

Tulsa Law Review

Volume 54 | Issue 2

Article 15

Winter 2019

Becoming an American Empire

Bartholomew H. Sparrow

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

Recommended Citation

Bartholomew H. Sparrow, *Becoming an American Empire*, 54 Tulsa L. Rev. 339 (2019).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol54/iss2/15>

This Book Review is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact megan-donald@utulsa.edu.

BECOMING AN AMERICAN EMPIRE

Bartholomew H. Sparrow

ADAM BURNS, *AMERICAN IMPERIALISM: THE TERRITORIAL EXPANSION OF THE UNITED STATES, 1783-2013* (OXFORD UNIVERSITY PRESS 2017). PP. 216. HARDCOVER \$105.00.

PAUL FRYMER, *BUILDING AN AMERICAN EMPIRE: THE ERA OF TERRITORIAL AND POLITICAL EXPANSION* (PRINCETON UNIVERSITY PRESS 2017). PP. 312. HARDCOVER \$35.00.

Over most of the twentieth century and throughout the Cold War, scholars and commentators rarely identified the United States as an “empire.” Rather, it was the “leader of the free world” and stood as a “beacon of democracy” in its opposition to the strategic ambitions, politics, economics, and ideologies of Nazi Germany, fascism, the Soviet Union, the People’s Republic of China, and international communism. Yet, after the collapse of the Soviet Union in 1991 and the onset of the so-called War on Terror in late 2001, the United States is once again being described as an “empire.”

The notion of the United States as an empire has a long history. George Washington wrote of “our Empire,” one where Americans were “the sole Lords and Proprietors of a vast tract of Continent, comprehending all the various soils and climates of the World, and abounding with all the necessaries and conveniences of life, are now, by the late satisfactory pacification, acknowledged to be possessed of absolute Freedom and Independency.”¹ Thomas Jefferson repeatedly referred to the United States as an “empire of liberty.” And Supreme Court Chief Justice John Marshall identified the Union as an “American Empire” in *Loughborough v. Blake*.² Americans also commonly identified the United States as an “empire” in the periods leading up to and following the 1898 Spanish-American War, no matter their political views of U.S. overseas expansion. In fact, policymakers and public intellectuals throughout American history, from the founding through the early twentieth century, broadly agreed that United States should expand geographically, admit more states, resist foreign powers, and become richer.

This long record of geographical and political aggrandizement, the Civil War era

1. *George Washington to John Hancock (Circular)*, 11 June 1783, WASH. PAPERS, <http://gwpapers.virginia.edu/documents/george-washington-to-john-hancock-circular-11-june-1783/>.

2. *See* 18 U.S. 317 (1820).

excepted, was “imperial” insofar as federal policymakers and public officials imposed the United States’ sovereignty over people with little choice in the matter—Native Americans, especially. To be sure, local and national politicians did not always agree on the means and timing of such expansion, and there were moments of fierce domestic politics like with the debate over the admission of Texas as a state. Yet there was still a general consensus among policymakers, public officials, and the politically active public on the desirability of a larger, more populous, and wealthier United States.

Two recent books revisit and reanalyze this history of conquest and growth, Adam Burns’s *American Imperialism: The Territorial Expansion of the United States* and Paul Frymer’s *Building an American Empire: The Era of Territorial and Political Expansion*. Both books return to the United States’ history of American geographic expansion and political development and seek to (re)define the United States as an actor in world history. Notwithstanding their similar titles and subtitles, these are very much distinct projects with their own contributions to the history and analysis of American empire, and they merit separate discussions. The former consists of an extended description of the history of U.S. geographic expansion both continental and worldwide from 1783 to 2013.³ The latter seeks to explain American empire building as the result of public land policy—federal policy that politicians and public officials designed and executed for the purpose of promulgating a white-dominated nation-state. Each book prompts its own comments and questions.⁴

Burns, a historian, defines “empire” as a state’s “explicit and durable assertions of political sovereignty.”⁵ For the United States, these “assertions” included the “subjugation of Native Americans,” the “proliferation of U.S. military bases overseas,” and the “still unequal relationship with many of its insular possessions.”⁶ The author includes “protectorates, military occupations, and foreign base agreements” in this empire, but he excludes “informal imperialism,” “cultural hegemony,” and “economic empire.”⁷

