colonial legacy to fight for their country when it needed them most.

Since 1804, Michel Fortier had commanded the free black battalion. In 1812, he resumed these duties, heading the 1st Battalion of the Free Men of Color. Major Pierre Lacoste was given command of several companies under Fortier.[50] As *libres* mobilized for service, General Andrew Jackson sent a public proclamation to New Orleans addressed to Louisiana's free people of color. Jackson's speech referred to these chosen men as Americans and told them that "your country looks with confidence to her adopted children for a valorous support, as a faithful return for the advantages enjoyed under her mild and equitable government." He went on to promise *libres* the same benefits given to white soldiers

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[49] McConnell, *Negro Troops of Antebellum Louisiana,* 52-54. The bill also stipulated that free blacks were eligible for service if they paid taxes or had land worth $300. The sons of eligible free blacks could also serve. The four companies were to be led by white officers appointed by the governor.

[50] Casey, *Louisiana in the War of 1812*, 33-34.

in the service of the United States Army, which included equal pay as well as 160 acres of land.[51] Jackson's proclamation was largely a response to Claiborne's fear that free blacks might be enticed by the enemy. His concerns were not unwarranted since British Captain James Sterling advocated arming Louisiana's free black and slave populations to assist British forces.[52] Free black Louisianans faced many suspicions regarding their attachment as many feared foreign intrigues might sway their loyalty. Like their white counterparts, Louisiana's free people of color looked to the War of 1812 as an opportunity to bolster their claims for citizenship and gain acceptance in the United States.

With the immense outpouring of *libre* enlistments, legislators were forced to create a second free black battalion under the command of Major Louis D'Aqurin in October 1814.[53] Prominent members of Louisiana's free black community exploited their new opportunity for service. Luis Simon, Pierre Bailly and his son, Vincent and Maurice Populus, and Charles Poree all enlisted in Fortier's battalion. These same men, nearly eight years before, crafted and signed the "Address from the Free People of Color" begging Claiborne for military service. Pillars of the *libre* community, these free black crusaders took their leadership skills to the battlefield. Luis Simon and Vincent Populus both served as captains in Fortier's battalion, while Noel Carrier Jr. and Maurice Populus were commissioned as first lieutenants.[54] For years, the old and new generation of chosen men of color combated Americans' racist ideology to preserve the rights enjoyed by their

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[51] *Jackson's Proclamation to the Free Coloured Inhabitants of Louisiana*, 21 September 1814, *Correspondence*, II: 58-59.

[52] James Stirling Memorandum, 17 March 1813, MSS 94, Historic New Orleans Collection.

[53] Rosemarie Fay Loomis, *Negro Soldiers, Free Men of Color in Battle of New Orleans, War of 1812* (New Orleans: Quatres Vente, 1991), 4.

[54] *National Archives and Records Administration: Index to Compiled Service Records of Volunteer Soldiers who Served in the War of 1812* NARA Microform Publication, M229, 3 reels. Among other notable enlistments included Vincent and Maurice Populus' brother Joachim and his son Joachim Jr. as well as their nephew Felix. Also Vallitin Claver, the son of the late Spanish officer Pedro Claver, served as a private under Fortier.

colonial predecessors. The War of 1812 supplied them another vital means to show their merit as American citizens.

As Claiborne watched Creole, American, and *libre* soldiers mobilize for service he felt assured that state forces were becoming stronger and better prepared.[55] In a few short months, civic and military organizations ensured that New Orleans was prepared for a British attack. Certainly this rapid mobilization came out of fear of British occupation of the city. Constant questions regarding their loyalty, however, also motivated Louisianans. For nearly twelve years, Louisianans engaged in a constant struggle to prove their attachment to the United States. Even statehood failed to secure the trust and acceptance of fellow Americans. A possible invasion of New Orleans, therefore, provided yet another opportunity for Louisianans to show their allegiance. Clearly, the members of the Committee of Defense realized this, justifying their very existence under the banner of attachment and affection for the United States. More importantly, troops from various backgrounds consolidated their forces in New Orleans weeks prior to Jackson's descent on New Orleans.

Upon his arrival in December 1814, General Jackson himself acknowledged and applauded Louisianans' profuse efforts. In a series of public proclamations, Jackson assured militiamen and Louisianans that their enthusiasm and affection would continue to alleviate any doubts of their loyalty. Moreover, he encouraged Louisiana soldiers to "continue with the energy you have begun," thus promising "victory over the insolent enemy who insulted you by an affected doubt of your attachment to the Constitution of your country."[56] Jackson's praise of Louisianans countered affirmations made by Latour and historians such as Reiley and Carter who believed that Louisianans united to fight only after Jackson had infused the city with his spirit, expertise, and charisma.

