

Filibuster Vigilantly:

The Liminal State and 19th Century U.S. Expansion

(Short Title: Filibuster Vigilantly)

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Abstract

Nineteenth-century American territorial expansion was accomplished in a variety of ways: war, purchase, treaty, and annexation are the most famous. This paper examines another phenomenon that contributed to American expansion, the filibuster.

Filibusters—privately organized and executed invasions of other countries, launched from American soil—were banned under Neutrality Laws from 1794 on, but throughout the antebellum era they often received tacit (or, in some cases, material) support from important state actors. By differentially enforcing anti-filibuster laws, the American state was able to manipulate the behavior of these private actors and the outcomes of their adventures, effectively using filibusters as a tool for foreign policy implementation. Through the example of the filibuster, I theorize the contexts in which the American state actors has fostered private violence by its proxies and argue that liminal institutions like the filibuster are a hallmark of policy implementation in the liberal state.

Keywords: American Political Development, International Relations, private actors, filibusters, pirates, Implementation

“In civilizations without boats, dreams dry up, espionage takes the place of adventure, and the police take the place of pirates.”

--Michel Foucault, “Of Other Spaces”

“The West is now closed.”

--Frederick Jackson Turner

After losing a New York gubernatorial race and mortally wounding a chief architect of the new American government, one might have expected Aaron Burr to cut his losses and fade into political obscurity. Instead, this former Vice President and intraparty rival to Thomas Jefferson had one last hurrah left in him. He made his way down the Ohio River into the Western frontier, allying himself with the new governor of the recently purchased Louisiana Territory along the way. With a few more well-connected accomplices, Burr bought massive tracts of land and placed himself at the head a conspiracy to create a new Empire in parts of Louisiana and what is now Texas.

Burr’s plot was eventually betrayed, and he was tried for treason. His defense, however, was not that he had no plans to invade Louisiana; rather, he argued that he sought to raise a private force of “settlers” to invade Texas and use this manufactured unrest to wrest the territory from the Spanish.¹ To the modern ear, such audacious goals seem bizarre to say the least; these were different times, however. For the next half-century, schemes resembling Burr’s—private American citizens crossing the frontier and taking territory by force, either to turn it over to the U.S. or for their own pursuit of some idiosyncratic goal—became increasingly common, and were a notorious fact of international relations in the Western Hemisphere. Aaron Burr ushered in the era of the filibuster.²

Background: Filibusters and Expansionism

Filibusterism acquired its modern meaning as a tool for legislative maneuvering and obstruction in the U.S. Senate in the 1850s. Throughout the half century before the Civil War, however, the term had a much different meaning. Filibusters were private American citizens who launched invasions of other countries, usually seeking adventure, material reward, or to advance some political agenda.³ They were outlaws, and the bane of America's neighbors. More than a nuisance, these expeditions frequently represented a genuine threat to the sovereignty of these other new states—in some cases filibusters established short-lived minor republics, and in one instance a filibuster actually became the President of an invaded nation.⁴ Filibusters threatened almost every nation in the Western Hemisphere, and some in the Eastern as well. This threat stemmed less from the filibusters' own military strength and prowess than from what may have stood behind it: the "Empire of Liberty" embodied in the young, land-hungry, expansionist United States.

Despite clear federal Neutrality laws barring these actions dating back to 1794, which theoretically (though never in practice) carried fairly severe penalties, Americans were enchanted by these often colorful and always daring characters. More perplexing than the public response, however, is the reaction of the American state to these exploits. Throughout the antebellum era, during the long period of American continental expansion, the filibusters were sent mixed signals by the U.S. government. Officially outlaws, these adventurers were in fact sometimes supported by the government, sometimes ignored, and only infrequently dealt with in strict accordance with existing statutes and treaties. In nearly every case, federal officials maintained an ambiguous relationship with the practitioners of this institution.

In this paper, early American filibusters are treated as a hallmark example of a very (though not uniquely) American phenomenon: the privatized, “liminal” state. In the first sense, the privatized state involves the manipulation of private actors by state officials in the pursuit of an elusive or controversial goal. Private citizens were encouraged to enact the policy themselves, rather than directly employing state power and resources to pursue the goal. Along with war, annexation, purchase, and other forms of diplomacy, filibustering was one tool among many used to grow the American state from a coastal sliver to a transcontinental republican empire. It was unique among these tools, however, because it was non-state actors who ultimately carried out the action that furthered the state actors’ goals.⁵

In the second sense, filibusters represent a doubly liminal phenomenon: they existed chiefly in a liminal space (the frontier zone between countries); and they occupied a liminal place in the ordering of violence in the context of the solidifying Westphalian system of sovereign states (they are not exactly piratical outlaws, but they do not carry the banner of the state, either).⁶ These adventurers were physically and conceptually in a “space between”, and the federal state effectively franchised them to engage in violent acts without fear of repercussion. The liminality of filibusters here embodies a distinctive element of governance in a liberal polity, where the lines between government and governed are blurred, and where the porous nature of the state itself fosters the potential for surprisingly effective action—a hybrid of what Ira Katznelson has characterized as “flexible capacity” and what Michael Mann calls “infrastructural power.”⁷ Thus our understanding of the liberal state’s character must incorporate an appreciation of these liminal actors and their ambiguous relationship to the state-in-action.

State Capacity and Private Force: A Re-evaluation

In traditional accounts, the American state was described as having been exceptional, especially in its infancy, for its limited capacity to implement policy.⁸ The now decades-old disciplinary movement to “bring the state back in” has yielded much fruit in refining and revising our estimation of the American state as a much more powerful and effective organization, and identifying key periods in which the power of the state was enhanced by the growth of straightforwardly observable institutions.⁹ This foundational institutionalist revision of our understanding of American state capacity, however, was ultimately Weberian in its orientation, focusing for its measures of state capacity on professionalization of bureaucrats, increased budgets, and centralization of authority. While disagreeing on some finer points, these foundational accounts generally agree in their accounts of the early American state as a “weak” organization that only later developed the capacity to pursue its goals. By most measures of state capacity, this seems quite clearly to be the case. The early 19th century American national government employed relatively fewer people, had less clear authority, and had direct command over fewer resources than peer institutions abroad.

More recent scholarship has shifted the analytical lens used to measure state capacity; rather than conflating state power with measures of state “size,” capacity is conceived of as multidimensional and multivalent.¹⁰ This re-revision of state power theory hinges on the distinction between Weberian “despotic” power and the “infrastructural” power theorized by Michael Mann.¹¹ Infrastructural power is most effectively leveraged in the liberal state, where the divide between state and society is

more easily and permanently bridged, and where the desires and goals of state and society are more closely aligned through representative institutions and in which agents of the state are themselves less ineluctably separable from the individuals who constitute and propel “social” forces.¹²

The infrastructural power perspective identifies state action not only in direct implementation, but also in the “franchising” or “management” of private forces in ways that will predictably achieve the state’s goals.¹³ By forging alliances with societal actors or by creating incentives for private actors to pursue the state’s policy goals, these state actors may end up being surprisingly effective in achieving their goals, despite the small “size” of the state. An analytic lens searching for moments of infrastructural power will find liminal actors—agents holding an ambiguous relationship with the state, self-consciously pursuing goals they share with state officials. These liminal actors lie in a space between state and society.

While much of this current infrastructural research focuses on the importance of the law—a distinctively liberal institutional framework which provides a regular and regulated framework for action by private individuals—the franchising of private actors as an extension of the state can also occur through extralegal means; filibusters, as argued below, represent an instance of this species of infrastructural power-in-action.

Throughout the nineteenth century, filibusters represented one among an array of tools available to U.S. policymakers as they pursued expansion. Filibusters were liminal actors; not officially “of” the state, but self-consciously seeking to expand its power and enhance their own prospects for personal success. And they were “managed” by American state actors, who responded to contextual realities by supporting, ignoring, or forcefully

opposing these adventurers—and ultimately these adventurers contributed to the very shape of the state itself. A closer examination of filibuster expeditions will shed light on what factors influenced state actors' shepherding of these private forces toward their often complementary goals.