Burns uses government documents, the writings and statements of political leaders and other public authorities, and extensive secondary sources to trace the 230-year record of U.S. expansion from the Treaty of Paris to 2013. This history encompasses well-known episodes of expansion, such as the Louisiana Purchase, the 1846 Mexican-American War and 1848 Treaty of Guadalupe Hidalgo, and the establishment of an independent Panama, separate from Colombia, with the construction of the Panama Canal.⁸ *American Imperialism* likewise addresses the controversial Spanish-American War and its subsequent impact on U.S. relations with Cuba, Puerto Rico, and the Philippines.⁹ Burns particularly focuses on the United States’ longstanding interests in Cuba, Guantanamo Bay, and the Caribbean more generally—interests that were later manifest in the United

3. See ADAM BURNS, *AMERICAN IMPERIALISM: THE TERRITORIAL EXPANSION OF THE UNITED STATES* (2017).

4. See PAUL FRYMER, *BUILDING AN AMERICAN EMPIRE: THE ERA OF TERRITORIAL AND POLITICAL EXPANSION* (2017).

5. BURNS, *supra* note 3, at 1.

6. *Id.* at 1–2.

7. *Id.*

8. *Id.* at 12–13, 19–22, 120–27.

9. *Id.* at 76–87, 92–109.

States' 1983 intervention in Grenada and its 1989 invasion of Panama.¹⁰ The author also discusses the United States' chronic interests in annexing Hawai'i, given the islands' strategic location as a mid-ocean coaling station and their sugar production.¹¹

More surprising is *American Imperialism's* investigation of less familiar and less well-understood episodes of territorial expansion, such as the United States' attempts to annex Canada and the U.S.-British debates over the boundaries of "Oregon."¹² Other less studied aspects of American geopolitical expansion are the purchase of Alaska, the United States' and Canada's settlement of Alaska's (final) boundaries, and the American Colonial Society's efforts to relocate African Americans to Liberia, which the U.S. Congress initially underwrote with \$100,000 in funding.¹³ The book further examines the United States' claims in the 1850s over several guano-laden islands and, later, other islands and island groups.¹⁴ Of further distinction among studies of American geographic and political expansion, the book explores the United States' postwar occupations of Germany and Japan—even if these explorations are consistent with the book's definition of "empire."¹⁵ The fact that Burns concludes with a short study of "The Polar Frontier," which discusses the several strategic and economic reasons for the United States' interests in the Arctic, evidences the book's unconventional qualities.¹⁶

Burns' focus on the geographical description of American imperialism exacts its costs, and he does not describe or analyze the political process(es) by which the United States acquired its empire. Neither does he explain how the quality of the American empire could change over time and in different regions. Instead, the author takes the unusual step of encouraging his readers to reach their own conclusions on the history of U.S. imperialism.¹⁷

Even so, buried in the text is Burns answer to the question "why Empire?" Burns's view seems to be: a lot of reasons.¹⁸ One was the U.S. government's "desire to satiate [the] land-hungry settlers" of mid-western and far-western North America.¹⁹ The Spanish-American War revealed other reasons for empire: the "duty" and "responsibility" American policymakers felt for other, less fortunate peoples; the desire for commercial and material gain (also evident with the U.S. annexation of the unpopulated Guano Islands); the advancement of U.S. strategic interests, consistent with the United States' later agreement to defend the Trust Territories of the Pacific; and national aggrandizement within the global system of states.²⁰

Yet another driving principle behind American imperialism was "preclusive imperialism" (or, "strategic preemption"), as with the annexation of the eastern Samoan

10. BURNS, *supra* note 3, at 59–67, 79–80, 92–97, 136–46, 166–69.

11. *Id.* at 70–76.

12. *Id.* at 30–41.

13. *Id.* at 42–47, 50–55.

14. *Id.* at 55–59.

15. BURNS, *supra* note 3, at 146–53.

16. *Id.* at 171–76.

17. *Id.* at 2.

18. See JOHN DARWIN, *THE EMPIRE PROJECT* (2009) (proposing that the British empire itself was the product of a mix of three different sorts of empire).

19. BURNS, *supra* note 3, at 26.

20. *Id.* at 78, 87.

islands, the U.S. Virgin Islands, Guam, and the Northern Marianas, as well as the post-WWII occupation of Germany.²¹ The postwar occupations of Germany and Japan, the latter with General MacArthur's promotion of a democratic Japan centered on the Diet, and Iraq (2003-2014) point to nation building as another motive.