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[55] William C. C. Claiborne to Andrew Jackson, 5 November 1814, *Letter Books*, VI: 310.

[56] Andrew Jackson to the Militia of Louisiana, 18 December 1814, *Correspondence*, II: 118-119.

By December 1814, other state units began to arrive daily to help defend the crucial port city. The Mississippi Territory's Troop of Horse, General John Coffee's Tennessee Brigade, and William Carroll's division from Nashville joined Jackson on December 22.[57] Later that evening a British detachment reached the mouth of Bayou Bienvenue and by 1:30 the next afternoon advanced closer to the city. A small skirmish occurred later that evening as Beale's New Orleans Riflemen penetrated the center of the British line. Displaying their bravery and skills, Louisiana riflemen killed several British troops and took several others prisoner. The next two weeks saw only minor exchanges of fire, as both British and American officers aligned their forces for one last major engagement. On January 4, the Kentucky militia arrived with 2,230 men ready for what would be the last battle in the New Orleans campaign and the War of 1812.

A few days prior to the famous Battle of New Orleans, Jackson selected his main line of defense (Line Jackson) just five miles below New Orleans located between the Rodriguez and Chalmette plantations.[58] On Line Jackson, Louisiana militia and volunteer units were combined with units from both Tennessee and Kentucky. On the extreme right of Line Jackson stood Captain Beale's Riflemen right next to Major Plauche's Uniformed Battalion of Orleans Volunteers. Located further left was Major Lacoste's Battalion of Free Men of Color. [59] Along the main line, artillery was distributed throughout eight individual batteries. Major D'Aquin's Battalion of Free Men of Color stood between batteries four and five. According to Latour's memoir, the rest of Line Jackson (nearly two-thirds) consisted of

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[57] Reed McC.B Adams, "New Orleans and the War of 1812," *Louisiana Historical Quarterly* 17 (January 1934), 174-175.

[58] Latour, *Historical Memoir of the War in West Florida and Louisiana,* 145.

[59] Ibid., 150-151.

Tennessee militiamen under the command of Generals Carroll and Coffee.[60] Located about 4000 yards behind Line Jackson were several other Louisiana units including Colonel Robert Young's Tenth Regiment, Captain Griffith's Feliciana Mounted Riflemen, and Smith's Troop of Horse. These men stood as a protective wall defending Line Jackson from behind.[61]

The morning of January 8, 1815, began with a rocket flare signaling the start of British advancement towards Line Jackson. The bulwark of British troops advanced in columns of sixty men towards Battery seven. Eyewitness accounts recall the relentless fire coming from Line Jackson.[62] As the columns of British soldiers faltered and were replenished by new troops, the American bombardment of artillery fire continued. Louisiana units did their part to repel the British advancement. Beale's Orleans Riflemen fought off British penetration on the right flank ensuring the durability of Line Jackson.[63] When firing ceased at Chalmette, initial counts estimated 3,000 British killed, wounded, or taken prisoner, while American casualties numbered no more than thirteen.[64]

As American soldiers on the left bank of the Mississippi River reveled in their stunning victory, General David Morgan and his forces suffered America's one defeat of the New Orleans campaign. Situated on the opposite side of the Mississippi River, General Morgan's forces included portions of the 1st, 2nd, 4th, and 6th Louisiana regiments, 500 Kentucky militiamen, and troops from the Louisiana conscripted militia. Morgan's main line of defense was located about 1,300 hundred yards downstream

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[60] Ibid., 151.

[61] Casey, *Louisiana in the War of 1812,* 75.

[62] Latour, *Historical Memoir of the War in West Florida and Louisiana,* 155.

[63] Ibid., 158.

[64] Ibid., 160.

from Line Jackson.[65] Here advancing British forces received the same bombardment as their countrymen on the left bank. Enemy troops, however, successfully broke American defenses through an unguarded gap between Kentucky and Louisiana militiamen. Kentucky troops withdrew with no way to regain their position. The retreat rendered Morgan's other forces ineffective.[66] Despite this loss, British officers sent General Jackson a flag of truce—ending the fight for the Crescent City.

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As the smoke cleared at Chalmette, Americans rushed to assess the importance and magnitude of the Battle of New Orleans. Major John Reid, an *aide-de-camp* to General Andrew Jackson, provided a friend with the intricate details of the engagement. He explained that British forces drastically outnumbered American troops. Besides being outnumbered, he argued, that American troops were inferior in discipline, supplies, and experience. Through a combination of gallant vigor and Jackson's military genius, Reid believed that American forces overcame their many inadequacies. What he witnessed at the Battle of New Orleans made him believe that "this army will have accomplished more than any other army ever did in the same time, under the same circumstance."[67] Louisiana planter Duke Summer also expressed amazement over the events of January 8, 1815. He shared many of Reid's assumptions regarding the inferior state of Jackson's forces, arguing that "we have no instance since the invention of gunpowder of so great a disproportion as that which took place on the 8th."[68] Outnumbered, undersupplied, and inexperienced, American citizen-soldiers defeated British

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[65] Casey, *Louisiana in the War of 1812*, 86-87.

