


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"An Ardent Military Spirit" William C. C. Claiborne and the Creation of the Orleans Territorial Militia, 1803-1805

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“An Ardent Military Spirit”:
William C. C. Claiborne and the Creation of the Orleans Territorial Militia, 1803-1805

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements of the degree of

Master of Arts
in
History
Public History Concentration (Military History)

By

Joseph Stoltz III

B.A., The University of New Orleans, 2007

May, 2009

Dedication

To my father, Joe Stoltz Jr., 1951-2005

You would have gotten a kick out of this...

Acknowledgements

Many people played a hand in the completion of this work, and my education. My sincere thanks go out to my thesis director and mentor, Dr. Allan R. Millett, for “getting my head out of the cartridge box” and showing me the bigger issues of history. My thanks go out also to the other members of my committee, Dr. Warren M. Billings and Dr. Mary Niall Mitchell. Dr. Billings graciously agreed to sit on my committee. Dr. Mitchell dealt with me since my days as a brash undergraduate and kept me honest and on course. The achievements in my grammar are predominantly the work Dr. Connie Atkinson, who, since my first semester at UNO, increased my desire to seek out and eradicate the passive voice where possible. Beyond the UNO campus, my thanks go to Ms. Melinda Morris for making the time, despite her busy schedule at the *Times-Picayune*, to edit this manuscript. In addition, I must thank my many friends, the members of the New Basin Canal branch of *Comhaltas Ceoltoiri Erin*, and the staff of the *Deutsches Haus* for encouraging me to keep working even when I lost motivation. Lastly, and most importantly, I must thank my family, my mother particularly, for inspiring me to never give up and to always try harder.

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Abstract

In 1803, the Louisiana Purchase doubled the territory of the fledgling United States. Taking control of and defending the new territory, especially the culturally heterogeneous city of New Orleans occupied much of the administration's time. Most of the burden for establishing the defense policy rested on William C. C. Claiborne, a staunch Jeffersonian, former member of Congress from Tennessee, and previous governor of the Mississippi Territory. By working with local business leaders with a stake in American success, observing the local customs and traditions, and gradually encouraging political participation, Claiborne successfully introduced the American militia system to a culture far different from that of his native Virginia. Claiborne's policies reduced the likelihood that local dissidents and foreign powers such as Spain and Great Britain could conspire to subvert American government in Louisiana by rebellion and invasion.

William C. C. Claiborne

Orleans Territory

Louisiana Purchase

Militia

Introduction

In December of 1803, William C. C. Claiborne, cousin of President Thomas Jefferson and soon-to-be governor of the Orleans Territory, faced a situation like no United States government official before him. Jefferson assigned Claiborne to administer an area almost the size of the rest of the United States combined and encompassing a major urban area populated by only a handful of residents that spoke English. Of the roughly 8,000 French-speaking residents of the city of New Orleans, 3,500 were white, 3,100 were slaves, and 1,500 were free people of color.¹ The racial, linguistic, and cultural challenges to successful administration faced by Claiborne, surpassed anything in American history to that point. Claiborne's actions in organizing the population into an effective militia force that would be loyal to the United States were critical to the successful retention of the Louisiana Purchase, given the threat of foreign intrigue against the territory, the possibility for local insurrection among the various ethnic groups, and the Jefferson administration's attitudes towards large standing armies.

Founded as private religious and entrepreneurial enterprises, Great Britain's North American colonies received little organized military aid from their parent nation. Even during the imperial wars after 1688, Parliament's reluctance to station large military formations in North America meant that citizen-soldiers were responsible for the defense of the colonies.² For local defense against raiders, the system worked. In the event of attack, citizens took up arms to defend their own properties. With this more than century-old tradition of self-defense, it is

1. *Creole New Orleans: Race and Americanization*, ed. Arnold R. Hirsch and Joseph Logsdon, (Baton Rouge: Louisiana State University Press, 1992), 208.

2. Stephen Saunders Webb, *The Governor's-General: The English Army and the Definition of Empire, 1569-1681*, (Chapel Hill: University of North Carolina Press, 1979); Lindsay Boynton, *The Elizabethan Militia, 1558-1638*, (London: Routledge & K. Paul, 1967); Douglas Edward Leach, *Arms for Empire; A Military History of the British Colonies in North America, 1607-1763* (New York: Macmillan, 1973).

perhaps not surprising that when the colonial inhabitants rebelled against Britain they continued to idolize the citizen-soldier.

The subsequent eight years (1775-1783) of war showed all of the flaws and advantages of the militia. While future Federalists, such as Alexander Hamilton and George Washington, witnessed the weaknesses of the militia first hand, including its limited offensive capability and the troops' frequently poor discipline; soon-to-be Democratic-Republicans such as Thomas Jefferson and James Madison were not as easily put off. To the Jeffersonians, the weaknesses of the militia system contained its greatest strengths. Its limitations required the government to consider carefully its resort to military force in terms of lives and cost as well as political support.³

After the American Revolution, Congress debated at length on how to organize the military forces of the United States and incidents like the Newburgh "Conspiracy" and Shay's Rebellion provided ammunition to both sides of the argument. The constitutional convention further exacerbated the debate. Federalists wanted a strong national army, while Republican-Democrats desired organized state militias of citizen-soldiers. The politicians eventually reached a compromise that left potential military power in state hands. The Constitution (as amended) provided for both a "well organized militia" in the Second Amendment and for the possibility of a regular, national army in Article One, Section Eight. Congress laid out the standards for the militia in a subsequent Militia Act of 1792. In Section One of the May 8 Act, Congress required that all free able-bodied male citizens between the ages of 18 to 45 provide themselves with a

3. Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the American Military Establishment in America, 1783-1802*, (New York: Free Press, 1975); Lois G. Schwoerer. *No Standing Armies: The Anti-Army Ideology in Seventeenth-Century England*, (Baltimore: The Johns Hopkins University Press, 1974);

musket or rifle, ammunition, and knapsack in preparation for musters and emergencies.⁴ The act left to the states the power to dictate the frequency of musters and the enforcement of these federally mandated standards. It also limited the time that state troops could be called into service to a period of ninety days each year.

This compromise existed only in writing for the first years of the new Federal Constitution. With Federalist control of the executive branch, Washington and John Adams did little to promote militia service, which they saw as wasteful of both time and money and as a state responsibility. Few citizens bothered to equip themselves as required by law and instead paid the fines for not training. As a result, few state and local governments removed from the frontier bothered to keep their militias organized. The lack of federal inspections and standards enforcement only further hampered militia organization east of the Appalachians. Only on the frontier did the militia system work, since the Native Americans did not sign the Treaty of Paris battles in the Northwest Territory continued, and an organized militia was critical to the safety of white settlers. Therefore, in the more dangerous border regions west of the mountains, the militia system and Jeffersonian faith in the innate ability of citizen-soldiers flourished in Kentucky and Tennessee.

