"THEY ARE VERY MUCH INTERESTED IN OBTAINING AN UNLIMITED SLAVERY": RETHINKING THE EXPANSION OF SLAVERY IN THE LOUISIANA PURCHASE TERRITORIES, 1803-1805

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By late 1804, discontent with the United States government was growing among the white inhabitants of the newly acquired Louisiana Purchase territories. That fall, "the representatives elected by the freemen of their respective districts" in Upper Louisiana met in St. Louis to protest their new territorial government: or, as they deemed it, the "entire privation of some of the dearest rights enjoyed by freemen!" The "freemen" especially feared that the United States might deprive them of their right to buy and hold slaves. They had good reason to worry. The host of restrictions Congress placed on Louisiana slavery seemed "calculated to abolish slavery at a future day altogether."  

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1 "The remonstrance and petition of the representatives elected by the freemen of their respective districts in the District of Louisiana," American State Papers, Class X, Miscellaneous, 1:401. The territorial bills created two territories in the Louisiana Purchase. Orleans Territory, or Lower Louisiana, encompassed the present-day state of Louisiana,

In 1804 a Republican-controlled Congress defied the testy demands of white Louisianans, the recommendations of Thomas Jefferson, and the interests of southern slaveholders by prohibiting both the international and domestic slave trades to the Louisiana Purchase territories. White Louisianans from New Orleans to St. Louis reacted to these restrictions, which seemed tantamount to a plan of gradual abolition, by insisting that they would consent to American rule only if provided guarantees for slavery. Fearful that white Louisianans might act on their threats of rebellion and disunion, Congress quietly failed to renew the bulk of the restrictions on slavery the following year.

The historical literature on slavery and expansion in the early republic makes it difficult to understand the causes and significance of the restrictions passed by Congress in 1804 and then rescinded in 1805. Historians generally agree that southern politicians controlled debates over the expansion of slavery. Upper South planters defended expansion because it opened new markets for their “surplus” slaves, promising relief from their fearfully large slave populations and much needed income to supplement their declining fortunes. Deep South planters, ready to threaten disunion at the first sign of the dreaded entering wedge, resisted efforts to restrict slavery’s growth except in the Northwest territories. Southern politicians like Jefferson could afford to temporize on expansion because, unlike discredited New England Federalists, northern Republicans proved unwilling to challenge slaveholders on expansion because of fears of upsetting their fragile, bisectional party. When forced to legislate for the Louisianas in 1804, the federal government supposedly did “nothing about slavery,” permitting it “to continue in Louisiana under American rule virtually as it had under Spanish and French rule.”


3 Freehling, “Founding Fathers and Conditional Antislavery,” 12; Robinson, Slavery and the Structure of American Politics, 399. This conclusion informs literature focusing on
EXPANSION OF SLAVERY IN LOUISIANA TERRITORIES

The protests of white Louisianans demonstrate that Congress did something rather than nothing about slavery in the Louisianas. Moreover, the Louisiana slavery laws of 1804 involved much more than southern intransigence overwhelming northern Republican indifference in the halls of Congress. While framing legislation for the Louisiana Purchase territories it became clear that a majority in Congress might favor halting the expansion of slavery west of the Mississippi River. Equally important, the antislavery wishes of some congressmen had to compete with larger concerns for incorporating the Louisianas peacefully and permanently into the American Union. For Congress, securing the Louisianas, and with it New Orleans and the Mississippi River, remained the key to securing the entire trans-Appalachian West. Fears centering on the uncertain future of the Louisianas in the Union and the ability of the United States to compete in the “power politics of territorial hegemony” in the Mississippi Valley limited how far certain congressmen were willing to restrict slavery there.4

Any plan for prohibiting slavery in the Louisiana Purchase had to involve two elements. First, Congress had to deny white Louisianans access to additional slaves. The Louisiana Ordinance of 1804 prohibited the further introduction of any slaves to the territories, “except by a citizen of the United States, removing into said Territory for actual settlement, and being, at the time of such removal, bona fide owner of such slave or slaves.” This law barred both the international and domestic slave trade,
and prohibited American slaveholders from selling slaves once in the territories. Slaves sold by Americans in or into the Louisianas, in violation of these laws, received immediate freedom. Knowing the importance of slavery to white Louisianans, Congress nonetheless denied them access to future slave imports from the United States or from abroad, a bold measure designed to destroy the plantation revolution in the lower Mississippi Valley.\(^5\)

The second step to prohibiting slavery in the Louisianas required halting the expansion of American slavery. The House passed a bill “inhibiting the admission of slaves into Louisiana, as well from the United States, as from foreign places,” which would have barred American slaveholders from the territories.\(^6\) The Senate, however, refused to concur with the House bill and failed to pass its own measure proposing to free all American slaves carried into the Louisianas after one year. The interests of southern slaveholders certainly contributed to the defeat of these two proposals, but another consideration weighed heavily in the final decision allowing American slaveholders access to the Louisianas. The Senate insisted that American slaveholders be permitted to settle in the Louisianas to increase the loyal American population there, providing a counterweight to the disunionist schemes that seemed endemic to the Mississippi Valley.

The same concerns for securing the Louisianas that limited the 1804 restrictions on slavery ultimately forced Congress to allow the laws to expire the following year.\(^7\) Expressing their outrage at laws that threatened “the very existence of our country,” white Louisianans from St. Louis to New Orleans threatened rebellion, disunion, and reunification with France if Congress insisted on restricting their right to buy and hold slaves.\(^8\) In late 1805 Congress quietly admitted that the United States government lacked the power and authority needed to enforce unpopular laws in far-off western territories by failing to renew the most stringent restrictions on slavery. As the events between 1803 and 1805 illustrated, the power to determine the future of slavery in the Louisiana Purchase territories rested with white Louisianans who insisted that sanction for slavery was the price of continued union.

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\(^7\) The 1804 territorial bills contained a provision that they expire the following year, requiring Congress to frame new territorial governments in 1805.

\(^8\) “Remonstrance of the People of Louisiana,” *American, St. Papers*, Class X, Misc., 1:399.
EXPANSION OF SLAVERY IN LOUISIANA TERRITORIES

In October 1803, the Philadelphia Aurora published “extracts from a letter from a gentleman . . . relating to Louisiana.” To accommodate the “interests, and conveniences” of white Louisianans, the “gentleman” counseled Congress to create a government “similar to that of the Mississippi Territory,” rather than the Northwest Territory where Article VI prohibited slavery. William Duane, the staunchly Republican editor of the Aurora, denounced the “gentleman” for advocating “slavery in its greatest extent in Louisiana,” where “the gradual abolition” of slavery under American rule was “a measure confidently to be looked for.” However, a host of reports and letters warning congressmen and officials that white Louisianans were “very much interested in obtaining an unlimited slavery” soon tempered enthusiasm for gradually abolishing slavery west of the Mississippi. As another federal official in the West warned, white Louisianans were “very much divided on the score of becoming American Citizens—they are wonderfully alarmed lest their Slaves should be liberated.” Lest Congress doubt the seriousness of white Louisianans concerns about slavery under American rule, the official added that “the Sooner their minds can be quieted on that subject the better.”