[66] Latour, *Historical Memoir of the War in West Florida and Louisiana,* 172-173.

[67] Major John Reid to Major Abram Maury, 13 January 1815, James Cook Collection: The War of 1812 in the South, MSS 557, Folder 103, Historic New Orleans Collection.

[68] Duke W. Summer to Joseph Philips Esqr. 19 January 1815, James Cook Collection, Folder 109, Historic New Orleans Collection.

professionals as a nation watched with pride and astonishment. For Louisianans, however, the Battle of New Orleans meant much more.

Louisianans' participation in the Battle of New Orleans earned them the title of American heroes along with a new acceptance in the United States. In the months following this historic battle, Louisiana itself was equated with the efforts of its militiamen. Just days after the battle, Governor Claiborne wrote to President Madison emphatically expressing that "I glory in the opportunity which has afforded the people of Louisiana to prove that altho' the Youngest of the great American Family, they are not the least in valour and Patriotism."[69] He, more than anyone, understood the battle's significance for his constituents. Several weeks later he printed a broadside thanking Louisianans for their gallantry and loyalty. He also indicated that their efforts earned the gratitude and acceptance of their countrymen who long doubted them. He hoped that the Battle of New Orleans would show the rest of the country that "Louisiana has been faithful to the union and faithful to itself."[70]

Andrew Jackson himself expressed praise and admiration for Louisianans. In a letter to Mayor Girod, Jackson thanked Louisianans for their "unanimity and patriotic zeal" as well as their "love of order, and attachment to the principles of our excellent constitution. " He went on to applaud the efforts of the City Council and the Committee of Defense, as well as New Orleans' "softer sex" who encouraged husbands to fight and took care of the city in their absence. Jackson's comments display the appreciation of a general who saw Louisianans' efforts as more than an attempt to defeat a stronger foe, but a means for

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[69] William C.C. Claiborne to James Madison, 19 January 1805, *Letter Books*, VI: 334.

[70] General Orders Issued to the Militia by Governor Claiborne, 26 January 1815, *The Favrot Family Papers*, V: 265.

them to strengthen their bonds of affection. He concluded his letter professing that "Seldom in any community, has so much cause been given to deserve praise."[71]

Free black soldiers also received accolades. The Baltimore *Niles' Weekly Register* highlighted the sacrifice of black militiamen, claiming that those "killed and wounded on our part were chiefly of the New Orleans colored regiment who were so anxious for glory that they could not be prevented from advancing our breastworks and exposing themselves."[72] Although overlooked by Washington and Louisiana lawmakers for so long, the Battle of New Orleans gave *libres* the military recognition they long desired. Furthermore, it placed them, if only for a moment, on the same footing as other Americans who fought for their country.

In February 1815, Congress also took time to acknowledge Louisianans' courage and patriotism with a series of resolutions commending their brave efforts which "deserve well of the whole people of the United States."[73] No other state received such attention in Congress, reflecting lawmakers' surprise and admiration for Louisianans' display of honor. To Louisiana Senator James Brown, the Battle of New Orleans alleviated any doubts concerning Louisianans', arguing that:

> Their conduct on the late trying emergency has been such, as not only to fulfill the predictions of their friends, and efface the unfavorable prejudices of those who until now were strangers to their true character… The ties of interest and of affection, which have long attached the Western States to Louisiana, have now become indissoluble. The purple stream of their best blood has united and mingled in the same channel, and has at once cemented their union and that of their country."[74]

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[71] General Andrew Jackson to Mayor Nicholas Girod, 27 January 1815, Jackson Items, MSS 200, Historic New Orleans Collection.

[72] McConnell, *Negro Troops of Antebellum Louisiana*, 88.

[73] *Annals of Congress,* 13th Congress, 3rd sess., 238.

[74] Ibid., 240-241.

Kentucky Representative Solomon Sharp embraced Louisiana as the newest and most patriotic member of the Union, asking whether "there be an American, whose bosom does not beat high with joy to call Louisiana a legitimate daughter of the Union, and hail her citizens as brothers?"[75]

In his memoirs, published in 1816, Latour also realized the great accolades the battle secured for Louisianans. He lamented the days of the Orleans Territory when "they [Louisianans] were considered, for a long time, suspicious members of the American family, and as persons who could not be relied upon." He contended that "it was not by words that those meritorious citizens vindicated their character; but by the best proofs of devotion to their country, by defending it faithfully, and by valiantly repelling the invading enemy."[76] Despite turbulent years with America lawmakers, the Battle of New Orleans solidified Louisiana's place as an American state.