Following war scares with both England and France, domestic protest in the form of the Whiskey Rebellion, and an all-out war with the tribal federation of the Northwest Territory, Washington and Adams slowly built up the U.S. Army and established the U.S. Navy. Jefferson's election in 1800, however, set the stage for a dramatic reversal of policy. The Louisiana Purchase provided Jeffersonians, including the President's cousin William C. C.

4. Militia Act of 1792, http://www.constitution.org/mil/mil_act_1792.htm [accessed January 26, 2009].

Claiborne, an enormous laboratory with which to prove their theories on the reliability of militia forces.

Jefferson negotiated the Louisiana Purchase in response to western pressure to acquire the city of New Orleans. The city controlled access to the entire Mississippi watershed and thus influenced the livelihood of the rural, cash crop growing Americans who inhabited the region. Signed in 1795, the Pinckney Treaty with Spain had guaranteed the American “right of deposit” at New Orleans. By the terms of the treaty, Americans could dock their riverboats at New Orleans in order to transfer cargo to ocean-going vessels. In 1798, however, deteriorating relations with the Spanish crown led to the revocation of the American right of deposit at the port city. Following congressional pressure from Kentucky and Tennessee, and even threats of secession, Jefferson began to seek a peaceful way of acquiring the mouth of the river.

The Spaniards wanted to maintain Louisiana as a buffer to keep the Americans away from the silver mines in New Spain and did not want to see the colony fall into American hands. In 1800, this policy ran into trouble when Napoleon Bonaparte secretly offered Spain a number of European holdings in exchange for the colony. The soon-to-be Emperor wanted to restore France as a colonial power and saw Louisiana as a vast tract of farmland to support France’s sugar islands in the Caribbean. Spain accepted Napoleon’s offer, but almost immediately, the First Consul of France ran into problems taking possession of Louisiana.

A slave uprising on Saint-Domingue consumed the efforts of all of France’s colonial troops, so Bonaparte never had soldiers to spare to send to New Orleans. With French prospects of success looking bleaker everyday and the secret of the sale of Louisiana ever harder to keep, Bonaparte began to consider giving up Louisiana. The 1800 Treaty of San Ildefonso stated that France would give Spain first chance of resuming, or in this case maintaining control, of

Louisiana. If Napoleon sold the colony to the Americans, he would be able to make some much-needed money in the process however precarious the legality.⁵

In 1803, with demands from the western states increasing, Jefferson dispatched emissaries to France to purchase the city of New Orleans. By this point, it was commonly known that France “owned” Louisiana, though Spain still occupied the colony. To the American delegation’s surprise, Napoleon not only agreed to the sale of New Orleans, but the whole colony of Louisiana for only \$15 million. The delegation signed the purchase agreement, and Jefferson pushed the treaty through Congress. In one moment, the territorial limits of the United States doubled. Taking possession of Louisiana entailed far greater risks for the young republic than purchasing the new land. Spain and England both objected to the transfer of Louisiana, stating that it violated the terms of the Treaty of San Ildefonso. If the United States intended to guarantee the transfer of the new territory, it needed to take physical possession quickly before European governments could contest the physical acquisition.

Even in April of 1803, when American emissaries signed the Louisiana Purchase, Spanish soldiers still manned the parapets of the forts surrounding New Orleans, and the red-barred *bandera* of Aragon flew in the city’s main square, then called the *Plaza des Armas*. The situation remained no different even in October, when American soldiers and civilian delegates assembled at Fort Adams, near the town of Natchez in the Mississippi Territory. The French Prefect Pierre-Clement de Laussat, expecting French soldiers who never came, still needed to take control of Louisiana so the French government could transfer it to the United States. With Spain officially protesting the Louisiana Purchase and the deadline for transfer to American sovereignty growing near, Laussat had to take action soon. To assert French authority, he hastily

⁵ John Kukla, *A Wilderness so Immense: The Louisiana Purchase and the Destiny of America*, (New York: Random House Press, 2003).

assembled a paltry militia force of French nationals residing in the New Orleans area, a number of Americans, and local French Creoles with business connections to the previous two groups. With this force, Laussat assumed political control of lower Louisiana on November 30, 1803 and transferred it twenty days later to the American governor of the Mississippi Territory, William C. Claiborne, the United States' civilian representative, and Brigadier General James Wilkinson, commanding general of the U.S. Army and secret part-time Spanish agent.

The United States could not take Spain's protest of the Louisiana Purchase lightly as Spain controlled all of the territory surrounding the southern portion of the Louisiana Purchase. Little help could be expected from Wilkinson and the U.S. Army, so recently caught in the throes of Jefferson's reduction of that force. As a result, Claiborne needed to establish a dependable militia at once in order to protect the new American territory.

Few historians have explored the issue of American defense policy toward the Louisiana Purchase. Joseph Hatfield's biography, *William Claiborne: Jeffersonian Centurion in the American Southwest* (1976), explores Claiborne's governorship but treats only slightly the issue of the militia. Marietta Marie LeBreton's unpublished Louisiana State University dissertation, "A History of the Territory of Orleans, 1803-1812" (1969) also deals only with the issue of the militia slightly as it is a general survey of the territory. Powell Casey's work on the military history of the period, *Louisiana in the War of 1812* (1963), explores only the wartime period. For social histories of the period and the impact of "Americanization" on the Creole communities, both black and white, Joseph Tregle's *Louisiana in the Age of Jackson* (1999) is useful though it deals primarily with the later antebellum period. In addition, *Creole New Orleans: Race and Americanization* (1992) edited by Arnold Hirsh and Joseph Logsdon is also a standard work in the field and discusses the Americanization of the New Orleans population, but

does not examine the impact of the various militia organizations throughout the period and their effects on the process “Americanization”. Caryn Cosse Bell examines the New Orleans free people of color’s reaction to American control in her work *Revolution, Romanticism, and the Afro-Creole Protest Tradition, 1718-1868* (1997), but does not take into account the military organization of the territory. Donald Everett in his *Journal of Negro History* article “Emigres and Militiamen: Free Persons of Color in New Orleans, 1803-1815” (1953) moves back and forth almost interchangeably between the militiamen that resided in the territory prior to the Purchase and those that arrived as refugees from Saint-Domingue. The result is a limited examination of the military policies of the United States in Louisiana during the initial period of American rule. Roland McConnell’s *Negro Troops of Antebellum New Orleans* (1968) offers the most comprehensive examination of the free men of color militia units throughout Louisiana’s history. Paul Gelpi’s *Louisiana History* article, “Mr. Jefferson’s Creoles: The Battalion d’Orleans and the Americanization of Creole Louisiana, 1803-1815,” (2007) explores the role of the Orleans Volunteer Battalion and the reasons for Claiborne’s favoritism toward that unit. Muster rolls from the Orleans Volunteer’s time in federal service in 1807, however, show that the unit was predominantly Anglo-American in makeup and thus requires a reexamination of Gelpi’s thesis. No work has looked at the policies of Claiborne’s early administration by examining how they affected territorial civil and military relations. This paper will explore the era before the southern portion of Louisiana became a federal territory. It was in this period, before the establishment of the territorial government, that the foundations would be laid for the militia policy of the Orleans Territory and the future antebellum State of Louisiana.