In Upper Louisiana the inhabitants of French, Spanish, American, and British descent had long used slave labor in their mixed-agricultural and fur-trading economy. Upon receiving word of the cession of Louisiana to the United States, white Upper Louisianans immediately expressed their apprehension about the future of slavery under American rule. One American official in the region advised Thomas Jefferson that “Most of them are averse to the Cession of Louisiana to the U.S.,” because they feared it would be accompanied by “the Liberation of their Slaves (of which they have great numbers.)” Other Americans familiar with Upper Louisiana sent similar letters eastward. One official forewarned Representative John Fowler that many white Upper Louisianans already “imbibed” in “unfriendly ideas” towards “the American Nation.” Because “Many of them hold a Considerable part of their Estate in that Species of Property,” restricting slavery in Upper Louisiana was just about the worst thing the

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United States government could do if it expected to incorporate the region peacefully into the American Union.  

Meriwether Lewis wrote of a more menacing situation to Thomas Jefferson. Upon arriving in Upper Louisiana, Lewis found circulating “a report that the Americans would emancipate their slaves immediately on taking possession of the country.” These concerns extended beyond a small slaveholding class, encompassing almost the whole of white society in Upper Louisiana. “There appears to be a general objection not only among the French, but even among the Americans not slaveholders,” continued Lewis, “to relinquish the right which they claim relative to slavery in its [sic] present unqualified form.” All of these letters carried an unmistakable message. If the federal government wished to quell discontent and incorporate Upper Louisiana’s white inhabitants into the United States, then it must positively affirm their right to “obtain an Unlimited Slavery.” Before Congress ever took up a bill for the territorial government of the Louisianas, white Upper Louisianans demanded that sanction for slavery be included in the terms of union.

Even more than their counterparts to the north, white Louisianans tied their future economic prosperity to unimpeded access to slave labor. Daniel Clark, who acted as consul for the United States government at New Orleans, provided a detailed account of the importance of slave-produced staples in the lower Mississippi Valley to Secretary of State James Madison. The value of the “Casks of Melasses” and “Casks of Sugar” produced by Louisiana slaves was exceeded only by the “20,000 Bales of Cotton,” with the quantity of all “annually increasing.” Clark also noted that extensive sugar lands, held under French and Spanish grants, were yet to be cultivated because planters lacked slaves to work them. The Philadelphia Aurora also published letters and accounts detailing the staples produced in the lower Mississippi Valley, among them “coffee, sugar, and tobacco,” along with “cotton and silk.” As one author pointed out, “the whole of this lower country must be exceedingly favorable to the cultiva-

tion of sugar.” The United States had come into possession of a labor-starved backwater in the midst of a plantation boom. Only the lack of coerced slave labor restrained the tremendous potential for profit.\(^{14}\)

The widely circulated “Description of Louisiana,” which Jefferson sent to Congress in November 1803, demonstrated further that Lower Louisiana’s future was tied inextricably to sugar, cotton, and slavery.\(^{15}\) Before the end of 1803, Louisiana’s ever increasing slave population had already produced “20,000 bales of cotton . . . increasing,” “45,000 casks of sugar . . . increasing,” and 80,000 gallons of “molasses . . . increasing.” Finally, “enterprising young planters” in Orleans estimated “that one-third, or even one half of the arable land” in the lower Mississippi Valley “might be planted in cane.” With farmers upriver providing “a regular supply of provisions,” the “planter” would be free to “give his attention to” an even “greater body of land cultivated with cane.” These letters and reports made clear that planters, using the coerced labor of slaves, were transforming the lower Mississippi Valley into a plantation society that rivaled the Caribbean in both its potential for profit and its insatiable demand for slave labor. As one French observer remarked, the demand for “Negros is higher in New Orleans than in any other colony”: with “so much land to cultivate . . . nobody has enough.”\(^{16}\)

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\(^{15}\) “Description of Louisiana,” *Annals of Congress*, 8th Cong., 1st Sess., Appendix, 1498-1576. The federal government published the “Description” as *An Account of Louisiana, Being an Abstract of Documents in the Offices of the Department of State and of the Treasury* (Philadelphia, 1803), and printers circulated it widely by publishing it as a pamphlet and in various newspapers. William Duane advertised copies of “the interesting account of Louisiana, communicated to congress by the President of the United States,” Philadelphia Aurora and General Advertiser, Dec. 23, 1803. For its publication in western newspapers, see, for example, Cincinnati (OH) Western Spy and Hamilton Gazette and Scioto Gazette (Chillicothe, OH) issues for Dec. 1803.

\(^{16}\) “Description,” *Annals of Congress*, 8th Cong., 1st sess., Appendix, 1524, 1515; C. C. Robin, *Voyage to Louisiana*, 1803-1805, trans. Stuart O. Landry (1806; rpt. ed., New Orleans, 1966), 53-54. Travelers from the eastern states expressed astonishment at the fantastic profits to be made from sugar. See, for example, Diary Entry, Nov. 28, 1799, New
In white Louisiana’s clamoring for more slaves, Thomas Jefferson sensed an opportunity to implement his evolving notions of diffusion. Labor-starved Louisiana planters could provide a lucrative market for the Upper South’s enslaved black population, which seemed especially dangerous in the wake of Gabriel’s Conspiracy in Virginia and the slave rebellion in Haiti. In November 1803 Jefferson asked Senator John Breckinridge to introduce a territorial bill prohibiting the international slave trade to the territory but allowing the domestic slave trade. To ensure that Louisiana would serve as an outlet for Upper South slaves, Jefferson recommended that the law restrict the slave trade to “such of the United States or of their territories as prohibit their importation from abroad.” Only states that prohibited the foreign slave trade, indicating that they possessed a “surplus” slave population, could participate in Jefferson’s proposed domestic slave trade to the Louisiana Purchase territories.

After debating various provisions of the Louisiana bill unrelated to slavery, on January 23, 1804, the Pennsylvania Abolition Society presented a petition to the Senate calling on them to “prohibit the importation of slaves into the Territory of Louisiana.” The following day, James Hillhouse of Connecticut moved to prohibit the international slave trade to the territory. With no South Carolinians present to disrupt the debates with threats of disunion between northern and southern states, the Senate found itself engaged in a far-reaching debate on the future of slavery in the West and the place of the Louisianas in the Union.