As for the means of American imperialism, the author again gives multiple reasons. Imperialism was the product of representative elections and legislative actions, as with the United States' expansion across continental North America. It was also the result of the actions by U.S. presidents and their advisers—subject to the approval of Congress—as with the purchase of Alaska and annexation of the Northern Marianas. And it was the mostly unforeseen consequence of larger developments, as with the annexation of the Philippines after the 1898 Treaty of Paris, and the four-power partition of Germany after the Second World War. However able to do so, the United States expanded, and kept expanding.

Occasionally, *American Imperialism* misleads. Although the book discusses the atrocities and human suffering that attended imperialism, such as the use of the “water cure” (i.e., waterboarding) in the Philippines,²² it overstates the deliberate harm that European Americans inflicted on the Indians. Most Native Americans did not die from massacres, insufficient resources (e.g., the burning of crops, the slaughter of buffalo herds, the loss of hunting grounds and depletion of large game), or from the harsh, forced relocations westward and, then, into reservations; they succumbed to infectious diseases. Ninety percent of American Indians died from influenza, measles, the black plague, tuberculosis, smallpox, syphilis, typhus, whooping cough, and other contagious diseases because of their less exposed, more vulnerable immune systems. Conversely, though, the book omits the great harm done to Indians by the liquor trade and alcoholism and by the multiple consequences of Indian slavery.

Unfortunately, and particularly because *American Imperialism* is intended to be a primer on U.S. geographic expansion, most of the book's eleven maps are not well-executed. Maps with higher resolution, such as “Admission of States and Territorial Acquisition” and “Arctic Region” contain explanatory text almost too small to read, and maps with more legible text, such as “American Samoa” and “U.S. Virgin Islands,” have low-resolution images.²³ Moreover, other maps, because of the close gradations in the shades of gray that they use, are less helpful.²⁴

Lastly, Burns's statement that “the annexations that followed the Spanish-American War gave birth to a new type of ambiguous and unequal relationship between the United States and its overseas possessions” merits more elaboration, given that the United States' later territorial annexations (with the exception of Hawai'i) “did not lead to future states.”²⁵ The author thereby suggests that the Spanish-American War marked an inflection point in the history of American imperialism: the transition from an era of geographic expansion accompanied by the extension of political membership of the

21. *Id.* at 113–18, 131, 146.

22. *Id.* at 106.

23. *Id.* at 21, 117, 128, 172.

24. BURNS, *supra* note 3, at 103, 126.

25. *Id.* at 76.

territorial residents, to an era of sovereignty being imposed over peoples who were not to be wholly incorporated into the American polity.

In the first era, the United States added areas which, after being organized as territories and achieving a sufficiently large population, were admitted as states. After the Spanish-American War, however, the United States kept its new acquisitions as territories: Puerto Rico and Guam after 1898; American Samoa after 1899; the U.S. Virgin Islands after 1917; and the Northern Mariana Islands after 1976. In this latter period, the United States exerted sovereignty without admitting the people of the islands as full citizens. Instead, the United States intervened in and occupied foreign countries—Nicaragua, Haiti, the Dominican Republic, Vietnam, Iraq, and others—and built hundreds of military bases worldwide, many of them constructed under U.S. occupation and retained after the departure of U.S. forces (e.g., Germany, Japan, Iraq). But whether an empire constitutes an extended federal republic, however delayed the admission of new states, or exercises sovereignty over people and regions without political representation and guaranteed political rights—or with subordinate representation and limited rights—is of some consequence.²⁶

American Imperialism nevertheless provides a helpful and detailed description of over two centuries of American imperialism. The fact that the book includes the less familiar histories of Vermont, American Samoa, Guam, the Northern Marianas, and Trust Territories of the Pacific, as well as the better-known histories of westward expansion and the Spanish-American War, makes this a useful and informative volume.²⁷

In contrast to Burns's overview of the geography of American empire, Paul Frymer, a political scientist, poses a single question in his *Building an American Empire*: how was a supposedly weak American state, with a small army and miniscule federal bureaucracy, able to settle and control much of the North American continent and thereby create a white nation-state? Frymer's answer, based on extensive readings of U.S. territorial papers, presidential and congressional records, court opinions, personal papers, contemporaneous newspapers, and secondary sources, is that U.S. government officials—i.e., the agents for the American state—were able to do so by essentially controlling the terms and timing of western expansion.²⁸