As Americans celebrated British defeat, Louisianans quickly began constructing their own interpretation of the battle's profound impact. Events in the *Place d' Armes* on January 23, 1815 were filled with symbolism as Louisianans looked forward to being accepted members of the Union. Even the most resolute Creoles felt the elation that came with victory and acceptance. Just a week after the Battle of New Orleans, Josephine Favrot sat down to compose a tribute to the soldiers who fought at Chalmette. She thanked the "invincible Tennesseans" as well as the "illustrious and magnanimous Jackson." She boasted that Louisianans' courage, American patriotism, and French intrepidity proved the winning combination over the British. Furthermore, Josephine's tribute demonstrated her own acceptance of the United States. "Intrepid warriors! In order to defend our country, you sacrificed without hesitation … how flattering it is for us to call you our countrymen," she proudly wrote.[77] Her

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[75] Ibid., 1116.

[76] Latour, *Historical Memoir of the War in West Florida and Louisiana,* 228.

references to “our country” and “our countrymen” illustrate that she no longer felt like a Frenchwoman in a strange country, but rather an American enjoying her country's victory and success. She accepted her place in the republic and celebrated her new American family. Her mother displayed a similar transformation, telling her son Louis “May God protect our cause.” Even she saw the American cause as her cause.[78]

Year after year, Louisianans continued to celebrate the historic battle. On December 23, 1816, the *Louisiana Gazette* reminded its readers of the 1814 night battle, claiming that “It was on this day that the people of Louisiana first showed their northern and western brethren that they were willing to seal their blood and the compact that had already indissolubly bound them to the great American republic.”[79] On January 10, 1817, a similar announcement reminded readers of the two-year anniversary of the “Eighth of January”.[80] In 1848, one of Louisiana's leading citizens, Bernard Marigny, published his *Reflections of the Campaign of General Andrew Jackson, in Louisiana in 1814 and '15*. His *Reflections* sought to defend Louisianans who had long been subject to questions regarding their loyalty. He argued that “it would be impossible for our detractors to cite a single Louisianan, a single Creole, a single naturalized Frenchmen, who in the moment of danger, abandoned the country or refused to fight.” He went on to discuss the Committee of Defense that helped to secure money and supplies for the war effort.[81] At the heart of his pamphlet, Marigny redressed three accusations mounted against Louisianans prior to

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[77] A Tribute to the Defenders of New Orleans Written by Josephine Favrot, 15 January 1815, *The Favrot Family Papers*, V: 242-243.

[78] Marie-Francoise Gerard Favrot to Louis Favrot, 17 January 1815, Ibid., V: 249.

[79] *Louisiana Gazette,* 23 December 1816.

[80] Ibid., 10 January 1817.

[81] Bernard Marigny, “Reflections of the Campaign of General Andrew Jackson In Louisiana in 1814 and '15,” *Louisiana Historical Quarterly*, 6 (January 1923), 63.

the war by the American press. One American newspaper had reported that the Louisiana legislature wished to give up the country to the English by capitulation. To this, Marigny replied that its efforts to fortify the city, procure weapons, recruit soldiers, and assist General Jackson illustrated the blatant falsehood of such a statement. He also bewailed Americans who had once looked suspiciously at Louisiana's diverse population. He simply asked his fellow Americans why all efforts to locate and implicate Louisiana traitors rendered nothing. Finally, Marigny addressed the long-held assumption that Frenchmen refused to fight in the Battle of New Orleans. To refute such claims he calculated the location and participation of several Creole units and found that five were led by French captains. He also estimated that at least ten or twelve French and Creole soldiers served as cannon operators while the majority of Line Jackson consisted of *ancient* Creoles. Ultimately, he concluded that Creoles "covered themselves with glory and deserve American reverence."[82]

Marigny's *Reflections* demonstrate how even decades after the Battle of New Orleans, Louisianans continued to assess the importance of their sacrifices and how the battle allowed them to finally show their loyalty and attachment. Even today the Battle of New Orleans still holds great significance for Louisianans. On a tour of Chalmette, young guides inform their audiences that the historic site is much more than a battlefield: It is the place where Louisianans became Americans.

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Heading to Café Du Monde to enjoy the splendors of powdered beignets and chicory coffee, tourists today pass by Jackson Square, discernible by the towering statue of General Andrew Jackson. Most people walk by only giving a brief glance to the effigy of the American icon who made his career just five miles below New Orleans. Just as his monument hovers above the Crescent City, so does the memory of his victory at the Battle of New Orleans. In both myth and history Jackson has been heralded as the

[82] Ibid., 72-77.

“savior of Louisiana.” Following the battle Americans referred to him as “God’s earthly agent,” while historians further reinforce this image in their works on the famous battle.