Scholars of international affairs, typically focus on official state actors (though a new literature focusing on non-state has emerged over the past decade) and the factors that influence their behavior and decision-making. Before the modern era, however, private actors such as filibusters played a major role in international affairs; mercenaries, privateers, soldiers of fortune, and pirates were the norm rather than the exotic exception.

As Thomson chronicles, central states employed (often literally, in terms of a cash transaction for services rendered) these actors to pursue a foreign policy they could not otherwise implement, especially in areas of defense or pursuit of Empire.¹⁴ Indeed, the market for “unofficial” violence provided would-be statebuilders with the resources required to create, preserve, or extend their sovereignty. Over time, however, the use of these actors of all kinds waned; direct control over extraterritorial violence became an integral part of the modern state.

Filibusters were a relic of a disappearing era, a hybrid of pirate and privateer acting on the margins of the international system¹⁵. Thus it is not surprising that opponents of centralized political authority—first Thomas Jefferson and his successors, then southerners generally—franchised filibusters to pursue their goals, rather than their centralizing opponents. Nor is it surprising that filibusters were more effectively marginalized after the Civil War, as the U.S. took on more of the trappings of the modern

state and as the centralizing, anti-expansion coalition assumed political dominance and took the reins of the institutions charged with regulating filibusterism.

Ironically, the United States was one of the first nations to take official steps to eliminate this market for private violence, even as a wide range of state *actors* subtly (or bluntly) encouraged these very actions. Filibusters were outlawed under the Neutrality Act of 1794, which forbade “anyone other than the U.S. central state from raising an army within the territory of the United States to attack a state with which the United States is at peace.”¹⁶ This law was re-enacted and expanded several times, and finalized with the Neutrality Act of 1818, which reinforced the previous laws and established that violations of the Act—and filibustering was clearly a violation—would be treated as a misdemeanor carrying a penalty of up to five years in prison and a fine of \$3,000, an appreciable sum in those days.¹⁷ Throughout the antebellum era, however, there does not seem to be a single case in which this penalty was imposed, even as filibusterism became widespread and individual filibusters achieved the status of national celebrity.

Privatized policy in the liminal state: a theoretical model

To understand how and why the early American state would choose to tacitly or explicitly support these filibustering renegades, it is useful to clarify policy goals, actors, and their interaction. Figure 1 represents a simple model of a generic policy implementation process in an insular state.¹⁸ In this model, two main groups, “state institutions” and “civil society”, participate in political action through various pathways. Depending on the constitutional arrangements in place, different institutions and pathways are more important in the ultimate implementation of a given, desired policy.

(Figure 1 about here)

In traditional analysis model, “state institutions” are the central actors. Official, legal representatives of state authority--bureaucrats, legislators, and executive officials at all levels of government--fall into this category. In the simplest conception, state institutions are assumed to agree that the goal in question is worth being pursued.¹⁹

“Public/civil society” includes everyone else: public non-governmental organizations, private individuals, corporations, and the like. In a relatively anarchic polity with a weak state, these actors become more important, because the state has fewer resources directly at its disposal. This is a large, diverse, unorganized group-of-groups. Focused pursuit of a single policy goal by this group is relatively unlikely; such focus, after all, is perhaps the chief advantage of a state-type organization. Because we are examining state action, the policy goal in the model is one desired by the state. Elements of civil society may favor or oppose this goal, and affect implementation accordingly, to greater or less effect depending on constitutional arrangements and context.²⁰

Those two groups of actors interact in a context in which state actors are seeking some outcome or policy goal. How and whether that goal is pursued depends on a variety of contextual factors: the capacity and propensity of the state to directly implement policy, the strength of various groups within society, the wider environment, and random events. The goal may originate in popular pressure, governance “expertise”, ideology, or the whim of an autocrat; this is less important than its simple existence as a goal to be pursued.

In Figure 1, the tools for implementation are indicated by several pathways. The most common conception of state implementation is direct state action (“Weberian”); this

is the Weberian notion of top-down state-controlled implementation. While this kind of action will rarely *ensure* successful achievement of the state's policy goals, it is the pathway over which state actors have the most direct control. However, several other possibilities for pursuit of the goals are conceivable. If state and non-state actors share the same goals, then the state may simply allow private actors to implement the policy themselves ("Private"). This would be a market- or norms-based strategy for popular implementation. Neighborhood watches that promote public safety and small businesses that generate economic growth would fall into this category.

Of course, state and society influence each other. In the model, *D* (Democracy) and *I* (Infrastructure-building) represent the ranges of actions agents or groups in each sector can take to influence the composition and preferences of the other in terms of the policy goal.²¹ but for brevity's sake I put them aside for the time being.²²

The linchpin of this study, and what makes filibustering interesting for an understanding of implementation, is path "*L*", the liminal, quasi-regulatory function used by the state to influence the popular action pathway. In an everyday context, this pathway might include regulation of the marketplace, police community outreach to make sure community watches do not stray into vigilantism, and categorical grant programs that encourage a certain kind of behavior among grantees. Recent work in American Political Development identifying the importance of this pathway has highlighted the relationship between public regulatory agencies and private actors; what appears to be a "weak" state action, because it is indirectly applied, can have policy results that are quite strong.²³ Here, *L* represents the way the state interacts with

filibusters, and how the behavior of these actors is influenced by the state to further the state goal of expansion.

Application of the Model: Filibusters and Expansion

Does this model of policy implementation shed light on the attitudes struck by the early 19th century American state toward filibusters? Figure 2 is an adaptation of the generic model to this specific question. Because the international context is particularly relevant to this policy realm, I add it to the model; it serves most directly as a constraint on the courses of action available to state institutions through (b), but its effects surely pervade the model. Particularly relevant actors within the state and non-state boxes, those who show up repeatedly in the histories of the filibusters, have been included in the boxes.

(Figure 2 about here)

The filibuster is a particularly intriguing phenomenon through which to analyze private implementation of state goals for two reasons. First, control of violence and force are at the very heart of most definitions of the state. Whether it “successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order”, “(controls) the principal means of coercion within a given territory”, or has “direct control of the means of internal and external violence” within “a territory demarcated by boundaries”, such an organization would generally try to exclude its citizens from the marketplace for violence, not spur them on.²⁴ Understanding why a state brings in private actors to implement policy in this fundamental realm of policy may shed light on how states behave in other contexts and policy arenas.

Second, foreign affairs is a realm in which a state might be particularly apt to exert maximum fine-grain control over policy. The existential threats posed by the anarchic system of states should lead states to seek to implement foreign policy directly, rather than risk the greater agency loss inherent in indirect implementation through proxies. The nuance, timing, and discipline required to navigate the dangerous waters of international affairs make reliance on non-state actors a dicey proposition indeed.

Accordingly, one would expect the American state to pursue its goal of expansion directly when possible, employing pathway *W*. It did this frequently and to great success: diplomacy, war, purchase, treaty, and annexation more than tripled the size of the U.S between 1800 and 1867.²⁵ This makes filibustering something of a puzzle: why would state actors diverge from the direct implementation path *W* to roll the dice with the filibusters? For possible solutions, I will apply this model of implementation to the historical record. Of particular note will be the contexts in which state actors respond to filibusterism in different ways, and whether filibusters were used as a last resort (employed when more direct means were inviable), or as simply one tool among many (employed even when more direct action was possible, but less desirable for some reason).

Before turning to the historical record, however, three elements of the model—two fairly uncontroversial and one slightly more contentious—must be briefly explored before deeper causal analysis.

Expansion: A State Goal, Increasingly Contentious

The first of these points is that the early American state was acquisitive of territory. This is a fairly uncontroversial claim; history shows it to be true. The young nation rapidly broadened the domain over which it asserted sovereignty, dramatically increasing its size, led by concerted state action.