William Claiborne’s skill in implementing American practices of government and militia service in the new territory assured retention of the Louisiana Purchase. By altering only those

local conditions that needed immediate reform, Claiborne allowed the transition to American administration to occur on a gradual basis that did not provoke a reaction against the new government that other, more abrasive methods might have incited. These actions were critical in the area of military defense because of the potential for local revolt and foreign intervention. Through militia reform, Claiborne preempted a “fifth column” in Louisiana.

Chapter One: Arriving on the New Frontier

The military situation Claiborne faced upon taking possession of Louisiana was tenuous at best. Claiborne possessed few regular troops for internal policing; Spanish soldiers still walked the streets of New Orleans waiting for transport; and the governor's intelligence on local affairs was deplorable. Claiborne himself wrote: "Being a stranger in the country, I of course stand in need of much local information as I proceed; and the suspicions which I have too much reason to apprehend from latent interests in almost every quarter to which I can look, have often induced me to deliberate longer than is consistent with the promptitude expected from me."⁶ An organized militia in New Orleans could provide a partial solution to these problems and help maintain American control of the new territory.

When William C. C. Claiborne and Brigadier General James Wilkinson arrived in New Orleans in December of 1803, they had only around five hundred soldiers with which to take possession of all of lower Louisiana. This force was not impressive, especially since just under half of this meager force consisted of militiamen from Natchez.⁷ The Militia Act of 1792 limited the militia to only ninety days of federal service, so Claiborne and Wilkinson could keep the Mississippi militia in service longer only if a uprising actually broke out in Louisiana.⁸ Releasing the militia before real control of the territory could be achieved increased the risk of local civil disorder. What regular soldiers Claiborne and Wilkinson had at their disposal needed to fan out across lower Louisiana. President Jefferson decided that the Army would be responsible for taking possession of the coastal defense forts at the mouth of the Mississippi and

6. Claiborne to Madison, December 27, 1803, *Ibid.*, 1:312.

7. Claiborne to Madison, December 7, 1803, in *Official Letter Books of W. C. C. Claiborne*, ed. Dunbar Rowland, (Jackson: Mississippi State Department of Archives and History, 1917), 1:305.

8. Militia Act of 1792, http://www.constitution.org/mil/mil_act_1792.htm [accessed January 26, 2009].

the rural portions of the territory. Army officers would act in a civil capacity as local commandants under the direction of Claiborne.⁹ The 2nd U.S. Infantry regiment thus broke up into company size formations and spread out into isolated garrisons far removed from New Orleans. By January 3, Wilkinson's morning return listed only fifty-nine regular army soldiers remaining on duty within the city out of the roughly three hundred that had marched down from Natchez in December.¹⁰ With hundreds of Spanish soldiers still present in the city of New Orleans and almost no force to back up American authority, Claiborne's speedy establishment of the New Orleans militia was of paramount importance. Claiborne's very first letter to Secretary of State James Madison after taking possession of Louisiana addressed the issue of the militia. Claiborne revealed his greatest handicap: a lack of knowledge of local personalities and former policy. "I am induced to await a further acquaintance with the nature of the present establishment, before I attempt any organization of the force."¹¹

The lack of information on military conditions in Spanish New Orleans for Claiborne, and indeed the whole American government, was largely the fault of Daniel Clark. Clark was the unofficial American consul in New Orleans between 1801 and 1803. When Jefferson asked Clark to report on the organization and strength of the Spanish forces in the city, Clark provided Jefferson with the militia returns from the period of Spanish Governor Francisco Luis Hector de Carondelet, who served from 1791-1797.¹² Carondelet gave the militia considerable attention during his time as governor. However, none of the three governors who succeeded Carondelet in

9. Bowmar to Claiborne, April 15, 1804, in *The Territory of Orleans, 1803-1812*, vol. 9 of *Territorial Papers of the United States*, ed. Clarence Edwin Carter, (Washington D.C.: U.S. Government Printing Office, 1940), 223; Claiborne and Wilkinson to Madison, January 3, 1804, *Ibid.*, 9:149.

10. Wilkinson to the Secretary of War, January 3, 1804, *Ibid.*, 152.

11. Claiborne to Madison, December 20, 1803, *Letter Books*, 1:306.

12. Clark to Madison, Sep 8, 1803, *The Territory of Orleans*, 33.

the next six years showed the same interest in the militia, and they allowed the organization to fall into a state of limited usefulness. As a result, the returns from Carondelet's time were hardly representative of the conditions that existed in 1803. Why Clark would have gotten this matter so wrong is puzzling, given his attention to detail elsewhere. It is possible that the Spanish themselves misinformed Clark, or that the musters from Carondelet's tenure were the only reports available. However, Clark may have had more personal reasons for filing a misleading report. A native of County Sligo, Ireland, Clark moved to New Orleans in 1786 from Philadelphia and bought land near Natchez.¹³ Clark was well versed in the personalities of the area and fluent in English, French, and Spanish. In a characterization of New Orleans residents compiled for Jefferson by Wilkinson, the report stated that Clark "possesses capacities to do more good or harm than any other individual in the province – He pants for power, and is mortified by disappointment."¹⁴ As American consul at the time of the Purchase, Claiborne depended on Clark for his knowledge of the language and local personalities. Unbeknownst to Claiborne, Clark believed that he should have carried more influence during the transfer of the colony and its territorial government. Clark wrote to a friend: "Were they asleep when they appointed that creature, Claiborne, to degrade the American government in the eyes of the inhabitants of Louisiana?"¹⁵ As Claiborne's most ardent political opponent, Clark may have made the acquisition of Louisiana appear more difficult than expected and then perhaps Jefferson would replace Claiborne with someone of proper talents, like Clark, for the top leadership role.

13. Thomas Abernethy, *The Burr Conspiracy* (New York: Oxford University Press, 1954), 18; George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions* (Cambridge: Harvard University Press, 1975), 31-32.