During the Senate debates James Jackson of Georgia and Jonathan Dayton, a New Jersey Federalist, enthusiastically supported the international slave trade, asserting that it would allow the United States to enjoy

Orleans, Louis Anatasius Tarascon, Diary, 1799, Special Collections (Filson Historical Society, Louisville, Kentucky). For a French traveler’s observation that the international slave trade to French Louisiana “must either subsist, or the colonies be lost,” see François Marie Perrin du Lac, Travels through the Two Louisianas and among the Savage Nations of the Missouri: also, in the United States, along the Ohio, and the Adjacent Provinces, in 1801, 1802, & 1803 . . . (London, UK, 1807), 94-97.

For Jefferson and diffusion, see Freehling, Road to Disunion, 121-43; and Peters S. Onuf, “‘To Declare Them a Free and Independent People’: Race, Slavery, and National Identity in Jefferson’s Thought,” Journal of the Early Republic, 18 (Spring 1998), 1-46.


EXPANSION OF SLAVERY IN LOUISIANA TERRITORIES

fabulous, Caribbean-style riches. The two senators strove to clarify for their colleagues the relationship among the plantation boom in the lower Mississippi Valley, the production of staples like “cotton” and “sugar,” and unfettered access to slave labor. Jackson and Dayton insisted repeatedly that “slavery must be tolerated, it must be established in that country, or it can never be inhabited.” According to Jackson and Dayton, the international slave trade alone could satisfy Louisiana planters’ insatiable demand for slave labor.  

Dayton and Jackson found little support for their dream of a Caribbean-style empire in the Senate. Delaware Federalist Samuel White denied that there was anything “in the treaty that guarantees to the people of that Country the power, I will not say right, of holding slaves.” Indeed, White believed “‘Tis our duty to prevent as far as possible, the horrid evil of slavery.” Not only could Congress assist Louisiana in “avoid[ing] the fate of St. Domingo,” they could bring to Louisiana all of the benefits of free-labor and free-soil, which White detailed in an extended free-soil argument. Others, like Thomas Paine and the Philadelphia Aurora shared White’s enthusiasm for a free-soil Louisiana. For most senators, however, revulsion against the international slave trade, along with fears that Caribbean-style riches meant Caribbean-style slave revolts, were reasons enough to prohibit the international slave trade. “Encrease” the number of slaves in Louisiana, warned John Smith of Ohio, and “lay the necessary foundation for the horrors of another St. Domingo.” Despite Louisiana planters’ dependence on the international slave trade, and Jackson and Dayton’s well-founded warnings that a prohibition might well provoke a rebellion with which the United States government was ill-prepared to deal, the Senate prohibited the international slave trade to the Louisianas by a vote of 21 to 6.  

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21 “Breckinridge Bill,” 348, 347. The Aurora celebrated how “The white-American farmers will have an opportunity to prove, that sugar can be produced on many plantations without slaves.” Philadelphia Aurora, Nov. 23, 1803, Aug. 8, 1803. The Philadelphia Aurora and Thomas Paine also suggested settling the Louisianas with free blacks from the Atlantic states. See ibid., Oct. 21, 1803; Paine to Jefferson, Jan. 25, 1805, in Philip S. Foner, ed., The Complete Writings of Thomas Paine (2 vols., New York, 1945), 2:1457-64. For concerns about a Haitian-style slave revolt in Louisiana should Congress permit the international slave trade, see the speeches of John Smith, James Hillhouse, Jesse Franklin,
The Senate took further measures to restrict the importation of slaves to Louisiana. Congress responded to fears that Caribbean planters—along with slaves infected with notions of rebellion—might settle in Louisiana by prohibiting foreigners immigrating to Louisiana from carrying their slaves with them. No planter grandees from the Caribbean would be permitted to make a new start in Louisiana, as they had been doing for over a decade. The Senate also responded to South Carolina’s reopening of the international slave trade in December 1803. The Louisiana Ordinance of 1804 prohibited the carrying of any slaves to the Louisianas that had arrived in the United States after 1798. Though Congress lacked the authority to prohibit the international trade to Georgia and South Carolina until 1808, they restricted what slaveholders and slave traders from the United States could do with the slaves they imported. They explicitly could not sell them in Louisiana. Moreover, Deep South planters could not carry slaves imported to the United States after 1798 into the Louisiana Purchase territories. Georgians and South Carolinians could continue importing foreign slaves but they could not use or sell those slaves in Louisiana.

In addition to prohibiting the international slave trade, Congress considered two plans for halting the expansion of American slavery into the lands of the Louisiana Purchase. The Senate debated what was, in effect, a plan of gradual emancipation for the Louisianas. In the Senate proposal, no adult slave carried into the territory by American settlers “ought or can be holden by law to serve for more than the term of one year.” Younger slaves introduced to the Louisianas by Americans received their freedom at the ages of 21 and 18 for females and males respectively. A nearly solid South, backed by Federalists Timothy Pickering and John Quincy Adams, and Ohio Republican John Smith, defeated the measure 11 to 17.

and Samuel White, in “Breckinridge Bill,” 345-50. For Jackson and Dayton’s warnings that the prohibition would at best be ineffective, and at worst might provoke a rebellion, see ibid., 346, 347, 349, 350. Republicans Samuel Smith of Maryland and Israel Smith of Vermont expressed similar concerns about inciting white Louisianans to rebellion and voted in favor of the international slave trade. ibid., 348, 350-51.

22 “Breckinridge Bill,” 352; Annals of Congress, 8th Cong., 1st sess., 242. For the importance of Caribbean planters in fostering the transition to a full-scale plantation economy in lower Louisiana, see Berlin, Many Thousands Gone, 325-57; LaChance, “Politics of Fear.” Congress allowed the South Carolina loophole to expire in 1805, and Charleston became the chief supplier of African slaves for Louisiana. For South Carolina’s reopening of the international slave trade in response to the Louisiana Purchase, see Jed Handelsman Shugerman’s insightful “The Louisiana Purchase and South Carolina’s Reopening of the Slave Trade in 1803,” Journal of the Early Republic, 22 (Summer 2002), 263-90.

EXPANSION OF SLAVERY IN LOUISIANA TERRITORIES

the defeat of the Senate bill the House took up the matter after spending over a week in rancorous debate over South Carolina’s reopening of the international slave trade. In March, New Jersey Republican James Sloan introduced an amendment “inhibiting the admission of slaves into Louisiana, as well from the United States, as from foreign places.” After Sloan “concisely stated his reasons in favor of this provision,” the “question was taken and the amendment agreed to” by the Republican-controlled House, “ayes 40, noes 36.”

Ultimately, Congress defeated Sloan’s proposal for a complete prohibition on the further introduction of slaves because the Senate failed to pass its own bill freeing slaves carried to the territory and then refused to concur with the House bill. The defeated attempts to prohibit the further introduction of any slaves into the Louisiana Purchase territories, or to free all slaves at a certain age, illustrate some of the limits of antislavery sentiments in the early republic. Certain congressmen were simply unwilling to vote for a federally sponsored plan of gradual emancipation. However, the Senate’s refusal to support stronger measures also reflected concerns about the ability of the United States to retain possession of the Louisiana. More than merely caving in to planter interests, Congress subordinated the desire to restrict slavery to their larger concerns for securing the Louisiana in the now dangerously over-extended republic. For the Senate, the problem of slavery in the Louisiana had to be considered within the context of continued union.