Although this image of Jackson the hero makes for great stories and biographies, it overlooks what motivated Louisianans to fight. It fails to address why Edward Livingston, after years of resisting and stalling Americanization efforts, put aside his hatred for the Claiborne administration to help his arch rival prepare New Orleans for a British invasion. Or why Livingston joined forces with Poydras after years of taking such divergent paths. It fails to explain why Pierre-Joseph Favrot worked alongside other members of the Legislative Council to procure money and supplies for Louisiana’s military. It fails to clarify why Louis Favrot fought against British forces at Magazine Battery, while his brother Philogene reinforced troops in Mobile. It fails to elucidate why Noel Carrier Jr. and other chosen men of color, despite being overlooked and demoted to second-class citizens, risked their lives to defend Louisianans who often looked at them with disdain and contempt.

As historians continue to examine aspects of the Battle of New Orleans from the activities of militiamen to the rise of Andrew Jackson, they must not neglect the history of the Orleans Territory and Louisianans’ battle for acceptance. The Battle of New Orleans served as a culmination of Louisianans’ negotiations with American lawmakers. For years they employed strategies such as resistance, cooperation, and the conversation of attachment to earn a place in the Union on their own terms. Despite all their tactics, Louisianans’ sacrifice on the field of battle allowed them to transcend mere rhetoric and actively demonstrate their attachment to the United States. From that day forward it mattered little if Louisianans spoke French, practiced civil law, or even celebrated Mardi Gras, because they were American enough when it truly mattered. They fought for their

country when it needed them most. The Battle of New Orleans gained Louisianans the admiration of a nation that applauded and honored them as brother and Americans.

Epilogue: "America's most European City": Louisiana's Franco-American Culture

In March 2007, I packed my bags for a big research trip. Having only a vague idea about my dissertation topic, I looked forward to finding some lead or inspiration in the New Orleans archives. As I arrived at my gate at the Atlanta airport to catch my connection to the Crescent City, I learned that I had been bumped from my flight. Frustrated, I sat at the gate along with seven other stranded passengers. As we waited for Delta to book new flights, I began making small talk with my fellow travelers. I soon learned that my new companions were a group of school teachers from Lafourche Parish, Louisiana, headed home from a conference in Atlanta. One of them asked me why I was going to New Orleans. After explaining that I was headed there for research, her husband quickly interrupted, asking me, "What are you studying?" Perplexed, I tried to explain that I had always been interested in exploring Louisianans' experiences following the Louisiana Purchase. I also divulged that I was interested in discovering if and how the existence of a Franco-American culture influenced the Orleans Territory. As I tried to clarify what I meant by a Franco-American culture, one of the teachers stopped me mid-sentence and said "my grandmother refuses to speak English." From there she explained that she was a first-generation English speaker in her family. Much to her grandmother's dismay, she was not bilingual in both French and English. One of the other teachers also admitted that her parents and grandparents belonged to several organizations fighting to keep street signs and government ordinances in French. As I listened, it hit me—there was a Franco-American culture in the Orleans Territory and it still existed in the state of Louisiana. When I was bumped from my flight in Atlanta that day, I was angry to have lost a valuable day of research. What I failed to realize, however, was that by sitting in that airport with seven Louisiana school teachers I had found the lead and inspiration I was looking for. I had found my topic!

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In writing a project about the incorporation of Lower Louisiana, one must first understand what it meant to be incorporated. American lawmakers hoped to integrate Louisianans into the social, political, and cultural infrastructure of the Union. To achieve this goal, congressional members put substantial demands on their newest inhabitants. They required Louisianans to accept Americanization programs that promised to give them knowledge of republican principles and foster a strong cultural attachment to the Union. To American lawmakers, until Louisianans fulfilled all of these crucial requirements the incorporation process was incomplete. For Louisianans, however, incorporation rested more on their political integration and assimilation as they learned and participated in the republican government. In essence, Louisianans were ready to be an integral part of the American political apparatus. To them, their cultural ties to their colonial heritage in no way affected their ability to be good American citizens. These varying interpretations of the incorporation process conditioned the turbulent territorial period that followed the Louisiana Purchase.

Historians today have almost as much trouble determining when Lower Louisiana's incorporation ended as American leaders and Louisianans did in defining what it meant. Many historians designate statehood, in 1812, as the conclusion of Louisianans' incorporation since they were brought into the Union on an equal footing with other American states. Other historians contend that Louisianans were incorporated only after 1820 as they fully engaged in national politics. Immediately following the Louisiana Purchase, Louisianans remained largely focused on local and regional issues. Yet with the admission of the state of Missouri into the Union, Louisiana lawmakers, as one historian noted "exchanged regionalism for sectionalism." Louisianans aligned themselves with other Southerners to ensure the addition of a new slave state. Louisianans'

participation in national politics allowed them to foster a Southern identity that made them a fundamental part of the slaveholding South.[1] Although these historians provide cogent arguments, their disagreements regarding Louisianans' incorporation process reveal almost as much as their conclusions. Much like American lawmakers and territorial Louisianans, historians have their own views of incorporation and when and how Louisianans completed this process.