14. Characterization of New Orleans Residents, July 1, 1804, *The Territory of Orleans*, 255.

15. Richmond *Enquirer*, February 23, 1808

The American administration's fear of the Spanish militia was not entirely justified and resulted from limited understanding of the Spanish militia system and from the poor information Claiborne received prior to his arrival. Composed of New Orleans Creoles, rural Cajuns, and free men of color, the militia of Spanish Louisiana had been a proud institution. Well-drilled and organized by Spanish Governor Bernardo de Galvez, the militia participated in the American Revolution when it fought in Galvez's lightning attack on British controlled Baton Rouge. Portions of the Louisiana militia also participated in Galvez's subsequent successful attacks on Mobile and Pensacola. Indeed, the militia of Spanish Louisiana played a significant role in destroying British power along the Gulf Coast. However, by 1803 the victories under Galvez were a distant memory for Louisiana's militia. With Britain's threat reduced, American settlements still hundreds of miles away, and the lakes north of New Orleans protecting the city from Indian attacks, the militia saw little reason to train. The organization as a whole fell into apathy, and governors began to dispense officer's commissions largely as political favors connected with a government stipend, a flashy uniform, and a title. About the only group to avoid the malaise of neglect were the two free men of color companies in New Orleans.¹⁶

It did not take Claiborne long to realize the defects in the Spanish militia system. He wrote Madison: "I have found several young men holding rank above their years, and some others who are unpopular as officers and under whom the militia will serve very reluctantly if at

16. Jack D. L. Holmes, *Honor and Fidelity: the Louisiana Infantry Regiment and the Louisiana Militia Companies, 1766-1821* (Birmingham, Ala.: The Author, 1965); Roland McConnell, *Negro Troops of Antebellum Louisiana: A History of the Battalion of free men of color*, (Baton Rouge: Louisiana State University Press, 1968); Caryn Cossé Bell, *Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868* (Baton Rouge, Louisiana State University Press, 1997).

all.”¹⁷ In the same letter, Claiborne also wrote to his superiors in Washington concerning an issue that would plague him throughout his years as commander-in-chief of the militia.

My principle difficulty arises from two large companies of people of color, who are attached to the service, and were esteemed a very serviceable corps under the Spanish government. On this particular corps I have reflected with much anxiety. To re-commission them might be considered an outrage on the feelings of a part of the nation, and as opposed to those principles of policy which the safety of the southern states has necessarily established; on the other hand not to be re-commissioned, would disgust them, and might be productive of future mischief. To disband them would be to raise an armed enemy in the very heart of the country, and to disarm them would savor to strongly that desperate system of government which seldom succeeds.¹⁸

Realizing that any decision would be highly controversial and possibly set a precedent for similar situations in other territories, Claiborne decided to let his superiors decide how to handle the free men of color. He ended his letter to Madison by informing him: “I shall await some opinions and instructions from the Department of State, and have therefore to beg, that I be favoured with them as soon as possible.”¹⁹

Waiting for word from Washington on how to handle the militia system, however, was not realistic. In the years before the construction of the Natchez Trace, a one-way overland trip from New Orleans to Washington, D.C. took about four weeks. The Mississippi militiamen who had accompanied Claiborne downriver were ready to go home, and their continued service almost doubled the cost of American military personnel in the region. free men of color and possible Spanish sympathizers aside, Claiborne needed to find a local solution to his militia problem and fast.

The good news for the beleaguered governor was that his immediate predecessor, French Prefect Pierre Laussat, had been in a similar situation and had already arrived at a

17. Claiborne to Madison, December 27, 1804, *Letter Books*, 1:313-314.

18. *Ibid.*

19. *Ibid.*

temporary solution. Laussat came to New Orleans in 1803 with only a handful of military officers and the promise of more troops to follow. Because of French military commitments to Europe and Saint-Domingue, Laussat's soldiers never arrived. Though Laussat's mission became one of transfer and not governance, he had to take actual possession of New Orleans so that he could pass it on to the United States. Laussat, like Claiborne, feared that the Spanish might try to block the Purchase by force. Laussat raised a volunteer company of French expatriates, enlisting them in the French army only so long as it would take to hand over the city.²⁰ To add strength to this force, Daniel Clark and a number of others offered to recruit a company of recent American immigrants and their Creole business partners, an emergency force that amounted to some three hundred men.²¹ Because the Spanish had organized the free men of color companies, Laussat did not accept their services. Following the transfer, the French company soon disbanded, but the predominantly Anglo-American company reorganized into four smaller companies in order to volunteer as a battalion in Claiborne's service.²²

The predominantly Anglo-American companies were not the only citizens desirous of service in the militia however. On January 16, the officers of the free men of color companies came to make an appeal to Claiborne, asking him to maintain the status of their volunteer companies:

20. Pierre-Clement de Laussat, *Memoirs of my life to my son during the years 1803 and after, which I spent in public service in Louisiana as Commissioner of the French government for the retrocession to France of that colony and for its transfer to the United States* (Baton Rouge: Published for the Historic New Orleans Collection by the Louisiana State University Press, 1978), 74.

21. "Dispatches From the U.S. Consulate in New Orleans, 1801-1803, II," *American Historical Review* 33, no. 2. (1928): 356 n.43.

22. Claiborne to Madison, January 2, 1804, *Letter Books*, 1:325.

We were employed in the military service of the late government, and we hope we may be permitted to say, that our conduct in that service has ever been distinguished by a ready attention to the duties required of us. Should we be in like manner be employed by the American government, to which every principle of interest as well as affection attaches us, permit us to assure your Excellency that we shall serve with fidelity and zeal. We therefore respectfully offer our services to the government as a corps of volunteers agreeable to any arrangement which may be thought expedient.²³

Claiborne informed them “that under the protection of the United States, their liberty, property and religion were safe, and their confidence in the justice and liberality of the American government would increase as they became acquainted with its principles and the wisdom and virtue with which it was administered.”²⁴ However, “[Claiborne] should not attempt a general re-organization of the militia, until [he] had received particular instructions from the President; that in the mean time, they would remain in the same position in which the former governor had placed them.”²⁵ He concluded by offering them “assurances of my confidence in their military zeal, and in their sincerity of the professions of attachment to the United States.”²⁶ Claiborne thus, allowed the companies of free men of color to continue.

In need of still more troops though, the following day Claiborne decided to enroll the reorganized volunteer companies and notified Madison that he had “organized in this city, four companies of volunteer militia; they are armed with public muskets, appear to possess an ardent military spirit and sincere attachment to the United States.”²⁷ For Claiborne, these volunteer companies solved his most pressing needs. Composed of Americans already residing in the city and Creoles of proven loyalty from the business community, the unit would have a stake in the stability of the new American government. Further, the bicultural nature of the unit would

23. Address From the free people of color, January 1804, *Territory of Orleans*, 174.

24. Claiborne to Madison, January 17, 1804, *Letter Books*, 1:339-340.

25. *Ibid.*

26. *Ibid.*

27. Claiborne to Madison, January 17, 1804, *Ibid.*, 339-340.

provide linguistic capabilities that the Anglo-American militiamen from Mississippi and Claiborne himself lacked. Finally, using these companies would presumably be a political success, as it would allow the French Creoles to serve in the military force of the city and help legitimize the new American government rather than making it appear as an occupying power depending on foreign troops.

By accepting the service of the Orleans Volunteers and placating the two companies of free men of color, Claiborne managed to buy time until he could receive official directions from Washington on how to handle the military, cultural, and racial problems facing him. It is curious that Claiborne received so little direction on how to handle taking possession of Louisiana as a whole and New Orleans in particular. This lack of direction possibly resulted from the inexperience of the Democratic administration to anticipate the problems associated with taking control of the new land. Indeed, even the precedents set in the Northwest Territory and Mississippi Territory were largely inapplicable. In both cases, as in Kentucky and Tennessee, the United States had moved into a sparsely populated region. The predominantly French settlements that did exist before annexation quickly succumbed to the massive influx of Anglo-Americans. The United States government treated the larger Native American populations as protectorates and kept them separate from white settlements. In contrast, in Louisiana, the United States took possession of a large, concentrated population that, though free and not Native American, was not Anglo and not even all white. The acquisition of Louisiana was without precedent in United States history. The Jefferson administration seems to have been unprepared for the situations with which its representatives might have to deal. This time the United States inherited a large, diverse urban population, not a rural one of Anglo-American pioneers.