While the Jeffersonian presidents (Madison and Monroe) continued their fellow Virginian's approach to foreign policy, at least in spirit,²⁶ a later, even more bellicose version of American nationalism, made famous under the banner of "Manifest Destiny" was more explicit in its claims to divine Providence according special privilege to (native, white, male) American conquest. Expansion was very much in the public discourse throughout the era of the Jacksonian party system.

Support for expansion had a sectional flavor, however, which pitted opposing institutional orders against each other and sometimes made expansion difficult. Perhaps ironically, it was the philosophically anti-statist Jeffersonians and Jacksonian Democrats that sought expansion, seeing increased territory first as a life-support system for their vision of a virtuous agrarian republic, an alternative to vicious urban life, and later as part of a strategy for supporting slavery in the immediate antebellum era. The Federalists and their heirs were generally ardent opponents of expansion, an opposition that continued until the Civil War.

Suffice it to say that throughout the antebellum era, there were important state actors and institutions that sought to expand the nation's borders. They were quite successful, employing various means along the way.

Filibusters: A Social Phenomenon

The second requirement for the model's sound application to filibustering is that filibusters actually exist. Fortunately for would-be conquerors,²⁷ filibusters were in steady supply for the entire prewar era.²⁸ Dating back to Burr's foiled expedition, over the next five decades filibusters launched expeditions in Spanish West Florida, East Florida, the Neutral Ground west of Natchitoches, Texas/New Spain, Ontario, Quebec, Manitoba, Cuba, Coahuila, Sonora, Baja California, Nicaragua, Tabasco, the Yucatan peninsula, Ecuador, and Hawaii.²⁹ Rumors of an immense filibuster to Japan proved unfounded, but federal agents did at one point break up a plot to invade Ireland and free it from the yoke of British imperialism. The martial energies of the young country bubbled over, and filibusterism came to be a major social phenomenon, inspiring songs, epic poems, and dramatic representations of their exploits (some of them rather poorly composed by the adventurers themselves). Table 1 is a summary list of major expeditions.

(Table 1 about here)

In some places in the young U.S., filibusters were hailed as heroes, greeted with parades when they returned and mourned when they did not. Plays were written about them, and newspapers dispatched correspondents to cover their every move. Filibusterism was seen by many West Point graduates as a serious career alternative in the decades before the Civil War.³⁰ In other circles, filibusterism was decried as little more than plunderous piracy, wanton rapine and a dangerous violation of international agreements. However controversial such actions may have been at certain moments, it is clear that filibusterism held significant support from some parts of civil society, and there was pool of potential filibusters at the ready to launch expeditions and man the guns.

State Capacity: *How Weak a State?*

The final claim that must be addressed for the model application is that the state *could have* enforced the Neutrality Laws and reined in filibustering if it had desired. That is, the state must have the capacity to regulate filibusters if we are to conceive of the state as a meaningful (though still limited—state actors encouraged filibusters, but did not *command* them) principal in this relationship. As May argues, filibustering was, at times, a social phenomenon so popular and so prevalent that no administration could have possibly stopped it entirely.³¹ If filibusters were so prevalent that they overwhelmed the state, then pathway *L* is not truly an option. Indeed, given the small military apparatus of the early American state described by Skowronek and others, this claim is intuitively plausible. Thousands of miles of frontier and a rapidly growing, well-armed population cannot be easily policed, a task made even more difficult under a regime founded upon a mix of liberal and decentralized republican ideals.

But there is support for the notion that the state's capacity to control filibusters may have been greater than scholars have generally suggested. First, May himself notes that "it would be a mistake to assume that the state consistently enforced the Neutrality Laws," even as he chronicles many unsuccessful efforts by some federal authorities to interdict filibusters in the 1850s.³² Other historians find that the U.S. controlled filibustering, especially early in the century, so often were they complicit in the schemes, or at least tacit observers.³³ In the 1800s, Spanish, British, and Mexican officials conveyed a similar sense in their diplomatic appeals to the U.S.: that filibusters were America's dogs of war, and could be leashed if Washington so desired.

A closer attention to context shows that authorities were effective when they wanted to be, and less so at other times. Indeed, the historical record shows this to be the case, especially when particular foreign powers were involved. Most filibusters traveled by boat (so they could be intercepted by the fairly robust American navy), most had far fewer men than the local fort's garrison, and there is no apparent record of any filibuster resisting coercive force employed by American troops. More broadly, while the American military generally had few personnel until the massive mobilization for World War II, in the antebellum era it was characterized by what Katznelson refers to as "flexible capacity"—it expanded quickly for wars, and quickly demobilized thereafter, but retained enough force to achieve military goals.³⁴ Patrolling the borders, defending against Indian raids and the like were consistent priorities for the government. Enforcing neutrality laws against outgoing filibusters was important only in certain contexts, and when the military, prompted by their civilian superiors, made a concerted effort to stop particular expeditions, they were remarkably successful.

Along with capacity, the *intent* of state actors is important to this analysis. Enforcement of neutrality laws against filibusters was often a matter of will, not capacity. Robust, consistent attempts by the state to stem the tide of filibusterism, even if ultimately impotent, would indicate that these piratical characters were not much loved by the state in the capital or the provinces. However, there is much evidence that filibusters were not simply, as May puts it, "the underworld of manifest destiny". Rather, they were often its vanguard. The question, then, is less one of *if* American authorities could enforce neutrality laws, but *when* and *under what circumstances* they chose to, and

when they tacitly franchised these piratical adventurers as executors of American foreign policy.

Federal Response: The Possibilities and Implications

In an analysis of the U.S. authorities' use of filibusters as a tool of foreign policy, the key data are the responses taken by these authorities to filibuster activities in different contexts—mostly geographic and political. The United States government could have responded to the filibusters in two basic ways: they could enforce the Neutrality Acts, or not. Non-enforcement could entail actively supporting filibusters or passively turning a blind eye to their exploits. At the same time, any actions they took could be made openly or in secret. Some possible state actions are listed in Table 2 below.

(Table 2 about here)

Enforcement of neutrality laws, signifying opposition to filibusterism or particular filibusters, could take several forms: public statements discouraging the adventurers' expeditions, arrests of the filibusters before they arrived at their foreign destination (either while they were recruiting, before they were fully underway, or while they were en route, a realistic possibility especially in instances of seaborne expeditions), cooperation with foreign states in quelling the extralegal activities, or some consequences for the filibusters upon their return—vigorous prosecution under existing laws would be the most obvious course of action. More clandestine possibilities for opposing filibusters exist as well, and evidence suggests some filibusters may have been extrajudicially sanctioned by the state, as in the disappearance of General George Mathews after his return from Florida in 1811.³⁵

While opposing the filibusters would have been consistent with Neutrality Laws, treaty obligations, diplomatic appeals from other powers, and the emerging norm of the state as the sole legitimate source of extraterritorial violence, this tack was not always chosen.³⁶ Indeed, many have argued that at times such opposition to filibusters was the exception rather than the rule.³⁷ Possible actions taken in support of filibustering similarly run the gamut. Public pronouncements in favor of such activities, which would encourage expeditions; military support in the form of manpower, *matierel*, or money, which would support extant adventures; and *post hoc* support or recognition for those who had taken part, which would reward filibusters (and thereby encourage more to do the same). Again, officials at the federal level engaged in all of these activities (especially declarations of support) at various points and in various contexts.

Support for filibusters could also be registered more passively: by simply standing by and not enforcing the laws against them. This was the tactic adopted by the federal government in many instances. This strategy represents a middle way between fully living up to commitments and outright encouragement of extralegal international violence, but in light of treaty obligations and attendant domestic law, inaction can be interpreted as support for filibusterism. Given the energy of the filibusters, this choice would (and did) have the effect of fostering filibusters; government silence in the face of a given social activity may be interpreted as tacit complicity in that activity.