I tend to judge Louisianans' incorporation the same way American lawmakers did in 1803. They wanted Louisianans to be politically and culturally integrated into the Union no matter how much they protested. In my view, Louisianans never achieved the degree of cultural incorporation that American lawmakers initially desired. Louisiana did come into the Union as an American state in 1812 and became politically amalgamated by the second decade of the nineteenth century. Louisianans, however, dictated the degree of their cultural attachment to the United States—incorporating on their own terms. The fact that today many refer to New Orleans as "America's most European city" reveals that there is a unique blend of cultural forces present in Louisiana.[2] A brief stroll through the streets of New Orleans only reinforces this reality as one immediately encounters the juxtaposition of French and American culture. Jackson Square, one of New Orleans' biggest tourist attractions, is located on what used to be the *Place d' Armes* that served as the center of the city where people congregated, celebrated major events, and mustered for military service. It was also where Noel Carrier Sr. watched the transfer of Lower Louisiana to the United States. The statue of Andrew Jackson, placed in the center of the square, complements but in no way overpowers the towering figure of St. Louis Cathedral. The historic church sits on the site where Louisianans had practiced Catholicism since 1727. It was also in this religious

[1] Kastor, *The Nation's Crucible*, 226-227.

[2] Many travel websites refer to New Orleans as "America's most European city." See: http://www.city-data.com/city/New-Orleans-Louisiana.html.

sanctuary that many territorial inhabitants such as the Favrots received sacraments and adhered to Catholic doctrine. In Jackson Square alone, tourists encounter the relics of Louisianans' French and Americans past.

As the city of New Orleans illustrates Louisianans' strong French and American ties, Louisianans themselves support this Franco-American culture. My conversation with the Louisiana school teachers demonstrates that many Louisianans continue to preserve their ancestors' colonial heritage. Today, many Louisianans choose to speak French rather than English. They even resort to political activism through different organizations to protect the French language in their communities. More than 200 years after the Louisiana Purchase, their efforts resemble the strategies of negotiation that territorial Louisianans employed to safeguard their native tongue and legal systems. These modern-day Francophones certainly prove the success early Louisianans had in preserving their French culture.

Today Americans celebrate Louisiana's Franco-American culture. From eating powdered beignets to catching beads at Mardi Gras, Americans enjoy Louisiana's many special features. Moreover, Americans today seem unconcerned by the fact that Louisiana remains the only state in the Union that practices civil law in addition to having many residents unwilling to speak English. Today these are just pleasant anomalies that give Louisiana a unique flair and appeal. Yet for American lawmakers in the nineteenth century, these aberrations engendered apprehension and anxiety. To them, Louisianans' preference for civil law and the French language indicated that their newest inhabitants refused to make the cultural attachments that lawmakers deemed essential and necessary. So what has changed? What allows Americans today to celebrate Louisiana's French heritage when their predecessors agonized over it? The answer rests largely in the Battle of New Orleans.

The Battle of New Orleans proved a watershed event in Louisiana history. After years of negotiation and conflict with American lawmakers, the historic battle earned Louisianans acceptance. Louisianans' efforts on the battlefield alleviated doubts regarding their loyalty and attachment to the United States. From that point on, Americans had a much different perception of their Louisiana countrymen. No longer did Americans question Louisianans' allegiance or worry that they would turn to a foreign power. Louisianans' willingness to sacrifice their lives to protect the United States gained Washington lawmakers' trust and made Louisianans true Americans. This new-found approval did more than just pacify American doubts regarding Louisianans. It allowed American lawmakers to acquiesce to Louisianans' colonial past and their Franco-American culture. The Battle of New Orleans, ultimately, replaced doubt with acceptance and allowed Americans to enjoy Louisiana's unique character and particularities.

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As the Battle of New Orleans gained Louisianans acceptance as Americans, it served as a pivotal moment for the characters that comprise this study. The main historical actors featured in this project followed different paths after January 8, 1815, but all of their lives were profoundly shaped by the battle at Chalmette. For Edward Livingston, the Battle of New Orleans rejuvenated his career. When he served as the chairman of the Committee of Defense, Livingston once again gained the confidence of Louisianans. In December 1814, he was appointed General Jackson's *aide-de-camp* which supplied him a chance to defend New Orleans and his country. His wartime activities allowed him to revive his political career. In 1820, he was elected to the Louisiana House of Representatives. By 1822, he made his way to Washington to serve in the House of Representatives and later the Senate. After twenty years of rebuilding his reputation, Livingston returned to Washington, not as a political resister, but as a friend of the American government.