It is possible that Madison sent Claiborne without instructions so that the situation could be assessed before deciding on a course of action. At the time, many Anglo-American arrivals in the city believed that the area should immediately become a state. Along with Daniel Clark, Edward Livingston (brother to the signer of the Louisiana Purchase) drew up a memorial to Congress demanding just such an action.²⁸ These Americans sought to become leaders in local politics by convincing the Creoles that the Americans possessed a greater grasp of American laws and “rights” than the Creoles. Livingston and Clark’s calls for immediate statehood stood no chance, however. One of the biggest issues standing in the way of statehood was that the Northwest Ordinance of 1787 stipulated that Congress would admit a state into the union only when a territory reached a population of 60,000 people, not including slaves.²⁹ To even come close to this figure, the whole of Louisiana needed to be included. Doing so would create a single state almost the same territorial size as the rest of the nation combined. As a result, Congress ignored Livingston and Clark’s memorial for statehood. Some, like General Wilkinson, advocated martial law in the territory until the Creoles could be integrated as a political group.³⁰ Others, including Claiborne, felt that immediate but gradual representation was the best course. James Workman, longtime resident of the city and future Judge of Orleans County, summarized the challenge:

In a country like [the Territory of Orleans], just emerging from despotism, composed of the inhabitants of various nations and languages, unacquainted with political concerns, because they had not before been allowed to take any share in the administration of government; it may perhaps be good policy to regulate [its]

28. Claiborne to Madison, June 3, 1804, *Territory of Orleans*, 242; Claiborne to Jefferson July 1, 1804, *Ibid.*, 246-247.

29. Northwest Ordinance, http://avalon.law.yale.edu/18th_century/nworder.asp [accessed January 26, 2009].

30. Claiborne to Madison, June 29, 1804, *Territory of Orleans*, 245.

admission as an independent member of the great American union, by gradual and progressive steps.³¹

While debates on the intricacies of republican government continued, Claiborne needed to deal with the problems of cultural harmony on a daily basis. Luckily for the governor, the situation in New Orleans remained relatively peaceful. The only flurry of violence occurred in a rather odd place over an even odder issue. On the night of January 24, the city ballroom held a dance commemorating the transfer of sovereignty, and all of the principal officials attended the *soirée*. Among the Americans were Wilkinson, Claiborne, and Clark, the latter acting as the governor's personal translator. In addition, both former French and Spanish administrators attended the ball. The night began peaceably as Claiborne ordered two French quadrilles played for every English quadrille. A number of heavy-footed dancers, however, threw the schedule off, and a dispute began over what type of dance to play next. The argument degenerated as the Americans tried to assert that an English dance be played since General Wilkinson wanted to be one of the dancers. Claiborne tried to intervene with Clark translating for him. Given Clark's animosity for Claiborne even at this early stage, Claiborne's appeals may not have been correctly presented to the French Creoles. A brawl soon erupted, and the American regular soldiers, who happened to be on duty for patrols that night, stormed in and broke up the scuffle. Once the soldiers got the situation under control, Claiborne ordered a French dance played. The Americans in the room slunk to one corner of the hall and, led by Wilkinson, began to sing "Hail Columbia" and "God Save the King." Led by the former Prefect Laussat, the French Creoles returned in kind with "*le Marseilles*." Spanish officials stood by, watching and laughing.

31. *Historical Militia Data on the Conspiracy of Aaron Burr*, ed. James Parton, (New Orleans: Jackson Barracks, 1939), 3:80.

Claiborne, beleaguered, must have felt like returning to Mississippi and giving up civil service.³²

A few days later, Claiborne, after discussions with the mayor of New Orleans, issued a general order detailing a militia officer and fifteen militiamen to the city ballroom as added security for public gatherings.³³

Eager for military service of a sort and with still no word from Washington, a number of Creoles began to join the Orleans Volunteers. So as not to overwhelm the fledgling officers of the new companies or allow the entry of possible Spanish sympathizers into the volunteer militia, Claiborne restricted enlistments into the unit. On February 2, Colonel Joseph Bellechasse, Claiborne's head of the militia, ordered that:

The noncommissioned officers and privates, of the original corps of militia within Louisiana, who have attached themselves to the volunteer companies in the city of New Orleans, are transferred to these companies respectively and will do service accordingly. But in the future the officers commanding volunteer companies are not to enroll any noncommissioned officer, or private belonging to the original corps³⁴

While some citizens tried to get into the militia, Bellechasse asked Claiborne to let him out. When Laussat gained control of the colony, he had appointed the Louisiana native head of the militia. Claiborne retained Bellechasse in this position despite the latter's twenty-four years of service in the local Spanish forces. Bellechasse left Spanish service on bad terms over a dispute about his pension. As a result, there was little love lost between Bellechasse and the head of the Spanish government in New Orleans, the Marques de Casa Calvo.³⁵ Unfortunately for Claiborne, Bellechasse owed a great deal of money to Clark and did not want to anger his

32. Laussat, 95-96; New Orleans *Le Telegraphe et la Commercial Advertiser*, February 1, 1804; New Orleans *Louisiana Gazette*, January 25, 1805.

33. Claiborne to Bore, January 28, 1804, *Letter Books*, 1:351; General Order, January 28, 1804, *Ibid.*, 352.

34. General Order, February 2, 1804, *Ibid.*, 358.

35. William Bradley ed., *Interim Appointment: W.C.C. Claiborne Letter Book, 1804-1805*, (Baton Rouge: Louisiana State University Press, 2002), 273.

creditor. By March 1804, the relationship between Clark and Claiborne had deteriorated to the point where Bellechasse and others were trying to escape being drawn into their political feud. Clark spoke out against Claiborne on a number of occasions concerning the governor's supposed inaction in organizing the militia, to which Claiborne could only retort that he awaited instructions from Washington. The whole affair made Claiborne look indecisive and weak. In March, Bellechasse wrote Claiborne notifying the governor of his desire to be relieved as the head of the militia, citing Bellechasse's inability to command Anglo-American troops in the English language. Claiborne responded four days later, informing the colonel that he needed Bellechasse in command because the locals trusted Bellechasse, and he spoke their language.³⁶

Claiborne's inability to speak French limited almost every effort he made to understand or explain himself to the people he now governed, but Jefferson picked Claiborne not for his linguistic skills but for the character of his beliefs. Though Claiborne was the cousin of Thomas Jefferson, and two other people had turned down the job, Claiborne's appointment was not purely desperate nepotism. Claiborne's record as a Tennessee congressman showed a strong belief in Jeffersonian politics, and he had gained administrative experience as governor of the Mississippi Territory. To his death he remained an ardent believer in Jeffersonian democracy, and more than likely Jefferson appointed the sometimes-awkward Claiborne as governor for his talents, not kinship. Jefferson could trust Claiborne to try his best to teach America's newest citizens about American democracy and not to use them as tools of political advancement as Clark and his associates continued to do. Further, whoever directly ruled New Orleans had considerable influence in the politics of the western United States. Claiborne took no dramatic steps upon taking control of New Orleans and continually wrote to Washington for advice and

36. Claiborne to Bellechasse, March 17, 1804, *Letter Books*, 2:49-50.

instruction, and as such the authority of governing Louisiana remained ultimately with the President of the United States, as Jefferson intended.