Cutting across those dispositions are the two possible forms of state action: overt and covert (Again, see Table 2).³⁸ This is of importance for two reasons. First, many of the filibusters themselves were shady characters, protective of their motives and plans and suspicious of outsiders.³⁹ Much of their dealings, as well as the government's

reactions to them, were conducted in secret, and only revealed through historians' exploration of private correspondences and diaries. Second, the historical record reveals that the overt and covert actions taken by state officials were not always consistent. Where open words and covert engagement conflict, there is room for interesting exploration. If filibusters were publicly condemned, privately encouraged, and then no real action was taken (as was quite often the case), this would support the notion that the state was using private actors to implement an expansionist foreign policy, even as they placated other international actors with promises to stop the adventurers at the border.

However, it is crucial to note that the existing historical record shows that even within the context of a single filibuster expedition, American state officials often acted in conflicting ways, sending mixed signals to both foreign powers and filibusters alike. Over decades, all possible combinations of these federal postures were undertaken, in various combinations at different times, in different places, and even with regard to the same filibuster. Thus it is often quite difficult to disentangle exactly what prompted the use of which what strategy and when.⁴⁰

To illustrate the state's ability to influence the behavior, frequency, and success of filibusters, I use a case history below to outline an instance in which American state officials undertook many of these various modes of action with regard to filibusters: the 1811 Mathews expedition into Florida and its aftermath. I then return to the full list of filibusters from Table 1 and identify one constraint on American foreign policy that seemed to spur use of the liminal path to expansion, that of regulating the filibusters.

Florida: Completing the Louisiana (Mis-)Purchase

The first important use of the filibuster as a means of acquiring territory took place in Florida during the 1810s, as the U.S. tried to wrest the region from the waning Spanish empire. Over the course of the decade, American authorities employed many tactics—diplomacy, offers of purchase, claims of previous purchase, filibusters, and ultimately direct military action—at different moments and in different combinations before finally gaining Florida in the Adams-Onís Treaty of 1819.

Treating Florida as a case within which there are multiple observations of U.S. state authorities—especially Presidents and State Department officials—responding in various ways to filibusters, we can gain insights into the contexts in which these actors chose to foster private action or in which they discouraged these rogue agents. In this case, two main factors play a role: realist international concerns, principally stemming from the threat presented by Britain; and domestic controversy, mostly sectional in origin even at this early date, but also within the dominant Democratic Republican coalition.

The purchase of French Louisiana—an expanse of land stretching from the Mississippi River to the Rocky Mountains and encompassing the Great Plains that would become the breadbasket of the world, for about \$23 million in 1803—has been lauded as a shrewd diplomatic coup struck by Jefferson. Taking advantage of cash-strapped France’s temporary ownership of the land (it had been Spain’s until Napoleon’s Iberian campaign effectively ended Spanish self-rule that decade), the U.S. nearly doubled its size for a bargain.

At the time, however, Jefferson was not entirely pleased with the outcome. He would have preferred everything *not* included in Louisiana—namely, the Spanish Floridas, which at that point stretched in a strip along the Gulf of Mexico from the

Mississippi delta to Pensacola and all of what is now the state of Florida.⁴¹ West Florida encompassed pieces of present-day Louisiana, Mississippi, and Alabama, and East Florida comprised most of the state of Florida as it exists today (See Figure 3). While the Louisiana territory was largely unpopulated by Europeans, there were several small “urban” trading centers in Florida, and its coastal position was strategically desirable and valuable in this era before railroads. However, Spain still held nominal sovereignty over the area.

(Figure 3 about here)

In keeping with the doctrine of conquest without war, the Jeffersonian presidents were frequently in negotiations for the transfer of the Floridas from Spain to the U.S. Filibusters were unofficial conquerors, however; a tool recognized as strategically important by both sides, and these private armies played a major role in the eventual incorporation of Florida into the U.S. The precise actions taken by American state officials played in these adventures are ambiguous, but their sum effect was to lay the groundwork for the basic pattern of publicly-sanctioned, privately-enacted American expansion until the Mexican War.

The Floridas under Spanish rule were particularly vulnerable. They were the periphery of Spain’s holdings in the Western Hemisphere (Cuba, Mexico, and South and Central America being much more lucrative colonies), and only minimally garrisoned.⁴² The first foray into Florida was undertaken by a small group of American settlers/adventurers who captured Baton Rouge, declared the area independent of Spain, and immediately sought (and were granted) annexation by the U.S. The U.S. formally took possession of the area on December 6, 1810, justifying the acquisition on the

grounds that it had originally been a part of the Louisiana Purchase, a matter of some contention.⁴³

Spurred by this event, filibusters prepared an expedition into West Florida. This group was broken up by local and federal officials' joint action, however, because it threatened ongoing negotiations for the peaceful transfer of the area and because of protestations from Northerners and those within President Madison's party who preferred diplomacy to filibustering.⁴⁴ Just a month later, Congress passed a secret bill authorizing Madison to acquire Florida under either of two conditions: if the local authorities ceded it to the U.S., or if a nation other than Spain asserted sovereignty there. This represented a compromise between Congressional camps seeking Florida by filibuster, those who wanted to capture Florida but wished to avoid war, and those who did not want the territory at all.

With this authorization in hand, Madison gave secret instructions to General George Mathews, former Governor of Georgia, to lead a private force into Florida in an attempt to overthrow the leaders there—a roundabout way of getting “local authorities” to accede to American control. Mathews' small force, made up primarily of Georgian volunteers, called itself the Patriot Army and entered Florida in 1811, strengthening its ranks with American settlers along the way. The force won several small skirmishes in Florida, controlling much of the northern part of the territory including Amelia Island along the coast, and eventually laid siege to the colonial capital, St. Augustine. U.S. naval forces led by Captain Hugh Campbell blockaded the town, with limited success, at the behest of Secretary of the Navy Paul Hamilton.

With the siege in place for over a year, the Patriots claimed to be the local authorities and requested annexation by the U.S., following the example of the Baton Rouge conquest the previous year. At a certain point, however, the policy in Washington reversed. The navy was withdrawn, and Campbell was relieved of his command. Madison disavowed any knowledge of the affair, and denied having given any instructions to Mathews (whose correspondence indicates that he “sincerely believed that he had executed the President’s orders and that East Florida would now be part of the United States”).⁴⁵

Owsley and Smith argue that both geopolitics and domestic controversy interceded against the filibuster in East Florida. First, the Napoleonic Wars were about to jump across the Atlantic, and Spain had now become a British ally against Napoleon’s Iberian campaign. The Americans were relatively comfortable aggravating Spain on the edges of her empire, but avoiding open war with the more powerful British was a high priority—though this was ultimately in vain, as Washingtonians soon learned when the capital was sacked by invading British forces.

The second factor working against the filibusters stemmed from domestic American politics.⁴⁶ Though Madison’s Republicans held a majority in both houses, annexation of Florida twice failed in the Senate—again, debate and voting reflected the three positions articulated before the filibusters began their operation—acquisition by any means, acquisition by diplomacy only, and anti-expansion. Madison found his hands tied on the verge of acquiring Florida; he ordered the federal troops withdrawn. Though the filibuster-instigated “revolution” continued for another year before it disbanded, nominal

Spanish control continued. Mathews himself returned to Georgia to meet with officials there and mysteriously disappeared in Augusta, never to be seen publicly again.

After the Treaty of Ghent, however, the British quickly (and perhaps unexpectedly) disengaged from the region, and the weakened Spanish authorities could do little to re-establish order in the wake of the Patriot rebellion. Within five years, another filibuster, led by the Scottish-Venezuelan soldier of fortune Gregor MacGregor had taken Amelia Island, near present-day Jacksonville. Running low on men and supplies, MacGregor left to recruit in the Bahamas and never made it back. His successor as “governor” of the settlement there raised a Mexican flag, and at this point the U.S. *did* step in decisively—finally openly invoking the secret bill of 1811 which authorized the president to take Eastern Florida if another power attempted to supplant the Spanish—and taking Amelia Island permanently in 1817. While the U.S. state did not sponsor this filibuster, it did watch it unfold, and ultimately profited from its outcome, a “wait and see” posture that was frequently struck by the Americans.