Livingston's participation in the Battle of New Orleans soon gained him more political prestige. While serving as Jackson's *aide-de-camp,* Livingston fostered a close friendship with Old Hickory that continued after Jackson's departure from New Orleans. In 1831, Jackson appointed his longtime friend as his Secretary of State. Just two years later, Livingston became the American Minister to France, a position once occupied by his older brother Robert. By 1835, Edward Livingston retired to his home in New York having restored his reputation and fulfilled his own personal political ambitions. The Battle of New Orleans provided the one-time political pariah the opportunity to polish his tarnished image as well as salvage his career.[3]

Much like Livingston, Julien Poydras found that the Battle of New Orleans satisfied his political aspirations. A well-respected leader during the territorial period, Poydras continued his successful career in the postwar years. From 1819 to 1821, he served in the Louisiana state Senate. During this time Poydras continued to work towards the proliferation of public schools in Louisiana, serving on the Orleans University Board of Regents until his death in 1824. Beyond his political contributions, Poydras left an impressive philanthropic legacy. His generous financial support allowed the Poydras School for Women to remain open until the Civil War. Also his compassion for Louisiana's poor and sick led to the establishment of both the Poydras Asylum and Poydras Home which cared for destitute women and children. The Poydras Home, located in New Orleans, remains open today. For Poydras, the Battle of New Orleans rewarded his years of political toil to bring Louisiana into the Union.[4]

As public figures found the Battle of New Orleans an advantageous event, the Favrot family used the battle at Chalmette to begin a new family legacy in politics. Following the Battle of New

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[3] Kastor, *The Nation's Crucible*, 226-227. See also Hatcher, *Edward Livingston;* Hunt, *Life of Edward Livingston.*

[4] Brian Costello, *The Life, Family and Legacy of Julien Poydras*, 36, 46-48; Sam Mims, *Trail of the Pack Peddler.*

Orleans, Louis Favrot retired as a major in the Louisiana militia. No sooner had he arrived home than Governor Claiborne appointed him tax collector of West Baton Rouge.[5] Philogene also remained in the military for only a short time before he turned his attention to politics. In March 1816, he informed his sister that "since a rumor about my talents has spread around, there is already talk of my being given the important position of Syndic with the hope of obtaining the position of Justice of the Peace before long. How important it sounds!"[6] Several years later he became a judge in West Baton Rouge where he remained until he was killed in a duel in 1822. Louis assumed his brother's vacant bench after this tragic event. Before his death in 1824, Pierre-Joseph watched his sons capitalize on their wartime experiences to become American statesmen.

Throughout the nineteenth century, Favrot men contributed to the family's bourgeoning military and political legacy. Henri Favrot, Louis and Philogene's younger brother, received distinction for his service in the Mexican War. Later, Louis' son Henry was elected to the Louisiana Legislature and fought in the American Civil War. In 1898, Louis's grandson, Henry Louis Favrot, would fight in the Spanish-American War and go on to be a Louisiana senator. The Battle of New Orleans propelled the one-time Creole family to the forefront of American politics and fostered a legacy of public and military service that Favrot descendants have carried on to the present day.[7]

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[5] Commission Issued to Louis Favrot By Governor William C.C. Claiborne, 11 January 1816, *The Favrot Family Papers*, V: 316-317.

[6] Philogene Favrot to Josephine Favrot, 19 March 1816, Ibid., V: 326-327.

[7] *The Favrot Family Papers,* although incomplete, provide some information regarding the lives of many of the Favrot family members after the Battle of New Orleans. Also see *Louisiana: Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedia Form*, ed. Alcée Fortier (Century Historical Associations, 1914) III: 158-160. The Historic Highland Cemetery, where many of the Favrots are buried, has a registry that provides useful information about many of the family members. The cemetery is located in Baton Rouge, just miles from the Favrot's old plantation.

The Battle of New Orleans had a positive impact on many of the characters discussed in this study by providing opportunities for political advancement. For Louisiana's free people of color, the battle marked the zenith of their efforts to secure their colonial rights. Prior to the battle, free blacks finally received the military recognition they long desired and fought alongside American troops to defend their country. Free blacks, however, were forced back into subordinate positions as wartime necessities diminished and Americans' racist ideology intensified. Two months after the Battle of New Orleans, the Battalion of Free People of Color was placed back under the state of Louisiana's jurisdiction. For several years, there was little discussion regarding the fate of the battalion as its leaders continued to hold regular musters and drills. Larger sectional tensions, however, put the Battalion of Free People of Color in serious jeopardy. By 1820, the Missouri Compromise forced the issue of slavery to the center of national politics. As Northern and Southern politicians wrestled to maintain the crucial congressional balance, they were also confronted with serious questions regarding the fate of the institution of slavery. Concomitantly, the mushrooming abolitionist movement posed new threats to the South's "peculiar institution." Ardent abolitionist tracts such as *David Walkers' Appeal,* which encouraged slaves to "take their freedom" by killing their masters, planted the seed of paranoia among Southerners.