Chapter Two: Sorting Out Friends and Enemies

If Claiborne intended to retain possession of Louisiana, he needed to get the militia organized and loyal to the United States in case of foreign interference or internal dissent. Now that the Jefferson administration had a clearer idea of the situation in Louisiana, it could provide Claiborne with some direction, and the governor could begin to plan and implement his policies.

After considering the options, Claiborne and the Jefferson administration made a number of decisions concerning the retention of the Louisiana Purchase and its territorial defense. On February 20, 1804, Secretary of War Henry Dearborn wrote Claiborne from Washington informing the governor of the decisions. Concerning the issue of the free men of color retaining their volunteer companies, “it has been ultimately decided, that under the existing circumstances it will be expedient either to continue or renew the organization, as may in your Excellency’s opinion be most proper.”³⁷ Dearborn qualified this prudent concession later in the letter by telling Claiborne “not to increase the Corps, but diminish, if it can be done without giving offense; the principal officers should be selected with caution, having regard to the respectability and integrity of character, as well as their popular influence among their associates.”³⁸ In closing, the secretary then probably surprised Claiborne: “It may be advisable to present them with a standard or flag as a token of confidence placed in them by the government; it need not be large or very expensive, but such as will be satisfactory to the corps.”³⁹ Which member of the administration proposed a standard for the free men of color companies is not clear, but the decision is interesting as none of the white units in the city yet possessed a flag. Despite this, providing the free men of color with a standard would demonstrate the administration’s belief in

37. Dearborn to Claiborne, February 20, 1804, *Ibid.*, 54-55.

38. *Ibid.*

39. *Ibid.*

the respectability of the unit. On the issues concerning the white volunteer companies and city militia, Dearborn wrote that Claiborne's actions met with the full approval of the president. Jefferson cleared Claiborne to go ahead with the organization of the militia as Claiborne saw fit.

Now that Claiborne had instructions on how to proceed with the trickier aspects of the militia, he could continue his organization of the force in earnest. Bellechasse, citing ill health, declined to travel to New Orleans and Claiborne supplanted him with Eugene Dorsiere, whom he commissioned as a major. Claiborne informed Dorsiere of his intention to bring the militia to "effectual execution" as quickly as possible.⁴⁰ To organize the militia, the governor's first tasks were to establish regional boundaries for the individual units, conduct a census of the area to determine who needed to serve, and appoint officers to carry out the actual organization.

Claiborne decided to handle the organization of the city militia personally because of the particularly challenging political situation within the city. In the rural, frontier portions of the territory, he trusted the U.S. Army officers whom he appointed as district commandants to handle the task. As for frontier population centers such as Natchitoches and Attakapas, Claiborne judged the local regular army officers best qualified to select militia officers and organize the militia.⁴¹ His instructions to the district commanders contain the first signs of how he planned to handle the organization of the provisional government's militia in New Orleans. In his circular to the commandants, he wrote: "you are authorized to take such measures to [organize the militia] as your judgment may dictate, and as may be consistent with the former regulations of the country."⁴² Claiborne decided against attempting a complete immediate overhaul of the Spanish militia. Instead, he chose to keep the system intact where possible, but

40. Claiborne to Dorsiere, March 30, 1804, *Ibid.*, 71.

41. Claiborne to Bowmar, May 15, 1804, *Ibid.*, 149.

42. Circular to Commandants of Districts, March 31, 1804, *Ibid.*, 72.

under new leadership. Claiborne retained the Spanish militia organization only as a stopgap until he could assemble a territorial legislature that could write a permanent militia law.

The Spanish and Anglo-American militia did not vary much in organization. Free men between the ages of eighteen and forty-five assembled once a month to receive training. In mission, however, the Spanish and American militias differed. Under the United States, the militia executed the primary security role and under Spain, it existed only as an auxiliary to the standing army. By converting the Louisiana militia gradually, Claiborne saved himself some political friction by not ousting Spanish appointed officers unnecessarily. He also gave Louisianans time to adjust to the new conditions of militia service and its added importance under the American system.

By April 19, 1804 Claiborne began to take care of the militia organization of New Orleans itself. Writing to New Orleans Mayor Etienne Boré and the New Orleans municipal council, he informed them: “Having determined upon an immediate reorganization of the Militia of New Orleans, and it being necessary...to ascertain the number of persons capable of bearing arms, I request your Council to cause to be taken a correct census of all the free white inhabitants of this City between the ages of eighteen and forty five and to report the same to me.”⁴³ Once a census was taken, Claiborne and his staff would have a clear understanding of who militia service applied to in the city and could begin the organization of the general militia in earnest.

President Jefferson’s instructions to Claiborne sometimes complicated the governor’s efforts to organize the city militia as quickly as possible. Claiborne needed to handle very carefully the incorporation of free men of color into the overall militia, lest the governor acquire more enemies in the process. Claiborne wanted to appoint white officers to lead the free men of

43. Claiborne to Mayor and Municipality of New Orleans, April 19, 2004, *Ibid.*, 106.

color units, but company level officers of African descent were already in place. By amalgamating the two companies into a battalion formation, Claiborne could justify putting a white officer and staff in command without relieving any of the existing officers of their positions. Accordingly, Claiborne “appointed two Majors to the Battalion of Free People of Colour, and deemed it advisable to select gentlemen in whom I could place entire confidence. Mr. Fortier, a native of Louisiana, a merchant in this city, and a man of great respectability, I appointed Senior Major, and Mr. Lewis Kerr, who lived sometime in the Mississippi Territory, and came to this city a member of my family (the Junior Major).”⁴⁴ According to Claiborne, the free men of color found the situation unsatisfactory, “desirous of being commanded by people of their own color, and some dissatisfaction prevailed.” However, after speaking to them, Claiborne could tell Secretary of State James Madison that “we had a long conference relative to the battalion, and I have the pleasure to inform you that the Majors I have appointed were cordially acknowledged, and every appearance of discontent removed.”⁴⁵