At the same time that Gregor MacGregor was unwittingly playing his part in American expansion in the East, General Andrew Jackson continued what would be a long career as an aggressive nationalist. Virtual anarchy in West Florida prompted the general to bring a brigade of Tennessee volunteers and assorted militia into the region. He crossed into Florida and sacked Pensacola, an act that may have spurred the signing of the Adams-Onís Treaty in early 1821, which formalized the transfer of the Floridas to U.S. control.⁴⁷ Though Jackson’s actions were decisively successful, won him fame and not a little popularity, this was actually a startling (then and in retrospect) example of military autonomy—he had no orders to launch this invasion, and Thomson goes so far as

to list him in a roster of filibusters following in the tradition of Mathews.⁴⁸ Tellingly, administration higher-ups condemned the attack publicly, denying their own culpability, but never punished Jackson or removed troops from Florida.

Thus the story of Florida's entry into the Union involves filibusters in their many roles: secret agents of high-level policymakers; instigators of foreseeable trouble, to be mopped up directly by American troops; controversial threats to achieving consensus in Congress; and unnecessary complications to delicate foreign policy situations. When filibusters promised to further the goals of the administration at the moment, they were encouraged. When they threatened those goals, they were reined in and Neutrality Laws were invoked—but the analytical point to be made is that under those Neutrality Laws *all* filibusters should have been arrested regardless of geopolitical context. Instead, federal authorities regulated their actions according to the state actors' goals, as depicted in the model above.

Florida is a good place to start, not only because it established a pattern that later filibusters would emulate, but also because it helps shed light on some of the concerns policymakers surely considered in deciding what strategy to follow with regard to their unofficial allies in expansion. Within the narrative, there are several sets of circumstances that reveal changed behavior by U.S. authorities toward the filibuster. These are roughly described in the following recreations of Table 2, applied to Floridian chronology.

(Tables 2a-2d about here)

From this narrative, we can begin to work toward an inductive theory of when U.S. officials used filibusters as a tool of expansion and when they shut them down. The first thing to note is that geopolitical realist concerns play a role. Particularly when the British

complain or are involved, American authorities almost uniformly respond to these diplomatic queries, in order to avoid conflict with Britain.⁴⁹

Later forays into British territory—the series of invasions and skirmishes along the Canadian border involving such groups as the Canadian Refugee Relief Association, the Freres Chasseurs, and Patriot Hunters in the late 1830s; James Dickson’s ill-fated voyage to Mexico by way of Manitoba and the Rocky Mountains, in which almost all of the adventurers disappeared or froze to death; an alleged 1856 plot to liberate Ireland broken up in Ohio; and the Post-Civil War Fenian Brotherhood expedition near Buffalo, and later filibusters that threatened British Honduras—met with active, typically quite successful attempts by U.S. authorities to interdict, intercept, or scuttle the filibuster (again, see Table 1).⁵⁰ These assertive actions to intercede when British interests were at risk by the adventurers reveal not only that federal authorities could stop filibusters if they wanted to, but also one of the conditions in which the American state would *choose* to do so—when unpredictable filibusters would create major risks for American security. This is the clearest pattern; it emerges in Florida and remains consistent.⁵¹ Involvement of the British is a sufficient cause to enforce the neutrality laws against filibusters.

The second observation from the case is that sectional and political conflict matter, but it is less clear *how*. Depending on the context and the content of the conflict, state actors may choose to encourage filibusters (as a clandestine alternative to war, which has a higher political and material cost), to stop them (to increase the possibility of some relevant state-driven action taking place), or to take wildly unpredictable steps, as Jackson did in 1819. A deeper analysis of the effects of sectional conflict is a next step in this research project.

Finally, because filibusters (and private actors generally) are herein conceived of as one tool among many that may be employed by state actors, they may be used in concert with other tools, or quashed if they jeopardize some momentarily preferable option. Hence, when sale of Florida was initially under negotiation, authorities stopped a filibuster into West Florida. Later, Andrew Jackson's foray made the weakness of the Spanish position crystal clear, and may have actually spurred negotiations along. A theory of action in particular circumstances must account for the different effects of the same tool employed in different strategic contexts.

Conclusion

This study approaches filibusters from the perspective of the continuing re-evaluation of state capacity in pursuit of policy. While traditional conceptions of the state have focused on formal avenues of policy pursuit, the infrastructural revision has explored alternative pathways through which state actors can and do pursue their goals. By manipulating the behavior of private actors, and responding to these actors in different ways depending on contexts, state officials were able to pursue the controversial, difficult, and potentially dangerous goal of territorial expansion successfully. This indirect implementation—creating a framework for private actors to self-consciously pursue public goals, and then manipulating this field of action—is defined as the liminal state, marked by public-private hybridity yet fitting neatly in neither category. Filibusters were obviously not the only tool used by expansionist policymakers, but they were an important one.

I have also identified two general conditions under which state actors will employ the liminal implementation route and when they will choose other tools to achieve their aims. First, when unpredictable private actors endanger some higher priority goal or interfere with the state's employment of another means of implementation, private actors will be stopped. This was the case when filibusters attacked the powerful British, or when their adventures interfered with promising ongoing diplomatic negotiations.

Second, domestic controversy may prompt state actors to turn to private actors, as opposed to directly implementing policy themselves. Direct action often takes concerted, united state effort, and this is not always possible or desirable. Preliminary analysis of the immediate antebellum era, when sectional strife was at its height and expansion an even more contentious goal, indicates that Southerners and their allies within the state encouraged (to varying degrees and at different moments) filibusters who sought to extend slavery to Cuba, Mexico, and perhaps Central America. Local officials were particularly noteworthy for not enforcing Neutrality Laws in this context, but national authorities, especially in the executive branch, were also unlikely to follow the letter of the law, effectively allowing filibusterism to run rampant. The employment of franchised private actors in this controversial policy may have also provided political cover for these state actors, who could then have it both ways—lauding the adventurers in certain contexts, condemning them in others but maintaining that the phenomenon was beyond their control. This is an avenue for future study.

This study is clearly about a bygone era; filibusterism is an exotic piece of history. However, liminal institutions like the filibuster are at the heart of current studies of state capacity. While the American state has long been conceived of as “weak,”

revisionists have made a convincing case that “lean” may be a better descriptor. By focusing on building infrastructural (as opposed to despotic) power and thereby leveraging a robust and active civil society, the American state is often able to do more with “less”. As the histories of the filibusters reveal, the Americans were able to capture much of a continent through force while officially maintaining a posture and policy of peaceful expansion—Jefferson’s “Empire of Liberty”. Filibusters were not of the state, but they nonetheless pursued its goals (which usually coincided with their own). Crucially, their behavior as it related to a controversial and dangerous goal was liminally *regulated* by the state—franchised or quashed as appropriate to the immediate political context.

Analogously, theorists of state capacity who focus on particular private actors implementing a state goal often identify key points of contact between civil society and the state. In a pragmatic, liberal polity, these points of contact can be conceived of as *limen*, thresholds in which it is unclear where “the state” ends and “society” begins. Because of the interpenetration of state and society in the liberal polity, the two spheres come to resemble each other more and more, and the line of demarcation between them is highly ambiguous. Other liminal points of contact—the party, the legal profession, interest groups—similarly exist in this ambiguous political space, both public and private. They influence and are influenced by state actors, and individuals within these institutions shuttle back and forth between officially public and nominally private positions. Understanding filibusters as an instance of the American state’s “positive capacity of the state to ‘penetrate civil society’ and implement policy throughout a given

territory,” one can agree with Novak’s claim that the scope of the American state’s infrastructural power has always been extensive.⁵²

The ambiguous responses of the state to filibustering, and the informal relationship between these two bodies of actors, focus scholarly attention deep in the gritty and rich contexts of the experiences of those involved in the state-building process. As Padgett and Ansell argue in their examination of the earliest moves toward modern state formation, to understand the state “one must penetrate beneath the veneer of formal institutions, groups, and goals...Ambiguity and heterogeneity are the raw materials of which powerful states and persons are constructed.”⁵³ The shady world of the filibusters and their quasi-sponsors in Washington bear witness to this perspective.