Frymer challenges the commonly held view that the antebellum American state was ineffectual and incapable of regulating westward expansion and settler migration. The author does not deny that “capitalist enterprises,” such as the cotton industry and railroads, contributed to the presence of racial diversity within a “white hegemonic society,” but his purpose is “not to negate these alternative explanations”²⁹ Neither is it his intention to contest the idea of the United States as an expanding Protestant nation, one whose people could convert and “civilize[]” the Indians, reject Mormons over most of the nineteenth century, and reluctantly include Catholics, Quakers, Jews, Muslims, and other

26. See FREDERICK MERK, *MANIFEST DESTINY AND MISSION IN AMERICAN HISTORY: A REINTERPRETATION* (1963).

27. BURNS, *supra* note 3, at 11, 16–22, 114–19, 159–65.

28. FRYMER, *supra* note 4, at 11–12.

29. *Id.* at 15–16.

non-Protestant faiths.³⁰ Rather, Frymer's goal is to "illuminate the ways in which American political development was sharply influenced by a seemingly innocuous but transcendent public policy."³¹ And here, the state "was frequently critical in determining the contours of American expansion."³²

The author reveals the impact of U.S. land policy by studying the history of empire building across an array of regions and time periods so as to highlight the effects of five variables: geography, demography, national party control (i.e., which party had control of Congress), state capacity, and institutional venue.³³ He studies the pre-1840 settlement of the cis-Mississippi west, three major aspects of the Louisiana Purchase, and the history of European-American expansion into the southwest and the Territory of New Mexico.³⁴ He also focuses on the tension between the expansion of white America and the presence of free blacks that resulted in efforts to relocate African Americans.³⁵ He further discusses the evolution of the United States from predominantly a settler nation to an overseas empire.³⁶

These case histories show how policymakers and public officials used land policy to channel and delimit European-American settlement for the purpose of building and maintaining a white settler nation. American authorities determined the means and tempo of national expansion by deliberately constraining the range of territorial expansion (e.g., per the terms of the Treaty of Guadalupe-Hidalgo, whereby the United States declined to annex Mexico south of the Rio Grande) and by deferring the annexation of states, whereby Congress postponed admitting the territories with large minority populations as states. By delaying statehood for Oklahoma (Indian Territory), New Mexico, Arizona, and Hawai'i, with their respective Native American, Hispanic, and Polynesian and East Asian populations, American policymakers were able to minimize the political influence of non-whites within the admitted states. "[W]hite racism," Frymer summarizes, "drove ideas of manifest destiny that led the nation to take new lands with little care for those in its path."³⁷

The author recognizes that politicians and public officials were not always successful. Sometimes fumbling, sometimes mismanaging, and sometimes failing outright, state actors were unable to create a solely white republic.³⁸ They only partially succeeded in removing Indians.³⁹ They were incapable of relocating more than several thousand African Americans to Liberia.⁴⁰ And large numbers of Hispanics/Latinos, Chinese, and other racial minorities became residents of the United States and, eventually, citizens. Policymakers and public officials were nonetheless mostly able to guide and direct the population growth of the expanding United States, to create a moving buffer

30. *Id.* at 154–55, 265.

31. *Id.* at 16.

32. *Id.* at 12.

33. FRYMER, *supra* note 4, at 27–28.

34. *Id.* at 32–127, 128–71, 172–219.

35. *Id.* at 220–62.

36. *Id.* at 27–31.

37. *Id.* at 17.

38. FRYMER, *supra* note 4, at 21.

39. *Id.* at 113–23, 124.

40. *Id.* at 228–52.

against the American Indian and Mexican populations, to uphold the primacy of the United States as a white nation, and to maintain the constitutional order.

If some of the history of American western (and southern and northern) expansion beyond the original thirteen states covers well-trodden ground, such as the Trail of Tears and the removal of American Indians from the southeastern United States, Frymer, like Burns, brings detailed and welcome focus to less appreciated aspects of American expansion. One aspect is the long history and aggregate size of the area—a total of sixty-one million acres—that colonial, state, and national governments dispersed to military veterans as land bounties in the late eighteenth and early nineteenth centuries.⁴¹ These land bounties were intended to compensate underpaid or unpaid veterans, and rank and length of service determined the acreage of the bounty. State actors could also use the bounties to establish militarized buffer zones between settled areas and Indian-controlled lands, thereby directing the timing and location of white expansion into the borderlands.⁴²