With the free men of color battalion now organized, Claiborne had only to obtain the unit flags that Dearborn had suggested. The Secretary of War, on behalf of the president, advised Claiborne to present a standard to the free people of color in order to show them that their service was valuable to the United States government. Claiborne, a Virginian, a former Tennessee congressman, and lately, governor of the Mississippi territory, knew that presenting a standard to free men of color came with complications. While Jefferson had sanctioned, at government expense, the acquisition of a flag for the free men of color, he had not authorized Claiborne to spend money on flags for the city militia regiment or the Orleans Volunteers. Claiborne knew he needed to acquire these flags, lest he risk the public cry out against him for banner

44. Claiborne to Dearborn, June 9, 1804, *Ibid.*, 199-120.

45. *Ibid.*

discrimination. To solve the problem, Claiborne worked with General Wilkinson to obtain both the regimental and national standards of the disbanded 4th U.S. Infantry Regiment for the white units.⁴⁶ Claiborne managed to have the old regiment's names painted over with "Orleans Volunteers" and "Orleans Militia."⁴⁷ The Orleans Volunteers received their standard during a military review held on April 30, the anniversary of the signing of the Louisiana Purchase. As Claiborne wrote to Jefferson directly, "I presented an elegant Standard to the Battalion of Orleans Volunteers; it was received with much enthusiasm, and will, I am persuaded, have a happy effect."⁴⁸

On June 21, 1804, the free people of color battalion received its flag: "a stand of colours...of white silk, ornamented with fifteen stripes (alternately red and white.)"⁴⁹ When the battalion received its new standard, some citizens of New Orleans objected to the unit receiving its flag before the white city militia and guards were placed around the parade ground.⁵⁰

On the Fourth of July, the Orleans Militia finally received its standard. At the request of Colonel Bellechasse, the militia held the ceremony in the St. Louis Cathedral opposite the city's main parade field once again called the *Place des Armes*, as it had been before Spanish rule. Claiborne wrote Madison that he chose this location "in order that after the flag was presented it might receive a benediction as is customary among Catholics... and the presentation in the church and subsequent benediction has rendered the flag peculiarly dear to the Militia."⁵¹ Claiborne showed good political and cultural acumen by allowing the proceedings to be held "to

46. Claiborne to Wilkinson, April 18, 1804, *Ibid.*, 104.

47. Claiborne to Madison, October 16, 1804, *Ibid.*, 353-354.

48. Claiborne to Jefferson, May 3, 1804, *Territory of Orleans*, 240.

49. Claiborne to Dearborne, June 22, 1804, *Letter Books*, 2:218.

50. James Sterrett to Nathaniel Evans, June 23, 1804, Nathaniel Evans Papers, 1794-1807 (Louisiana State University Archives, Baton Rouge).

51. Claiborne to Madison, July 5, 1804, *Letter Books*, 2:236-237.

conform to the religious customs of the people.”⁵² Also, by giving the city militia a larger public reception than the Orleans Volunteers or the free people of color, Claiborne probably hoped to dispel any grievances of the city militia about receiving their flag last.

Though the officers of the city militia participated in the flag ceremony, they still had not received their commissions. On July 7, 1804, the appointment documents finally arrived from Washington. Claiborne instructed Bellechasse: “to establish the *grade* of the officers according to their former rank.” Claiborne tried to upset the existing system as little as possible and retained the more competent militia officers who had served under Spain in their equivalent ranks.

On July 12, 1804, with the officer corps now established, Claiborne was able to issue his first general order to the New Orleans militia. He commanded all free white males of applicable age to report to a place determined by their company officers so that non-commissioned officers could be selected.⁵³ Accordingly, within a week, the men assembled at locations around the city and for the first time since the United States took over the government, the general militia of the city of New Orleans and its surrounding suburbs fell in for service.

Claiborne chose to modify things as little as possible. After seven months of living in the city, he had a good understanding of who could be trusted and capable of commanding the militia of his largest population center. By altering only those elements that needed changing in the existing system, Claiborne avoided political battles he might otherwise have had to fight and gave the locals time to adapt to the new role of the militia.

Claiborne completed his organization of the militia just in time. Spain and the United States had yet to agree upon the exact boundaries of Louisiana. The United States asserted that

52. Ibid.

53. General Order, July 12, 1804, Ibid., 2:242-243.

the northern shore of Lake Pontchartrain was part of the Louisiana Purchase, a claim which Spain ardently denied. While diplomats attempted to sort out the issue thousands of miles away, some of the Anglo residents of West Florida, as the area was then known, decided to take matters into their own hands. Lead by West Floridian resident Reuben Kemper, these insurgents raided the Spanish garrison of Baton Rouge in West Florida. Spain insisted that the United States government had supplied the insurgents and encouraged them to rebel against the Spanish Crown. Local American officials denied this claim, and Claiborne ordered militia patrols in the area to arrest anyone acting in a suspicious manner. Claiborne hoped the patrols might limit support to the insurgents from United States territory.⁵⁴ In response to Spanish claims that the United States was aiding insurgents against the Crown, rumors of a Spanish-instigated slave uprising began to circulate throughout south Louisiana. Credible or not, Claiborne could not help but act on these types of rumors in the heart of Louisiana's plantation country. The governor ordered militia patrols reinforced to suppress any suspicious activity the patrols found.⁵⁵ When Jefferson learned of these events, he gave Claiborne full permission to stop Kemper's insurgents, if possible, so that relations with Spain would not further deteriorate.⁵⁶ The Kemper Rebellion proved to be only the first of many standoffs over the next decade with the Spanish authorities in the area. The critical question in both Madrid and Washington always remained: which side would the Louisianans chose if a shooting war did break out? As a result, Claiborne's actions in administering the militia of the lower portion of the Louisiana Purchase continued to play a significant role in military and political confrontations along the Gulf Coast.

54. Claiborne to Poydras, August 6, 1804, *Ibid.*, 293.

55. Claiborne to Madison, September 20, 1804, *Ibid.*, 337-338.

56. Madison to Claiborne, November 10, 1804, *Territory of Orleans*, 346.

Despite Claiborne's efforts to avoid political discontent concerning the militia, a political circular, later connected to associates of Daniel Clark, attacked the governor's actions in organizing the militia of New Orleans. The circular claimed that Claiborne not only favored the Anglo-American newcomers by supporting the Orleans Volunteers, but he insulted all white people by favoring the free men of color over the white city militia.⁵⁷ The circular pointed out that the free men of color battalion received their flag before the white city militia and that the free men of color battalion's flag was larger. This was the political context when Claiborne wrote Madison to complain about his situation and assure the administration that he could handle the problem. He explained to Madison: "I do not believe that a single modern Louisianan (except those of the volunteer corps) holds an appointment in the militia; and among the officers of the volunteer corps, there are several ancient Louisianans, and one of them is the Major commanding."⁵⁸ With respect to the Orleans Volunteers, he reminded Madison:

Previous to my arrival in New Orleans, the citizens of the United States, residing in the city, associated for the purposes of assisting in the preservation of order, had offered their services as a volunteer corps, to Mr. Laussat, and which he readily accepted: when the flag of their country was unfurled, and Louisiana declared part of the United States, their services, (as might be expected) were again offered and that governor, who rejected the patriotic offer, would have acted unworthily. – several companies were formed and, and I have understood that some of the ancient militia were enrolled in the new corps: but the command of the battalion, was given by me, to an ancient Louisianan. – Did this evidence an improper partiality for native Americans?⁵⁹