Congressmen and federal officials expected little in the way of loyalty or commitment to the American Union and republican government from white Louisiana. To Secretary of the Treasury Albert Gallatin, they “seem[ed] to be but one degree above the French West Indians, than whom a more ignorant and depraved race of civilized men did not exist. Give them slaves and let them speak French (for they cannot write it),” continued Gallatin, “and they would be satisfied.” More was at stake than white Louisiana’s ignorance and depravity, however. As Daniel Clark remarked in one of his many letters disparaging Louisiana, the “People of this country... are excessively ignorant,” and “may be easily imposed upon” by men bent on disunion. Others dismissed white Louisiana for being “unacquainted with our language, customs, laws, and all the ordinary

24 *Annals of Congress*, 8th Cong., 1st sess., 1186. *Annals of Congress* recorded no debate or roll call on the Sloan Amendment. For South Carolina’s reopening of the international slave trade, see ibid., 991-1020.

principles of the policy of our government.” Senator James Hillhouse shared these sentiments. Questioning whether “that country” was “within the Union or without it,” he concluded that white Louisianans were “not a part or parcel of the United States.” Samuel Smith of Maryland believed “those people are absolutely incapable of governing themselves.” Less harsh in his judgment of white Louisianans, Senator Israel Smith simply feared that “They are not yet bound to us by any ties.”

European designs on the Mississippi Valley exacerbated fears that white Louisianans were an unsure foundation for securing American control of the region. Robert Livingston, American minister to France, warned officials in Washington that “it is a darling object with the First Consul” to erect a new, mid-continent empire in North America. Napoleon’s advisors had convinced him that “the indians are extremely attached to France and hate the Americans,” and that “20,000 warriors” would join a French conquest of the trans-Appalachian West. Other officials sounded similar alarms. Daniel Clark warned Secretary of State Madison that the government should not count on white westerners to bring the region under American control. “If even the slightest advantage were held out,” to western settlers by European powers, or if “they could be made to believe they would find their Interest in seceding from the General government,” the “majority of them” would do so. Far too many western settlers, even Americans, were “indifferent about their Country or at least indifferent about the effect French measures may produce on the Union provided they derive a temporary benefit from them.” This problem seemed especially troublesome because “every Frenchmen in Office in this Country” looked for opportunities to encourage western discontent with the United States.

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To counter the potential of western disunion, officials in the West wrote of the importance of encouraging “numerous Americans” to “imigrate to that Country.” The Louisianas would “be the source of continual trouble” for the United States so long as the inhabitants were “from all Countries,” and “a variety of sentiment and discordant opinion prevails among them.” American control of Louisiana remained in peril “untill a Majority of Americans settles in that Country,” wrote Thomas Rodney from Natchez. “The American population must be increased,” wrote another official, “it must be made to overballance that of every other description of persons. The character, the manners, the language of the country must become American if we wish the Government to be such.” The former monarchical subjects of the Louisianas seemed unfit for republican government, incapable of understanding the benefits of the American Union, and therefore especially susceptible to British, Spanish, and French intrigues.28

Peter Kastor has recently demonstrated that from 1803 through 1815, one of the chief policy objectives of American officials was to “stimulate the loyalty and national identity of white Louisianans.” American “officials were convinced that if they failed to cultivate the attachment of white Louisianans, foreign nations might be able to build influence in Louisiana’s population and, eventually, foment a separatist movement or establish allies that would make seizing Louisiana by force an attractive option.”29 Efforts to bolster American prestige in the Louisianas involved more than placating white Louisianans. Congress also sought to secure the region further by flooding the Louisianas with “loyal” American settlers who presumably already understood the benefits of the American Union.

This problem forced Congress and federal officials like Albert Gallatin to pass and implement policy in a manner that would rapidly increase the American population in Louisiana. Writing to a federal land agent in Louisiana in 1806, Gallatin conveyed “the wish of the Legislature” that


29 Kastor, “Motives of Peculiar Urgency.”
lands not claimed under the Spanish and French regimes be quickly surveyed and sold. “That object is considered as intimately connected with the welfare & even safety of that newly acquired territory,” wrote Gallatin, “for it is the only portion where any great increase of American population can take place, and I need not comment on the importance of that object.”

The same concerns for increasing the white, American population of the Louisianas that shaped federal land policy placed limits on Congress’s willingness to prohibit the expansion of slavery entirely. Ultimately, the severity of the restrictions Congress would place on slavery’s expansion into Louisiana hinged on the question of what group of Americans would settle the Louisianas: slaveholders, nonslaveholders, or both.

James White, Thomas Paine, and the Philadelphia Aurora’s enthusiasm notwithstanding, the history of western settlement through 1803 did not favor a free-soil West. Early in 1804, Congress received two petitions from the Indiana Territory demanding repeal of Article VI of the Northwest Ordinance. The petitioners, led by territorial governor William Henry Harrison, asserted that the ban on slavery “has prevented the Country from populating and been the reasons of driving many valuable Citizens possessing slaves to the Spanish side of the Mississippi.” If not “for the prohibition contained in the ordinance,” the far greater majority of settlers heading west of the Mississippi River “would have settled in the [Indiana] Territory.” The 1803 petitions from Indiana, like the many that preceded and would follow, explicitly linked western settlement, economic development, and integration into the union to the ability of white settlers to use slave labor, a proposition difficult for congressmen to dispute.


North of the Ohio River, Ohio failed to meet the population requirements for statehood in 1802, spurring a brief but intense debate over permitting slavery there. In ostensibly free Indiana and Illinois, American settlements remained few and sparse, and the territory continued losing inhabitants as white slaveholders and aspiring slaveholders moved to "the Spanish side of the Mississippi... where they can be permitted to enjoy their property." By the time of the Missouri Controversy large, free populations and economic prosperity in Ohio and Indiana vindicated the Northwest Ordinance's prohibition on slavery. In 1804, however, precious few free-soil examples existed to challenge the connection between slave labor and the rapid settlement of the West by Americans.32

More than most groups poised to emigrate westward, slaveholders possessed the private capital and coerced labor that was crucial for rapid American settlement and economic development. As William Henry Harrison wrote in a letter to Senator Jonathan Dayton in 1803, Indiana would continue to languish so long as Article VI discouraged slaveholders from chancing their property in slaves north of the Ohio River. With slavery, however, "our situation will be much changed for the better in a short time—Wealth and population will I am sure be the Consequence." Though Harrison's comments on the relationship between slavery and settlement pertained to Indiana, they applied to much of the trans-Appalachian West, as the rapid settlement of territories open to slavery demonstrated.33