NOTES

¹ Ultimately, it was unclear what Burr's precise intentions were, and there was not enough evidence to convict him.

² This brief account of Burr's conspiracy is borrowed from Stout (2002); accounts of the conspiracy and trial are available in Buckner (2001), from the National Counterintelligence Center (<http://www.fas.org/irp/ops/ci/docs/ci1/ch1d.htm>)

³ The actual etymology of the term is the Dutch *vribuiter*, meaning "pirate" or "free booters". Though in contemporary accounts filibusters are often equated with pirates and terrorists, pirates were typically not motivated by nationalism or possessive aspirations. Filibustering was largely a uniquely American institution (May 2002, Thomson 1994) By midcentury, the phenomenon had become so prevalent that newspaper editors began referring to virtually any dastardly deed as a filibuster. In the legislative context, the name stuck. In this study, the term is expanded to include all non-state invaders of foreign lands departing from the United States. These were a diverse bunch, embodying a wide range of goals, backgrounds, and levels of organization.

⁴ William Walker, the most famous filibuster, became president/dictator of Nicaragua after an 1856 invasion. He held office until ousted two years later.

⁵ A wide variety of state actors appear in the history of filibustering, as either supporters or opponents of the adventurers. In this paper, "state actors" will mainly be used to refer to officials in the Executive Branch--especially the President, the Secretary of State, and the military. These were the actors most directly involved in dealing with filibusters and enforcing Neutrality Laws.

⁶ Liminality herein refers and analogizes to Victor Turner's (1969, 1974) but see also Van Gennep (1909) concept of between-ness. When an actor exists in a liminal space, s/he moves outside quotidian existence and is characterized for a time as conceptually if not physically invisible. The same may be said of filibusters, who were outside the rule of law and outside the system of states, and whose aims were typically disavowed by the American authorities, but who nonetheless

played an important role in American and Western Hemisphere politics for half a century. Their liminal violence occupies an ambiguous place in the ordering of authority, a notion which may be extended more broadly to many institutions of law enforcement in the liminal liberal state.

⁷ Katznelson, Ira. 2002. "Flexible Capacity: The Military and Early American Statebuilding," in *Shaped by War and Trade: International Influences on American Political Development*, ed. Ira Katznelson and Martin Shefter. (Princeton: Princeton University Press, 2002). Mann, Michael. "The Autonomous Power of the State: Its Origins, Mechanisms, and Results," in John A. Hall, ed., *States in History* (Oxford, 1986), 109–136.

⁸ Hartz, Louis. *The Liberal Tradition in America*. (New York: Harcourt, Brace & World, Inc., 1955) Huntington, Samuel P. 1968. *Political Order in Changing Societies*. (New Haven, CT: Yale University Press, 1968).

⁹ (Skocpol, Skowronek 1982) Skocpol, Theda. 1992. *Protecting Mothers and Soldiers: The Political Origins of Social Policy in the United States*. (Cambridge, MA: The Belknap Press of Harvard University Press, 1985). Skowronek, Stephen. 1982. *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*. (Cambridge: Cambridge University Press, 1992).

¹⁰ Katznelson, "Flexible Capacity," 2003.

¹¹ Mann, "The Autonomous Power of the State", 1986.

¹² Mann, "The Autonomous Power of the State", 1986; Novak, William. "The Myth of the Weak American State". *American Historical Review* 113 (June 2008) 752-772.

¹³ Paul Frymer, "Acting When Elected Officials Won't: Federal Courts and Civil Rights Enforcement in U.S. Labor Unions, 1935–85," *American Political Science Review* 97 (2003): 483–499. Farhang, Sean. "The Litigation State: Public Regulation and Private Lawsuits in the American Separation of Powers System." (PhD Thesis. Department of Political Science, Columbia University, 2006). Lieberman, Robert C. 2002. "Weak State, Strong Policy: Paradoxes

of Race Policy in the United States, Great Britain, and France.” *Studies in American Political Development* 16 (2002): 138-161.

¹⁴ Thomson, Janice. *Mercenaries, Pirates, and Sovereigns: State Building and Extraterritorial Violence in Early Modern Europe*. (Princeton: Princeton University Press, 1994).

¹⁵ Thomson tentatively classifies filibusters a unique type of actor. Their liminal relationship with the state keeps them from fitting neatly within either of those categories.

¹⁶ Thomson, *Mercenaries, Pirates, and Sovereigns*, 79. The law also forbade foreign military recruiters from recruiting and commissioning soldiers in American territory. This measure against mercenarism may have been the main focus of the law, though filibustering was an important target as well. The U.S. was the first nation to enact a neutrality law of this kind, and virtually all European and American nations created similar laws over the course of the next century.

¹⁷ May, Robert. *Manifest Destiny's Underworld: Filibustering in Antebellum America*. (Chapel Hill: University of North Carolina, 2002).

¹⁸ In this model, inputs such as random exogenous shocks and the international system have been excluded for the sake of parsimony. Either could be understood as “within” state institutions or public/civil society, because these factors would be filtered through these institutions before any policy action could be taken. Random shocks could enter the model at any point, within boxes or pathways.

¹⁹ In reality, of course, this is seldom the case--“the state” is not monolithic, but consists of a variety of actors situated within institutions and with interests that may coincide or conflict depending on circumstances. This is especially true of the liberal American state, with its “Tudor” institutions characterized by fragmented authority and a lack of functional differentiation (Huntington 1968). The plurality of interests and institutional barriers to action within “the state” may be a chief inhibitor of direct policy implementation, a goal pursuit strategy for which

consensus over goals and concerted action may be required. Such division within the state may push policy implementation down one of the other less direct pathways. Later in the antebellum era, this reality became particularly important as filibusterism became one issue among many in pervasive sectional strife.

²⁰ The model could also be quite easily adapted to focus on a policy goal desired by civil society; again, this would be more complex to analyze given the greater heterogeneity and higher barriers to collective action inherent in most societies.

²¹ These pathways may involve complex trips through or toward other goals, and require an intermediate web of implementation actors themselves; I conceive of them simply here.

Elections, the media, social movements, and violent revolution are obvious examples of society affecting the state's preferences and capacities. Pluralist accounts (and basically all other species of democratic theory) put tremendous stock in this mechanism for popular control of policy implementation. Indeed, *D* may go a long way toward determining the state's policy goal in question (though this is not required for the model).

Conversely, state actors shape civil society's composition and preferences (Path *I*) in myriad significant ways: changing individuals' identities and increasing their capacity for certain kinds of action through universal military subscription or education requirements (Weber 1976); appeals by autonomous bureaucrats to interest groups (Carpenter 2001); changing their understanding of their bodies and of the bodies around them (Foucault 1990); and tinkering with immigration policies to shape the composition of the body politic (Zolberg 2007). In the liberal state, *D* and *I* are likely to be as mutually constitutive as state and society are.

²² With one notable exception: because later events are affected by what came before, any state action *W* or *L* may have an effect on the preferences and composition of civil society itself, indirectly having an effect on *D* and *P*. For instance, the state's reaction to filibusters early on may create or minimize future filibusters, in a rather path dependent process (Pierson 2000).

²³ Lieberman “Weak State, Strong Policy”. Farhang, *The Litigation State*.

²⁴ Weber, Max. “Politics as a Vocation” Lecture given in Munich, 1919. Cited in Henderson, A.M. and Parsons, Talcott (trans.) *The Theory of Social and Economic Organization*. (New York: Free Press, 1964). Tilly, Charles. *The Formation of National States in Western Europe*. (Princeton: Princeton University Press, 1975). Giddens, Anthony. *A Contemporary Critique of Historical Materialism, vol 2, The Nation-State and Violence*. (Berkeley and Los Angeles: University of California Press, 1984).

²⁵ A list of U.S. territorial acquisitions is included in the Appendix.