He continued: "In acknowledging the Battalion of free people of color and presenting them a standard, I acted in conformity to the instructions from the Secretary of War, and the delay attending the organization of the militia generally was the result of necessity."⁶⁰

57. New Orleans *Louisiana Gazette*, January 29, 1805.

58. Claiborne to Madison, October 16, 1804, *Letter Books*, 2:353-354.

59. *Ibid.*

60. Claiborne to Madison January 26, 1804, in Bradley ed., 160.

While the public criticism from Clark and his associates rattled Claiborne, the first session of the new Territorial Legislature in December of 1804 showed approval of many of Claiborne's actions concerning the militia. When they met, the legislators approved all but one of Claiborne's measures on militia affairs. The legislature did not mention the free men of color battalion at all, and as a result, the unit passed out of legal existence. Without legislative approval, any assemblage of the free men of color under arms could be considered a threatening act towards the government. Only Louisiana's white men would serve in the militia for now. Though, as James Brown, a Louisiana land agent wrote Secretary of the Treasury Albert Gallatin "the free people of color have lost their consequence by being stripped of arms [they] are anxious to regain it," the specter of another Saint-Domingue hovered in the thoughts of Louisiana's planter elite.⁶¹

The legislature not only approved Claiborne's actions in recognizing the Orleans Volunteers, but also, to the governor's pleasure, provided for the establishment of more volunteer companies. If a group of citizens desired to start a unit, and elect officers, members needed only to organize and equip themselves at their own expense and drill more frequently than the general militia. This system, already more effective across the country than the general militia, proved even more popular in Louisiana. The nature of volunteer companies made them more analogous to social aid and pleasure clubs than military units in some ways and morale much higher as a result. The membership chose to serve together, drafted its own bylaws, and restricted its membership. Even uniforms showed the power of local option since the members

61. *Acts Passed at the First Session of the Legislative Council of the Territory of Orleans: Begun and Held at the Principal, in the City of New-Orleans, on Monday the Third Day of December, in the Year of Our Lord, One Thousand Eight Hundred and Four, and of the Independence of the U. States the Twenty-Ninth*, (New-Orleans: Printed by James M. Bradford, printer to the territory, 1805), 26-28, 120, 262-300; James Brown to Albert Gallatin, January 9, 1807, *Territory of Orleans*, 559.

chose to clothe themselves as they wanted, and sometimes the uniforms bore little resemblance to the U.S. Army. Because of this independence, the members could choose to drill and communicate with officers in languages other than English. The linguistic diversity of south Louisiana made this company autonomy an especially attractive option for the area's citizen-soldiers.

Many of the features that made volunteer companies attractive to New Orleanians were equally the traits that made service in the general militia undesirable. The selection of officers by the government meant that no guarantee existed that the commanding officer could even have a conversation with the militiamen under his authority. The situation was compounded by the multitude of languages found in the city. Unlike the Pennsylvania Germans or the Irish of New York, the territorial and subsequent state government of Louisiana dealt with city militia regiments in New Orleans composed of not just one foreign language, but up to a half-dozen. In northern cities, non-English speaking groups were a minority. Though English was now the language of government, only a minority of the population spoke it in New Orleans during the first decades of American rule. These linguistic and cultural differences handicapped the city militia of New Orleans throughout the early national period.

As for Claiborne, he continued to defend his reputation and policies against Clark, and fought the legislature throughout the territorial period to get the free people of color battalion put back into the militia structure. Whether out of Jeffersonian idealism that free citizens should be able to defend themselves, or a practical fear of alienating a significant portion of the population, Claiborne clashed with the territorial assembly to see his principles realized. In 1812, when Louisiana entered the union as the eighteenth state, not only did Claiborne win election as governor, but he finally managed to get a provision authorizing the service of free people of

color once more. However, the Louisiana legislature did not sanction the actual organization of the unit until the British invasion of Louisiana in 1814.⁶²

62. *Acts Passed at the First Session of the First Legislature of the State of Louisiana* (1812), 72; Roland McConnell, *Negro Troops of Antebellum Louisiana: A History of the Battalion of free men of color*, (Baton Rouge: Louisiana State University Press, 1968), 54-55.

Chapter Three: Conclusion

William C. C. Claiborne laid the foundations of what would become the militia of the State of Louisiana. In organizing the local the militia of Louisiana, Claiborne and the Jefferson administration faced a number of problems with no precedent in the history of United States. Before the Louisiana Purchase, the United States had only moved into sparsely populated areas and as a result could quickly dominate any non-Anglo residents. In the case of Louisiana, however, the United States encountered a large, heterogeneous population that it could not quickly assimilate into mainstream Anglo-Protestant culture. Further complicating the matter, Americans who already resided in Louisiana expected political positions, and proved hostile to the government when they failed to gain them. As a result, Claiborne was required to deal with not only educating the Louisianans on the American system of governance, but also protecting them from those who would exploit them for political gain. All of these conflicts resulted in a large and dramatic game of frontier politics, made only worse by the threat of international conflict. If Claiborne could not navigate the host of problems facing him regarding the organization of the militia, he risked opening Louisiana up to the very real threat of foreign intrigue or local insurrection.

From the moment the United States and France signed the Louisiana Purchase, Spain contested the sale of Louisiana. With Spanish lands almost encircling the disputed territory, Spain could have attempted to solve the situation militarily. The rapid changing of flags and the diverse population in Louisiana meant that neither the Spanish nor the Americans could be ensured of Louisiana loyalty in the event of war. Since the strategic location of Louisiana was vital to the interests of both sides, winning the support of the locals and organizing them to fight for their choice was of vital importance. The Americans held three advantages: physical

possession of the territory, geographic proximity, and a competent leader in the form of William C. C. Claiborne.

Claiborne's ultimate success or failure to win over the Louisianans and organize them in their defense depended upon his ability to organize the citizens of Louisiana into a militia that would fight for the American flag. In this, Claiborne succeeded by not attempting a rapid overhaul of the existing system. Instead, he took time to learn about the people he governed and to bring them gradually into the American military and political system. By supporting the volunteer companies, he provided himself with a corps of interested citizens with a stake in American success. Through his efforts to support the participation of free men of color in the militia, Claiborne avoided a possibly disastrous situation in which hundreds of armed and disaffected citizens could be induced to turn against the government. As for the general militia, Claiborne encouraged his subordinates living in rural communities to follow his model in New Orleans: determine who was competent and keep them; determine who was incompetent and replace them. By giving his subordinates local authority, as Jefferson did with him, Claiborne allowed individuals with the best judgment of competence and loyalty to make decisions regarding organizing the militia in their districts. William C. C. Claiborne's successful establishment of the American militia system in the Orleans Territory played a key role in the retention of the new territory despite the abundance of international and domestic dilemmas the United States government faced.

Vita

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