The region south of the Ohio River stood in stark contrast to the Northwest territories. The forced labor of slaves had already opened large areas to American settlement in Kentucky and Tennessee, providing ample testimony to the importance of slave labor in the transformation of the American West. With Kentucky, Tennessee, upland South Carolina, most of the Georgia interior, the Mississippi Territory, and the Floridas all open to slavery, American slaveholders could simply avoid settling in a free Louisiana with little loss to themselves. American slaveholders—"the

Illinois Country as early as 1788. For the problems of settlement, development, and slavery in the Northwest, see Onuf, Statehood and Union, 109-32.


numerous Class of Citizens disposed to emigrate" westward—would "seek an asylum" only "where they can be permitted to enjoy their property." 34

Congress, fearful that they might lose the Louisianas if they failed to encourage American settlement, was in no position to disagree. If Congress wished to establish an American presence in the vast Louisiana Purchase, it seemed imperative to allow American slaveholders to use their property in the territories. As Breckinridge informed the Senate, "if you do not permit slaves from the United States to go there, you will thereby prohibit men of wealth from the southern States"—presumably good republican slaveholders such as himself—from "going to settle in that country." Like American officials in Louisiana, Breckinridge believed that white Louisianans would follow the lead of distinguished, propertied men like himself if forced to choose between union and disunion. Faced with the proposition that few Americans would migrate to the Louisianas if slavery was prohibited, the Senate defeated the proposal to free all slaves carried to the territory after one year.35

But Congress did not have to allow American slaveholders to sell their property in or into the Louisianas. During the debates over the "bona fide" settler proposal some senators opposed the prohibition on the domestic slave trade as a violation of slaveholder’s property rights and interests. The "near 900,000" slaves in the United States were "worth $200,000,000" according to David Stone of North Carolina. With the Louisianas providing a ready market, "Why should the sellers of this kind of property be prohibited from sending and selling their slaves in Louisiana?" Other senators spoke strongly of their fears that without rapid diffusion of the type that only the domestic slave trade could provide, a rebellion on the order of Haiti seemed almost inevitable in the Atlantic states. A former Virginia slaveholder and Baptist preacher, John Smith of Ohio "thank[ed] god" that "we have no slaves in Ohio," and then expressed his "wish" that "slaves may be admitted there from the United States." With "our Negroes ... scattered more equally, not only through the United States, but through out territories ... their power may be lost." Despite these concerns the bona

35 "Breckinridge Bill," 354. For the supposed importance of "leading men" in cultivating the attachments of ordinary settlers, see, for example, Clark to Madison, Oct. 28, 1803, in "Despatches," 346-50. For the 17 to 11 vote, see Annals of Congress, 8th Cong., 2nd sess., 242; and "Breckinridge Bill," 351. Six of ten northern Republicans favored emancipation, along with four of seven northern Federalists. John Browne of Kentucky, a former Virginian and cousin of Breckinridge, was the only southern Republican to support the measure.
fide settler restriction passed the Senate 18 to 11 with opposition and support coming from unlikely quarters, illustrating further the complicated concerns informing laws regulating slavery’s expansion.36

Timothy Pickering voted against the proposal to free all slaves carried to the territory after one year and the “bona fide” settler limitation, and considered voting in favor of the international slave trade. A long-time opponent of southern planters, Pickering led two aborted New England secessionist movements in reaction to southern dominance of the Union, and his writings inspired a young William Lloyd Garrison.37 But Pickering had learned much about the importance of slavery in the Mississippi Valley while serving as secretary of state in the late 1790s, when the United States organized the Mississippi Territory. As secretary of state he was responsible for implementing Mississippi’s territorial government, and he endorsed Congress’s decision to permit slavery there in 1798. “Because almost all the inhabitants are possessed of slaves,” Pickering accepted that a prohibition on slavery would erode American authority in the region. Serving as a senator in 1803, Pickering still recognized the importance of slavery to securing American control in the region and voted against the restrictions.38

Equally surprising, six southern Republicans voted for the bona fide settler restriction, placing limits on their right to sell their slaves into the Louisianas. John Breckinridge, paragon of limited government, close confidant of Jefferson, and a considerable slaveowner, had strongly cautioned against banning the domestic slave trade.39 He repeatedly expressed his “fear” that “our slaves in the south will produce another St. Domingo.” Like Jefferson, Breckinridge was “alarmed at the encrease of

39 “Breckinridge Bill,” 349, 354. Breckinridge himself possessed fifty-seven slaves, who were engaged in mixed farming. In 1803, he had yet to plant hemp on his plantation and was wary of planting tobacco because of its effects on soil exhaustion. In other words, Breckinridge himself possessed a “surplus” of slaves. Todd H. Barnett, “Virginians Moving West: The Early Evolution of Slavery in the Bluegrass,” The Filson Club Historical Quarterly, 73 (1999), 221-48.
slaves in the southern states,” and wished to “free the southern states of part of its black population, and of its danger.” North Carolina Republican Jesse Franklin also frequently raised concerns that “unless we mean to aid the destruction of our southern States, by laying the foundation for another St. Domingo,” Congress must “restrain foreign importation, but proceed no further.” Nonetheless, Franklin and Breckinridge voted to prohibit the domestic slave trade to the territories, as did Maryland’s two senators, Robert Wright and Samuel Smith.40

As Congress soon learned, however, passing restrictions on slavery and gaining white Louisianans’ consent to those laws were two entirely different matters. Nobody understood the severity of the congressional restrictions better than white Louisianans themselves. As Governor William Claiborne wrote to James Madison, mere word that “a Law has passed the Senate prohibiting the foreign importation of Slaves into this Province” has “occasioned great agitation in this City and in the adjacent Settlements.” The agitation only worsened once white Louisianans became aware of the full set of restrictions. “The importation of negroes there is abolished point blank,” wrote Pierre Clement de Laussat, French prefect for Louisiana, to his superiors in France: “The present inhabitants of Lower Louisiana could not have been attacked in a more vulnerable spot.” And once attacked, white Louisianans fought bitterly for their right to enslave others.41

To white Louisianans, United States rule threatened to do more than abolish the importation of slaves. United States rule seemed dangerously subversive to the plantation society only recently born in the lower Mississippi Valley. Historians suggest that American settlers and officials found the racial order of Louisiana, which granted privileges to free blacks

40 “Breckinridge Bill,” 354. For the votes, see Annals of Congress, 8th Cong., 1st sess., 244. The other southern Republicans to vote for the “bona Fide settlers” law were Brown of Kentucky and Cocke of Tennessee. All told, three of eight northern Federalists voted against the bill but only two of nine northern Republicans voted against. Of the two northern Republicans who opposed, one, John Smith of Ohio, spent the better part of the debate warning his colleagues that a slave rebellion was imminent in the seaboard states. The other, Christopher Ellerly of Rhode Island, was suspected of involvement in the international slave trade. Adams, Pickering, and Dayton were the northern Federalists who voted against the bill.

and mulattos typically denied by the Atlantic states, troubling. White Louisiana tended to see matters differently. In Lower Louisiana, whites of all classes had been scrambling to redefine the place of free and enslaved blacks since the 1790s, when the Haitian Rebellion and the introduction of large-scale cotton and sugar production placed new strains on race relations. To white Louisianaans, the United States appeared dangerously abolitionist in its tendencies and the American system of slavery unstable. The Northwest Ordinance, gradual emancipation laws in northern states, and the ban on the international and domestic slave trades all pointed in dangerous directions for white Louisianaans actively transforming Lower Louisiana into a slave society bottomed on ever-greater subordination of free and enslaved blacks. American policy, whatever its intentions, seemed poised to reverse white Louisianaans ongoing efforts to further subordinate blacks and mulattos in the wake of the Haitian rebellion and the plantation revolution.