Another unexpected aspect of American expansion is the number of politicians, including George Washington, Thomas Jefferson, Henry Clay, and Thomas Hart Benton, who advocated settler colonialism, sometimes to the extent of supporting preemption (that is, the acknowledgment of the limited rights inherent in persons such as squatters who resided on and improved land they did not own). These politicians wanted and planned for the “western country [to be] won from the savages.”⁴³

In addition, Frymer offers an eye-opening account of the long history of efforts to relocate African Americans in the antebellum era. U.S. officials’ and policymakers’ solution for blacks on American soil was to remove them from the land. As early as 1782, Jefferson proposed the relocation of African Americans in his *Notes on the States of Virginia* (if not specifically back to Africa); other prominent European Americans, many of whom were affiliated with the American Colonization Society founded in 1816, agreed that the best way to resolve racial differences in the United States was to separate and relocate African Americans.⁴⁴

The author’s exploration and analysis of these mostly unsuccessful initiatives that took place over dozens of years, coupled with his close study of Indian removal and the evolution of Oklahoma from Indian Country to statehood, illuminate the central role of race in the expansion of the United States as a federation of states.⁴⁵ With the United States’ new, post-1898 Caribbean and Pacific territories and Hawai’i, Frymer shows that the tight relationship between race and the American nation continued and remains with us today.⁴⁶

The maps, figures, and graphs in *Building an American Empire* are consistently helpful in indicating the variations in the timing and location of U.S. territorial expansion and empire building. Maps of congressional votes on land issues bring into relief how members of Congress voted according to region and racial policy. Votes on the financial

41. *Id.* at 57.

42. *Id.* at 57–59.

43. FRYMER, *supra* note 4, at 136.

44. *Id.* at 225–62.

45. *Id.* at 155–67.

46. *Id.* at 268–75.

terms of land disposition, such as Preemption in 1838 and the Homestead Act in 1854 were characterized by a pronounced east-west split among House members.⁴⁷ However, votes on western land policies that involved race, such as the 1854 Kansas-Nebraska bill, and the 1854 Homestead bill to restrict its provisions to whites only, were determined on the basis of the North-South divisions among members of Congress.⁴⁸

In sum, *Building an American Empire* presents a comprehensive, thoroughly documented, and well-argued account of how American politicians and federal officials forged a white nation that was able to incorporate much of continental North America and, later, overseas possessions in the decades from 1783 to 1912. Frymer explains how political elites carefully regulated the many dimensions of federal land policy in order to forge a white nation out of vast, thinly populated, and demographically diverse terrain that would eventually become the area of the non-original lower forty-eight states.

Remarkably for a book of this scope and detail, I noticed only two minor errors. More than five states “resulted” from Northwest Territory because the eastern portion of Minnesota, east of the Mississippi River, was also part of the old Northwest.⁴⁹ Additionally, California was never a “territory” before becoming a state because California was a military district ruled by a succession of military and civilian governors for the nearly three years between the Treaty of Guadalupe Hidalgo in early 1848 and its admission as a state in late 1850.⁵⁰

It is the author’s larger analytical decisions that elicit reservations. Specifically, the book focuses nearly exclusively on land policy; it is selective in its use of evidence; and it conceives of the state in a constrained and, arguably, misleading way.

“Land policies,” Frymer writes, “enabl[ed] the government to overcome the weaknesses of a federal state by incentivizing and strategically privatizing an ‘armed occupation’ of citizens to settle and secure territory.”⁵¹ Although the author briefly acknowledges the presence of other, non-land policies, he does not explain how the effects of these other federal policies compare with the effects of land policy in facilitating the westward emigration of European Americans.⁵²

One set of policies that crucially contributed to the European-American conquest of the trans-Appalachian and trans-Mississippi west was the mandates and operations of the Army Corps of Topographical Engineers. The ‘Topogs’ explored, surveyed, mapped, and planned the roads, canals, and railway routes over countless miles of the North American interior.⁵³ It could well be argued that it was the Topographical Corps that ‘won the west’ by preparing the way for white emigration, making possible the extraction and harvesting of resources, and laying the foundations for commercial development.

Another contribution to of empire building was the personnel, installations, and

47. *Id.* at 141, 147.

48. FRYMER, *supra* note 4, at 146, 150.

49. *Id.* at 83.

50. *Id.* at 200.

51. *Id.* at 71.

52. *Id.* at 81.