In this litigious atmosphere, white Louisianans began to look suspiciously at their free black neighbors, afraid they might incite slave unrest. In March 1829, Creoles' fears were only vindicated when a small slave insurrection broke out forty miles from New Orleans.[8] As white Louisianans, like so many Southerners, solidified their commitment to slavery and white supremacy, the Battalion of Free People of Color seemed incompatible with their strong racist

[8] McConnell, *Negro Troops of Antebellum Louisiana*, 103.

ideology. As a result, in April 1829, the Louisiana Legislature passed several acts to redefine the status of *libres*. One provision of the new law sought to control and limit the free black population by prohibiting free people of color from entering the state after 1830. These new laws aimed to systematically reduce the number of *libres* and thus the threat they posed to Louisianans' strict racial hierarchy.

In 1834, state legislators mounted their final assault on free blacks in a new bill that stipulated that the state's militia be composed solely of "white" citizens. This new legislation repealed the 1812 bill that erected the Battalion of Free Men of Color.[9] As the country polarized over the issue of slavery, free black units were disbanded and *libres* were once again demoted to second-class citizens.[10] Noel Carrier Jr. never confronted the anguish of being stripped of his military privileges, dying just one year after the passage of the 1834 bill. Yet his life after the Battle of New Orleans reveals that despite marginalization, free blacks continued to thrive in the commercial sector. Carrier continued his cooper business which remained steady as more Americans moved into the bustling port city. Moreover, he used his profits to amass a small fortune. Upon his death, Noel Carrier Jr. left nearly five city lots, several slaves, and a large sum of money to his beneficiaries.[11] Although the Battle of New Orleans failed to render Carrier the same advantages as his white counterparts, it did momentarily allow him to fulfill his longtime hopes of following in the footsteps of his father and other chosen men of color.

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[9] Ibid., 103-104.

[10] Ibid., 108-109. Despite the new militia law, several free black soldiers from the Battle of New Orleans received pensions. Alexis Andry, who lost his eye from a wartime injury, was awarded a pension not long after the battle. Vincent Populus, Jean Baptiste Hardy, and the widow of Luis Simon would later be awarded pensions by the Federal government.

[11] Probate Records Orleans Parish, City Archive Collection.

For the individuals featured in this project, the Battle of New Orleans was truly a pivotal event in their lives. For some it imparted new opportunities for social advancement. For free blacks it marked the beginning of the end of the Battalion of Free Men of Color and dimmed *libre* hopes to live as free men in the United States. Despite the various paths these individuals took in the postwar years, the Battle of New Orleans earned them acceptance and allowed them to shape the incorporation process.

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On my most recent trip to New Orleans, I could not help but be reminded of my characters everywhere I went. As I walked down Poydras Street to the Public Library or crossed Claiborne Avenue on my way to Treme, I realized that these major territorial leaders and their contributions have been preserved in time and honored by the street signs that bear their name. As I passed by Jackson Square, I wondered how many times Noel Carrier walked by this same spot headed to church or to a military muster. I also tried to picture the festivities held here on January 23, 1815, as Louisianans watched Andrew Jackson walk under a triumphal arch in celebration of their victory at the Battle of New Orleans. While touring the Louisiana State Museum, I was reminded of the Favrot family's military legacy as I located Philogene Favrot's epaulette from the coat he wore when he served as a lieutenant in the 24th Infantry of the United States Army. Truly America's most European city provides plenty of evidence of the extraordinary lives and conscious negotiations of territorial Louisianans who helped create Louisiana's Franco-American culture.

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Vita

Cinnamon Brown is a native of Centralia, Missouri. She graduated magna cum laude from the University of West Alabama in December 2000. In December 2003, she received her M.A. from the University of Tennessee. While completing her doctoral degree at the University of Tennessee, she worked as a Graduate Assistant for the History and Honors Departments. From 2005-2007, she was the Assistant to the Director of the Center for the Study of War and Society. In this capacity, she interviewed World War II, Korean, and Vietnam veterans in a continuing oral history project. She also worked with the East Tennessee Veteran's Memorial Association in compiling names for the memorial wall located in Knoxville, Tennessee. Brown was named the Wilson Fellow and received the Charles O. Jackson Fellowship and the William B. Wheeler Research Award. Upon completion of her degree, she will begin a tenure-track position at Westminster College in Fulton, Missouri.