The laws passed by Congress, along with the actions of free blacks and mulattoes, and American officials, only served to exacerbate these fears. The free blacks and mulattoes of New Orleans were one of the few groups in Orleans Territory to welcome American rule, and Governor Claiborne acknowledged their loyalty by granting a “Stand of Colours” to the Mulatto Militia Battalion. Fraying the nerves of white Louisianaans further still, Thomas Paine wrote an open letter to the inhabitants of Louisiana,

42 See, for example, Kastor, “Motives of Peculiar Urgency,” 820-22; American officials sought to “restructure a racial system that in the opinion of many white Americans allowed dangerous liberties for nonwhites.” Ira Berlin seems also to suggest this in his otherwise breathtaking sweep of the plantation revolution in the Lower Mississippi Valley, Many Thousands Gone, 333. Both Berlin and Kastor are correct that the large number of slaves and free blacks in Louisiana at times troubled American officials. Nonetheless, white Louisianaans remained fearful of American policy on slavery.

excoriating them for their attempts to force Congress to repeal the restrictions on slavery, citing this as proof of their unfitness for self-government. White American settlers and officials soon enough demonstrated that they were as committed to slavery and racial subordination as the French and Spanish regimes, and the planters of Louisiana selected Claiborne as governor of the state in 1811. In 1804, however, American rule seemed to herald the destruction of the racial order white Louisianans saw as instrumental to the creation of a slave society in the lower Mississippi Valley. “There seem’d to be but one sentiment throughout the Province,” wrote a despondent Claiborne to Jefferson, “they must import more Slaves, or the Country was ruin’d forever.”

Almost immediately after receiving word of the laws passed by Congress, the white inhabitants of Orleans began petitioning Congress, expressing their dissatisfaction with laws impinging upon their right to traffic in slaves and portending future abolition. “Slavery” was the “one subject,” wrote the petitioners, “extremely interesting to us.” The “African Trade is absolutely prohibited,” even though that “traffic” was “free to all the Atlantic States who choose to exercise it.” The petitioners also expressed concern that Congress denied them access to the domestic slave trade, “permitted even in the Territory of Mississippi.” Quite simply, Congress had to look past their antislavery scruples when “the necessity of employing African laborers” was “all important to the very existence of our country.” Without a constant supply of slaves, concluded the petitioners, “cultivation must cease, the improvements of a century be destroyed.”

Claiborne assured officials in Washington that many of the grievances in the “Remonstrance” were of little interest to the majority of the white inhabitants. But “the primary object of the Agents” hired to carry the

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petitions “will be, the opening of the Af’rican Trade,” he counseled, “and upon this point, the people in general take a lively Interest.” When “these Agents say, that the people generally wish for the African Trade, they will speak correctly.” A “rejection of the Memorial would only be regretted by a few Citizens of N. Orleans & its vicinity—unless it respects the Af’rican Trade, & on that subject, the people generally, seem greatly interested.”

Claiborne’s warnings pointed to a larger problem confronting congressmen and other officials concerned with restricting the expansion of slavery. “The people generally,” and not just a clique of planter grandees and merchants, demanded uninterrupted access to enslaved black labor. On the Southwest sugar and cotton frontier, all ranks of white society eagerly participated in the “plantation revolution”—a situation similar to that described by Edmund Morgan in early Virginia. But white Louisianans did not look to white indentured servants to address their insatiable labor demands. Not surprisingly, the “present inhabitants,” the “people generally,” the “Citizens,” and even the “farmers” of the territory expressed outrage at American restrictions on slavery. Indeed, Claiborne remarked in one of his many letters to Jefferson that “on this point, the People here have United as one man!”

Under French and Spanish rule, white Louisianans had exactly what they wanted: a government that protected their interests by protecting their property in land and slaves. Should the United States prove less responsive to their needs, white Louisianans promised to resort to measures more drastic than petitions. In a letter to the postmaster general, John Gurley warned “that there are men who speak seriously of appealing to France & requesting the first Consul [Napoleon Bonaparte] to give them aid.” Widespread dissatisfaction with United States rule in general and the ban on the slave trade in particular convinced Claiborne that the inhabitants and their petitions were “tinged with foreign influence.” Indeed, the “most

sincere Admirers of Bonaparte are among the Memorialists,” he warned officials in Washington. According to one dismayed American official, repeal of the slavery restrictions “would go farther with them, and better reconcile them to the Government of the United States, than any other privilege that could be extended to that Country.”

Congress could not ignore the white Louisianans’ testy demands and threats of disunion had they wanted to. The 1804 territorial bills included a provision that they expire in October 1805. While the bitter impeachment trial of Judge Samuel Chase preoccupied Congress, they hastily passed new territorial ordinances in early 1805, based largely on the report of a committee charged with framing new governments for the Louisianas. The House committee warned white Louisianans, especially “ambitious and unprincipled men,” against continuing their threats of disunion, while reiterating that white Louisianans should be “bound to us by the strong ties of gratitude and interest.” Although the committee insisted on continuing the prohibition on the international slave trade, they had nothing to report on the domestic slave trade or the South Carolina loophole. In the end, the 1805 Act for Orleans Territory simply provided that “the sixth article of compact,” which referred to the Northwest Ordinance’s prohibition on slavery, be “excluded from all operation within the said Territory of Orleans.”