53. See WILLIAM H. GOETZMANN, *ARMY EXPLORATION IN THE AMERICAN WEST. 1803-1863* (1959). See also WILLIAM H. GOETZMANN, *EXPLORATION AND EMPIRE: THE EXPLORER AND THE SCIENTIST IN THE WINNING OF THE AMERICAN WEST* (1966).

military campaigns of the U.S. Army. Soldiers provided information to overland travelers. They assisted sick and exhausted migrants. They furnished crucial supplies, including guns and ammunition. They provided protection against Indian attacks. They succeeded in removing the Native American populations, with most Indians relocated to reservations.⁵⁴ Indicatively, the Army had eight forts or other installations in the territories in 1800, twelve in 1820, twelve in 1830, thirteen in 1845, sixty-nine in 1870, and fifty-seven in 1885.⁵⁵ Unsurprisingly, many cities in the non-original states originated as frontier forts, such as Fort Washington (Cincinnati), Fort Wayne, Fort Lauderdale, Fort Myers, Fort Smith, Fort Worth, Fort Collins, Laramie (Fort Sanders), New Fort Boise (Boise), and others.

A third important contributor to the creation of a white nation-state was the U.S. mail system. The United States had 21,000 miles of post roads in 1800 (inclusive of the states and the territories), a figure that doubled to 44,000 by 1815 and rose to 144,000 miles of post roads by 1845.⁵⁶ Concomitantly, the number of post offices in the territories increased from 10 in 1800 to 177 in 1820 and 346 in 1845. There were 532 post offices in the territories in 1870 (exclusive of those in the states) and 2519 post offices by 1885.⁵⁷ In comparison, in 1830 France had four post offices per 100,000 residents, Britain had seventeen, and the United States had seventy-four.⁵⁸ These comparisons provide the basis for Alexis de Tocqueville's amazement at finding that "the district of Michigan, . . . still virtually untouched wilderness, had developed 940 miles of post roads [and that] [t]he almost completely wild territory of Arkansas was already traversed by 1938 miles of post roads."⁵⁹ By "reach[ing] into the depths of the wilderness . . ." to distribute newspapers, periodicals, and other materials, the U.S. mail was able connect the European-American residents of the territories and borderlands.⁶⁰ Not only was the mail the soul of commerce, it created "powerful intellectual bonds"⁶¹ among settlers and helped to forge their political and social identities.

The author cautions his reader that he is not attempting "to negate [] alternative explanations . . ."⁶² Yet he cannot both downplay the book's explanatory ambition and, at the same time, make repeated claims of the dominant role of land policy in the building a white American empire.⁶³ Without a comparison of U.S. government land policy and these other public policies, we cannot know their relative impact. We do not know which was in fact dominant, if they simply complemented each other, or to what extent these

54. See FRANCIS PAUL PRUCHA, *BROADAX AND BAYONET: THE ROLE OF THE UNITED STATES ARMY IN THE DEVELOPMENT OF THE NORTHWEST, 1815-1860* (1953); ROBERT M. UTLEY, *FRONTIER REGULARS: THE UNITED STATES ARMY AND THE INDIAN 1866-1891* (1973); ROBERT M. UTLEY, *FRONTIERSMEN IN BLUE: THE UNITED STATES ARMY AND THE INDIAN 1848-1865* (1967).

55. See BARTHOLOMEW H. SPARROW, *Territorial Government*, in 2 *THE PRINCETON ENCYCLOPEDIA OF AMERICAN POLITICAL HISTORY* 820 (Michael Kazin, Rebecca Edwards, & Adam Rothman eds., 2010).

56. *Id.*

57. *Id.*

58. DANIEL P. CARPENTER, *THE FORGING OF BUREAUCRATIC AUTONOMY: REPUTATIONS, NETWORKS, AND POLICY INNOVATION IN EXECUTIVE AGENCIES, 1862-1928* (2001).

59. ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA*, 444 n.79 (Arthur Goldhammer ed., 2004) (1835).

60. *Id.* at 444.

61. *Id.*

62. FRYMER, *supra* note 4, at 16.

63. *Id.* at 14-16, 277.

policies were planned and conducted independent of each other.

A second issue is the book's concentrated focus on official sources. The author's arguments rest on the evidence provided by government documents, politicians' papers, and other records. The result is a compellingly sourced historical analysis. At the same time, *Building an American Empire* presents a selective analysis of American empire building, one that virtually ignores the voices of the settlers, adventurers, speculators, businessmen, squatters, and other whites who emigrated into borderlands. Only infrequently does the book refer to the statements of political authorities who opposed the dominant positions of the day.