²⁶ Jefferson early on articulated a view of America as a “continent (which) must be viewed as the nest from which all America, North and South, is to be peopled” (Owsley and Smith 2002: 16); Madison famously argued in favor of large republics as a defense against tyranny of the majority (eg, Federalist 51), and the presidential act with which Monroe is most associated was to boldly claim that American power was to be pre-eminent in the Western Hemisphere, despite the balance of power at the time, which tilted rather heavily in Britain’s favor. The continuity of this Jeffersonian vision can also be seen in their succession in office: Madison was Jefferson’s Secretary of State, and Monroe was Madison’s, and all three were Democratic Republicans from Virginia. Thus scholars of expansionism have identified these three Jeffersonian administrations as an era in which executive policy was basically continuous (Owsley 2004; Adams 1889; Tucker and Hendrickson 1992).

²⁷ Or perhaps *because* of these state actors, especially in later years, as Presidents’ *initial* responses to filibusterism may have fostered the popularity of the institution.

²⁸ May, *Manifest Destiny’s Underworld*. Stout, Joseph. *Schemers & Dreamers: Filibustering in Mexico 1848-1921*. (Fort Worth: Texas Christian University, 2002). Owsley, Frank and Gene A. Smith. *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821*. (Tuscaloosa: University of Alabama 1997). Thompson *Mercenaries, Pirates, and Sovereigns*.

²⁹ These are the expeditions for which there is a record in the academic historical literature, and thus provides a baseline description of filibusters' targets.

³⁰ May, Robert. "Young American Males and Filibustering in the Age of Manifest Destiny: The United States Army as a Cultural Mirror". *Journal of American History*. 78 (1992): 857-886.

³¹ May, "Young American Males and Filibustering".

³² May, *Manifest Destiny's Underworld*.

³³ See, for examples: Thomson *Mercenaries, Pirates, and Sovereigns*. Owsley and Smith, *Filibusters and Expansionists*, Stagg, J.C.A. "The Madison Administration and Mexico: Reinterpreting the Gutiérrez-Magee Raid of 1812-1813," *The William and Mary Quarterly* 59 (April 2002), 449-480.

³⁴ Katznelson, "Flexible Capacity," 2003. Indeed, under the implementation model above, filibusters represent a kind of further increase in this flexibility—tapping into the vast martial resources of the American public of the era.

³⁵ Owsley and Smith, *Filibusters and Expansionists*.

³⁶ Thomson *Mercenaries, Pirates, and Sovereigns*.

³⁷ May, Robert. *The Southern Dream of a Caribbean Empire 1854-1861*. (Gainesville: University of Florida, 1973); Stout, *Schemers & Dreamers*; Tucker and Hendrickson. *Empire of Liberty: the Statecraft of Thomas Jefferson*. (USA: Oxford University Press, 1992); Owsley and Smith, *Filibusters and Expansionists*.

³⁸ Obviously, non-action is neither overt or covert; it is nothing. Certainly no evidence exists for the covert meaning of non-action. Open non-action, however, was taken by contemporary targets of filibusterism as tantamount to support for the activities, and in my analysis I tend to interpret it as such.

³⁹ May, *Manifest Destiny's Underworld*

⁴⁰ The history of filibusters has seen a resurrection in the past three decades, first with the foundational work of Robert May (1973), who emphasized the adventurers' role in antebellum sectional conflict. More recent comprehensive works have studied filibusters in other regions (May 2004; Stout 2002) and eras (Owsley 1997; Stout 2002; Tucker and Hendrickson 1992), providing a thick catalog of filibuster case histories which I employ. Older works (eg. Rippy 1926; Nute 1923; Rolle 1951) also supplement this catalog.

⁴¹ Owsley and Smith (1997) have the most detailed account of the history of Florida's incorporation into the U.S., and I rely heavily on that account for this narrative. May (2002) and Thomson (1994) concur in their description of events, though in less detail.

⁴² In fact, Spain relied on their alliances with local Native American groups and diplomacy for the defense of the rather large area. American diplomats had entered into negotiations to purchase Western Florida, and at one point the territory had actually been offered for sale, but the offer was rescinded before the Americans could accept—apparently because a momentary filibuster threat was eased (Cox 1918, cited in Owsley and Smith 1997).

⁴³ Owsley and Smith, *Filibusters and Expansionists*, 63

⁴⁴ Owsley and Smith, *Filibusters and Expansionists*, 64

⁴⁵ Owsley and Smith, *Filibusters and Expansionists*, 71

⁴⁶ Thomson *Mercenaries, Pirates, and Sovereigns*; Owsley and Smith, *Filibusters and Expansionists*,

⁴⁷ Jackson's 1817 invasion was almost immediately followed by a letter from the Spanish minister in Washington, Don Luis de Onís, to Secretary of State John Quincy Adams, in which Onís offered Florida in exchange for a few conditions, including American recognition of Spanish rule over Texas—and that the U.S. enforce its neutrality laws, preventing filibusters and privateers from attacking Spanish lands. (Owsley and Smith 1997)

⁴⁸ Thomson *Mercenaries, Pirates, and Sovereigns*

⁴⁹ Though perhaps this pattern arises out of cultural affinity and respect held by Americans for their English “cousins”—this would be a constructivist argument with observational equivalence, since there were no other English-speaking countries around, nor countries more powerful than the U.S. in places the filibusters were going.

⁵⁰ (May 2002, Thomson 1994) (Nute 1923) (May 2002) Thomson *Mercenaries, Pirates, and Sovereigns*. May, *Manifest Destiny's Underworld*. Nute, Grace Lee. “James Dickson: A Filibuster in Minnesota in 1836” *The Mississippi Valley Historical Review* 10 (Sept. 1923), 127-140.

⁵¹ The only exception to this rule was a naval captain who shelled a British position in Honduras in covering a filibuster retreat. That captain was chastened and relieved of command, however, in distinct contrast to how other military officers who supported filibusters in Mexican or Spanish territory were treated by their superiors. (May 2002)

⁵² Novack, “The Myth of the Weak American State”

⁵³ Padgett, John and Ansell, Christopher 1993. “Robust Action and the Rise of the Medici, 1400-1434”. *American Journal of Sociology*. (98:6):1259-1319

Appendix: American Territorial Expansion, 1783-Present.

Note: Highlighted acquisitions were preceded by filibusters.

Date	Territory	Notes
1783	Former 13 colonies	Treaty of Paris of 1783 following American Revolutionary War
1803	Louisiana Purchase	Purchased from France for \$15 million, including assumed claims
1819	Florida (East and West)	Purchased from Spain for \$5 million in assumed claims under Adams-Onís Treaty
1845	Texas	Annexation of independent republic
1846	Oregon Territory	The Oregon Treaty with Great Britain
1848	Mexican Cession	Purchase from Mexico following American-Mexican War; \$15 million plus 3.25 million in assumed claims
1853	Gadsden Purchase	Purchased from Mexico for \$10 million
1857	Baker Island Howland Island	Unincorporated territory claimed under Guano Act of 1856; under the jurisdiction of the U.S. Fish and Wildlife Service
1857	Navassa Island	Unincorporated territory claimed under Guano Act of 1856; under the jurisdiction of the U.S. Fish and Wildlife Service
1858	Jarvis Island	Unincorporated territory claimed under Guano Act of 1856; under the jurisdiction of the U.S. Fish and Wildlife Service
1858	Johnston Atoll	Unincorporated territory annexed under Guano Act of 1856; under the jurisdiction of the U.S. Fish and Wildlife Service
1867	Alaska	Purchased from Russia for \$7.2 million; Statehood 1959
1867	Midway Islands	Unincorporated territory claimed under Guano Act of 1856; under the jurisdiction of the U.S. Fish and Wildlife Service
1898	Hawaiian Islands	Annexation of independent republic; Statehood 1959
1898	Palmyra Atoll	Acquired with Hawaii; under the jurisdiction of the U.S. Fish and Wildlife Service
1898	Philippine Islands	Purchased from Spain for \$20 million following Spanish-America War; fully independent in 1946
1898	Puerto Rico	Annexed following Spanish-America War; currently a self-governing commonwealth of the United States
1898	Guam	Annexed following Spanish-America War; in 1950 became organized, unincorporated U.S. territory under jurisdiction of Office of Insular Affairs of the Department of the Interior
1899	American Samoa	Annexed in settlement with Britain and Germany; currently an unorganized, unincorporated U.S. territory under jurisdiction of Office of Insular Affairs of the Department of the Interior