According to William Freehling, Jefferson and other Republicans opposed to slavery’s expansion “managed to forget about barring slavery” in Louisiana “because Deep South States might disrupt any such attempt” by threatening disunion. But it was not Deep South “Apologists” running roughshod over timid Jeffersonian antislavery who “boldly secured

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50 The rather murky legislative history of the 1805 bills is covered in Fehrenbacher, Dred Scott Case, 97-98. No records other than role calls (and these are incomplete) remain from the 1805 debates. For the Committee Report, see Annals of Congress, 8th Cong., 2nd sess., 1014-17; “An Act for the Government of Orleans Territory,” in Carter, ed., Territorial Papers, 9:405-07. There is no evidence that officials in Louisiana enforced the 1804 prohibition on the domestic slave trade; Fehrenbacher, The Slaveholding Republic, 260. There is, however, evidence that it caused concern; see James Brown [U. S. District Attorney for the Territory of Orleans] to Albert Gallatin, Dec. 11, 1805, in Carter, ed., Territorial Papers, 9:548. Brown informed Gallatin that he interpreted the 1805 ordinance to mean that “our citizens” now “possess the right of importing into this Country any Slaves already legally introduced into any of the States.”
EXPANSION OF SLAVERY IN LOUISIANA TERRITORIES

Louisiana” for slaveholders in 1804-05. Instead, slaveholders and aspiring slaveholders in the territory exploited the weaknesses of the United States government in a lower Mississippi Valley coveted by European powers for its imperial, commercial, and strategic value. Fears of disunion, not between North and South but between East and West, triumphed over Congress’s very real efforts to restrict the growth of slavery in the lower Mississippi Valley.

At first glance, the situation to the north would seem more likely to favor freedom over slavery. As Freehling notes, “The future state of Missouri no less than the future state of Louisiana was in the Louisiana Purchase Territory.” But, according to Freehling, Jefferson’s “inclinations not to dare a controversy over slavery” with “slaveholding apologists” in Virginia, South Carolina, and Georgia “permitted the institution inside one area where termination was feasible.” Focusing on Congress, Donald Fehrenbacher also speculates that the “prohibition of slavery north of the thirty-third parallel [the state of Louisiana and the Orleans Territory’s northern border] might well have won majority support, especially if linked with acquiescence in slavery south of that line.”

Arguably, Jefferson and Congress might have agreed to a compromise allowing slavery in Orleans but banning it in Upper Louisiana. For the “freemen of the District of Louisiana,” however, the decision was not for Jefferson or Congress to make. The white inhabitants of Upper Louisiana hardly considered slavery a marginal institution. More importantly, they, like their neighbors to the south, had no intention of obeying any laws that impinged upon their right to possess and traffic in slaves. White Upper Louisianaans, much like their brethren to the south, insisted that legal sanction of slavery be included in the terms of union.

For administrative purposes, the 1804 territorial bill for Upper Louisiana appointed the officers and judges of the Indiana Territory to the

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51 Freehling, Road to Disunion, 141. For similar arguments, which attribute expansion to Jefferson’s inactions, see Fehrenbacher, Dred Scott Case, 89-97; Robinson, Slavery and the Structure of American Politics, 397-400; and Finkelman, Slavery and the Founders, 151. For an especially critical indictment of Jeffersonian inaction on Louisiana slavery, see Roger G. Kennedy, Mr. Jefferson’s Lost Cause: Land, Farmers, and the Louisiana Purchase (New York, 2003), 208-13.

52 Freehling, Road to Disunion, 141-42; Fehrenbacher, Dred Scott Case, 96-99; Fehrenbacher, Slaveholding Republic, 260-61. See also, Finkelman, Slavery and the Founders, 151.

53 For the importance of land and slaves in Upper Louisiana, see Foley, Genesis of Missouri, 114-15, 138-40, 150-01. For a first-hand account of slavery and mixed-agriculture in Upper Louisiana, see John B. Trent to the Secretary of War, Nov. 15, 1805, in Carter, ed., Territorial Papers, 13:276-84.
Louisiana Territory. The bill maintained that the two territories were separate and distinct, and the laws and regulations of one did not apply to the other. The white inhabitants of Upper Louisiana nonetheless suspected that this was a prelude to an eventual merger of the two territories. When joined with Congress’s prohibitions on the domestic slave trade, white Upper Louisianans feared that the United States intended to abolish slavery west of the Mississippi.54

Writing to John Breckinridge from St. Genevieve in the spring of 1804, William Carr warned that he “found the people” of Upper Louisiana “very much agitated” in “regard to this district’s being annexed to the Indiana Territory & the regulations which Congress might adopt relative to slavery.” The agitation was more than the orchestrated protest of leading men trying to protect their own interests and property. Carr found nearly all of the residents “apprehensive that slavery” would “be prohibited” under United States rule, and the greatest concerns came from “the more ignorant” who “were fearful lest those already in their possession would also be manumitted.” Like their counterparts to the south, white Upper Louisianans wanted little more from the United States than a government to protect their interests. In Upper Louisiana that meant a government that protected property in land and slaves while allowing them to acquire more. And as they made clear, they refused to consent to any meaningful restrictions on slavery.55

Meeting in St. Louis in September 1804, “the representatives elected by the freemen of their respective districts in the District of Louisiana” sent Congress a strongly worded “remonstrance and petition.” The petitioners warned that Congress’s measures seemed “calculated to alarm the people with respect to that kind of property.” Indeed, they appeared “calculated . . . to create the presumption of a disposition in Congress to abolish slavery altogether in the district of Louisiana.” According to the memorialists, “the laws” of Indiana and Louisiana “must be very dissimilar in a number of respects. Slavery cannot exist in the Indiana Territory, and slavery prevails

54 And they might have been correct. Plumer’s notes have little to say about slavery in Upper Louisiana. However, Samuel Smith’s comment that he favored joining the two territories because “I know that it will stop slavery there, and to that I agree,” suggests that senators were at least aware that this feature of the territorial bill could be interpreted as portending future abolition. “Breckinridge Bill,” 360.

in Louisiana.” The petitioners would be satisfied if Congress “acknow-
ledge[d] the principle of our being entitled, in virtue of the treaty, to the 
free possession of our slaves.”

But the “freemen” of Upper Louisiana wanted more than “free posses-
sion” of slaves already in the territory. They also requested “the right of 
importing slaves . . . under such restrictions as to Congress in their wisdom 
will appear necessary.” Though willing to accept restrictions on the inter-
national slave trade, they were unwilling to see the slave trade prohibited 
entirely, especially if this measure was a prelude to a broader program of 
abolition. Congress could easily rectify the situation by granting them a 
territorial government “similar in many respects to the one formerly made 
for the Mississippi Territory.” Upper Louisianans would consent to United 
States rule so long as it was on their terms, and the terms of union meant 
sanction of black slavery.

According to William Freehling, “President Jefferson’ s early failure to 
bar potential slavery in Missouri Territory” led to the Missouri Crisis of 
1819. Similarly, Paul Finkelman points out that Jefferson “might have used 
his influence to prohibit slavery throughout the territory, or at least limit it 
to what became the state of Louisiana.” But there was nothing “potential” 
about slavery in Missouri in 1804, and there was little even a Jefferson 
could do to halt its growth. Although Jefferson certainly could have used 
his considerable power and influence to inspire Congress to pass more 
extensive restrictions on slavery, it is doubtful that white Upper Louisian-
ans would have accepted them. Not surprisingly then, Congress failed to 
renew the most stringent restrictions on slavery in Upper Louisiana in 
1805, retaining only the prohibition on the international slave trade.

56 “The Remonstrance of the Representatives elected by the Freemen of their 
Respective Districts in the District of Louisiana,” American State Papers, Class X, Misc., 
1:401-04.
57 Ibid.
58 Freehling, Road to Disunion, 141-42; and Finkelman, Slavery and the Founders, 
151. For similar overemphasis on Jefferson, see also Fehrenbacher, Slaveholding Republic, 
259-60; Fehrenbacher, Dred Scott Case, 89-91; and Kennedy, Jefferson’s Lost Cause, 208-
10.
Territorial Papers, 13:92-95. Interestingly, the 1805 Ordinance made no mention, directly 
or indirectly through reference to Article VI of the Northwest Ordinance, to slavery in Upper 
Louisiana. After 1805 slavery existed in Upper Louisiana only through the force of local law 
and not by sanction of the United States government. It is unclear if this was intended by 
Congress, but Congress failed to adopt an alternative version of the Ordinance that indirectly 
acknowledged slavery by creating “a government in all respects similar to that now exercised 
By 1805, Congress had no illusions about the reality of white Louisianans' infatuation with slavery or the over-extended republic's inability to restrict its growth. From planter grandees and nabobs in New Orleans to small farmers and traders north of St. Louis, white Louisianans forced Congress to allow the growth of slavery west of the Mississippi River. By exploiting fears of disunion—not between the northern and southern Atlantic states but between the East and the West—white Louisianans destroyed congressional efforts to restrict the growth of western slavery.

Ultimately, fears of western rebellion and disunion favored the growth of slavery through the entire trans-Appalachian West. Congressmen and federal officials recognized that efforts to restrict slavery would only antagonize white settlers whose loyalties the United States had to gain. That Congress felt itself beholden to the West when formulating policy concerning the territorial expansion of slavery is illustrated by its refusal to repeal Article VI of the Northwest Ordinance.60

As early as 1796, petitioners, claiming to speak for the far greater majority of white settlers in the Indiana, requested that Congress repeal, at least temporarily, Article VI. Various House committees recommended that Congress suspend the ban for a period of ten years, but no bill for the measure ever made it to the House floor.61 Then, in late 1807, Congress began to receive other petitions from Indiana alleging that the proslavery petitions were the product of a small group of slaveholders and speculators, and unrepresentative of the majority’s wishes. Congress moved immediately to reaffirm the federal government’s commitment to Article VI when offered evidence that a majority of the white settlers in the Indiana Territory opposed slavery.62 Backed by majority opinion in the territory, the government’s power matched its authority and Congress committed the

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60 These fears and concerns first came to light as early as 1798 when Congress framed a government for the Mississippi Territory. While debating a motion to prohibit slavery in the Mississippi Territory, Harrison Gray Otis, a Massachusetts Federalist, warned, “If the amendment prevailed, it would declare that no slavery should exist in the Natchez country. This would not only be a sentence of banishment, but of war,” and “an immediate insurrection would probably take place.” Annals of Congress, 5th Cong., 2nd sess., 1308.

61 Many of the petitions and committee reports are collected in Dunn, ed., “Slavery Petitions and Papers.” For insightful, but incomplete, analyses of slavery in the Northwest Territories, see Finkelman, Slavery and the Founders, 37-80; and Onuf, Statehood and Union, 109-32. Both correctly point out the many evasions of the Ordinance and the strong sympathies for repeal in the territory. However, neither adequately explains why Congress failed to repeal the ban on slavery.

government to freedom over slavery. No such opportunity ever presented itself in the Mississippi or Louisiana Purchase territories.

The territorial expansion of slavery in the early republic has to be understood within a context of a weak but extended republic, trying to establish its place on a North American continent still contested by hostile European empires and powerful Indian nations. Congress formulated policies that sought to encourage settlement while cementing ties of loyalties with the incredibly diverse European populations in the West. Rapid settlement and development, as well as the ability of the United States to govern effectively, dictated that Congress allow slavery in western territories where the white population demanded it and where the power and authority of the federal government remained weak or contested.63

As a means of resolving the question of slavery’s expansion in western territories, a form of “popular sovereignty” figured far more importantly prior to 1819 than after. Federal officials and congressmen recognized that though the federal government enjoyed immense legal authority in western territories, the weak, extended government enjoyed little effective power in the West, where opportunistic European powers actively competed for the allegiance of settlers. Western settlers understood this too, and exploited the federal government’s weaknesses by subtly—and at times not so subtly—demanding that legal sanction for slavery was the price of union. So long as federal power remained weak and the potential for western disunionism real, there seemed little that the federal government could do to halt slavery’s expansion. Importantly, though Congress failed to place or enforce meaningful restrictions on slavery in the Louisiana Purchase prior to the Missouri Controversy, it never renounced its authority to do so.64

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64 Prior to the Missouri Crisis, two congressmen attempted to prohibit the further introduction of slaves to Upper Louisiana. In 1812, with war on the horizon, Abner Lacock of Pennsylvania moved “to prohibit the admission of slaves into the said territory,” but the motion mustered only seventeen supporting “ayes”; Annals of Congress, 12th Cong., 1st sess., 1248. In 1819, during the Missouri Crisis, Republican Senator Jonathan Roberts of Pennsylvania claimed to have introduced a motion to prohibit the further introduction of slaves into the Missouri Territory in 1811. Roberts asserted that he withdrew his proposal because “we were on the eve of war, with almost one half the community infatuated with the spirit of opposition to the Government.” Annals of Congress, 16th Cong., 1st sess., 336-37.
After 1815, American settlers overwhelmed the French and Spanish inhabitants in Missouri in the great migration after the War of 1812, making the territory seem unquestionably “loyal” and part of the perpetual Union. In addition, the emergence of a more powerful federal government in the wake of the Fourteenth Congress, the upswelling of postwar nationalism, and the demonstrated loyalty of western settlers during the war promised to permit effective restriction in Upper Louisiana. Northern Republicans agreed overwhelmingly with James Tallmadge that circumstances now permitted the nation “to halt the growth of slavery west of the Mississippi.”65 But in 1819 white westerners no longer had to threaten disunion when the federal government proposed halting slavery’s growth. Southern politicians, who retreated into a new defense of slavery and made expansion the *sine qua non* of continued union, proved more than willing to do their bidding for them.

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65 *Annals of Congress*, 15th Cong., 2nd sess., 305-11. Even in 1819, Missouri’s delegate to Congress mocked Congress’s pretensions about its true power in the West. John Scott warned that Tallmadge’s amendments would merely “expose the imbecility of the General Government,” and “induce the people” of Missouri “to an act of chicanery” to evade the Tallmadge restrictions. In other words, white Missourians did not intend to obey the Tallmadge restrictions even if Congress passed them. *Ibid.*, 1202.