1899	Wake Island	Annexation of unoccupied area
1903	Panama Canal Zone	Leased from Panama for \$10 million, plus \$250,000 annually; ceded to Panama in 1999
1917	U.S. Virgin Islands	Purchased from Denmark for \$25 million; currently an organized, unincorporated U.S. territory
1922	Kingman Reef	Annexed 1922; later airline refueling; currently uninhabited; National Wildlife Refuge
1947	Northern Mariana Islands	United Nations Trust Territory; in 1986 became a self-governing U.S. commonwealth
1947	The Federated States of Micronesia	United Nations Trust Territory; 1986 became a sovereign, self-governing republic
1947	Republic of Palau	United Nations Trust Territory; in 1994 became a sovereign, self-governing republic
1947	Republic of the Marshall Islands	United Nations Trust Territory; in 1986 became a sovereign, self-governing republic

Source: National Atlas, http://nationalatlas.gov/articles/history/a_expansion.html

Table 1. Notable filibusters, 1800-1911

Leader	Destination	Year	Federal Response
Burr	Texas/Louisiana	1804	Arrest, fail to convict
Unknown	Baton Rouge	1810	Nothing
Mathews	Florida	1811	Support, later withdrawn
de Lara and Magee	Texas	1811	Nothing
MacGregor	Florida	1817	Nothing
Long	Galveston	1819	Nothing
Austin, others	Texas	1821-36	Nothing
Dickson	Canada, or Mexico	1836	Interdiction at Detroit, official bribed, party released.
“Patriots”	Canada	1837	Interdict
Sentmanat	Tabasco	1844	Nothing
Brannan	Hawaii	1851	Nothing
Narciso Lopez	Cuba	1851	Nothing
Carvajal	Mexico	1851-3	Mixed
Walker	Baja California	1852-4	Mixed
Zerman	Baja California	1855	No action, some encouragement
Walker	Nicaragua	1855-7	Nothing, escorted home
Kinney	Nicaragua	1855	Nothing, escorted home
Crabbe	Sonora	1856	Nothing
McNelly and Kells	Mexico	1870	Foiled
Lerdo De Tejada	Sonora	1870	Nothing
Dalrymple	Mexico	1880	Interdiction
Colonel Mulkey	Mexico	1888	Foiled before departure
Flores-Magon brothers	Baja California	1911	Interdiction

Sources: May 2002, Smith and Owsley 1997, Stout 2004. Observations shaded in Red if the filibuster’s goal threatened British interests or territory. Shaded in Blue if filibuster took place after Civil War.

Table 2. Actions that would reflect different intentions in implementing (d): regulating filibusters

Attitude Toward Neutrality Laws	Not Enforce		Enforce
Actions taken	Active	Passive	Active
Overt	<p>Federal troops support filibuster military operations</p> <p>Officials praise filibusters</p> <p>U.S. Annexes filibustered territory</p>	<p>Federal authorities do nothing to interdict/arrest filibusters before or during expedition</p> <p>Filibusters travel freely within U.S. <i>after</i> publicized filibusters</p>	<p>Federal authorities arrest filibusters, prevent departure, confiscate arms.</p> <p>Filibusters arrested and tried after expeditions fail</p> <p>Officials condemn filibusters</p>
Covert	<p>Officials secretly encourage filibusters before or during expeditions</p> <p>Federal authorities give secret material support to filibusters (without participating)</p>	N/A	<p>Authorities take secret action against filibusters: assassination, sabotage, espionage, threats.</p>

Table 2a: Florida 1810: Sectional Conflict in Congress, Purchase of Florida Pending

	Not Enforce		Enforce
	Active	Passive	Active
Overt			Interdict Filibuster into West FL
Covert			

Outcome: Diplomacy fails; status quo

Table 2b: Florida 1811: Before Spanish allied with British, Domestic conflict eased

	Not Enforce		Enforce
	Active	Passive	Active
Overt	Navy supports Mathews		
Covert	Madison/Monroe give Mathews instructions		

Outcome: Mathews's Filibuster army controls much of East Florida, including Amelia Island; St. Augustine under siege

Table 2c: Florida 1812: British War Looms, Domestic conflict over annexation re-emerges

	Not Enforce		Enforce
	Active	Passive	Active
Overt		Navy leaves, but do not attempt to stop filibuster	Disavow knowledge and alliance with Mathews
Covert			Mathews disappears?

Outcome: Filibuster weakens without U.S. Naval support, Mathews replaced, reversion to status quo during War.

Table 2d: Florida 1817: British disengaged, Sectional conflict present

	Not Enforce		Enforce
	Active	Passive	Active
Overt	Jackson invades with American citizens to "bring order"	Allow MacGregor to take Amelia Island	
Covert			

Outcome: Floridas annexed by U.S.

Figure 1. Generic Policy implementation model

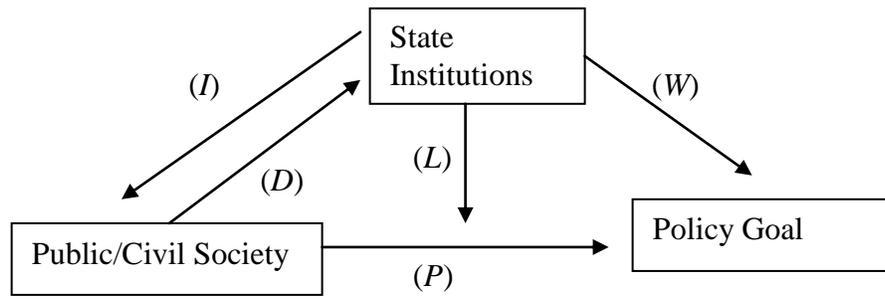


Figure 2. Expansionist Policy, 19th Century USA

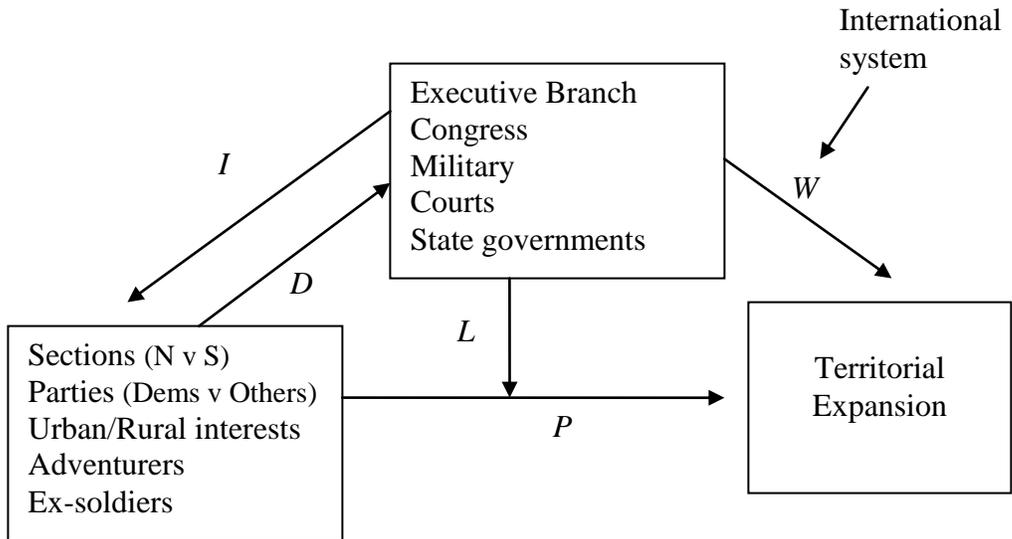


Figure 3, Spanish Florida in the 1700s.



Source: Library of Congress, available at <http://fcit.usf.edu/florida/maps/1800/ct000174.htm>