Frymer recognizes that statements by Benjamin Franklin, Alexander Hamilton, American presidents, and other elites on the desirability of European immigration often "did not translate into actual legislation."⁶⁴ Yet the book's many quotations on the topic and its discussion of the desirability of immigration suggests that this rhetoric *did* matter. The implication is that the statements by Franklin, Hamilton, and others *were* significant. But the author omits a discussion of the other factors that led to European emigration: the 'push' from the poverty, overcrowding, and unrest in Europe (as with the Irish potato famine and the revolutions of 1848), and the 'pull' from the advertisements, sales pitches, and inflated promises of the agents acting on behalf of both American and European ship companies, land companies, railroads, and others who stood to profit from immigration to the North American colonies and, later, the United States.

The favoring of official sources is also manifest in the book's study of veterans' land bounties. As others have pointed out, relatively few Revolutionary War veterans wanted to relocate to unknown and possibly dangerous borderlands, and they sold their scrip to speculators—many of whom were former military officers—for pennies on the dollar.⁶⁵ The plans for the land bounties to induce armed veterans and their families to populate the ever-shifting borderlands before and after the Revolution had uneven results. Depending on the granting government and the period in question, some bounty systems worked better than others. And while the author acknowledges that some land policies "were never implemented with great success," this caveat does little to counter the general impression left by the text.⁶⁶

The book similarly takes at face value the statements by politicians on the desirability of preemption as a means to buffer areas of European-American settlement from Indians and, later, Mexicans. The U.S. government, Frymer writes, "remained importantly . . . at the center of public land distribution."⁶⁷ But it is by no means clear how much control public authorities actually had over the illegal squatting, fraudulent title claims, rigged land auctions, and other actions involved with the disposition of public land, as Everett Dick, Christian Fritz, Roy Robbins, Malcolm Rohrbaugh, and others find. Frymer briefly writes of the widespread fraud and corruption in the settlement of the

64. *Id.* at 55–62.

65. See DANIEL M. FRIEDENBERG, *LIFE LIBERTY AND THE PURSUIT OF LAND: THE PLUNDER OF EARLY AMERICA 173–74, 184–85, 278–81* (1992); HARRY S. STOUT, *AMERICAN ARISTOCRATS: A FAMILY, A FORTUNE, AND THE MAKING OF AMERICAN CAPITALISM 25–32, 45–46* (2017).

66. FRYMER, *supra* note 4, at 56.

67. *Id.* at 131.

Alabama and Missouri territories,⁶⁸ and he notes that deregulatory land policies, such as preemption and the Homestead Act, led to “increased opportunities for industry, land speculators, railroads, as well as the seeming inevitable corruption that follows such bursts of entrepreneurialism.”⁶⁹ He does not contest the causal relationships implicated by officials’ statements, however, or address this larger body of scholarship.

The center of Americans’ conquest of the near west and ever-outward borderlands—extending south, southwest, west, and northwest—was arguably not so much the U.S. government and public land policy; rather, at the center was the great discrepancy between the sparsely populated and resource-rich lands of North America and the much denser populations in Europe and the older, more eastern portions of the colonies and early states. For instance, by 1775 between 25,000 and 30,000 European Americans had already crossed the Proclamation Line of 1763.⁷⁰ Or, to offer another example, before any of the land in Iowa was surveyed and officially sold, 15,000 people were already squatting on its most desirable lands.

Congress, moreover, was effectively endorsing what amounted to formally illegal behavior when it became increasingly tolerant of preemption and protective of squatters’ rights. As Senator Henry Clay told his congressional colleagues in 1838, preemption “reward[s] . . . those who, in the first instance, violate the laws.”⁷¹ Like the British government before it, the U.S. government was incapable, or unwilling to endure the political costs, of blocking, much less reversing, white emigration into the less settled regions of North America.⁷²

The near-exclusive focus on policymakers and government officials thereby minimizes the role that adventurers, frontiersmen, landless whites, entrepreneurs, and others had in emigrating to and residing in the borderlands. While it is very possible that the everyday actions of European American were congruent with the desire of public authorities to secure a white nation-state, the contributions of ‘whiteness’ call for further examination. Americans often emigrated to the borderlands irrespective of government policies, given the cheaper land and the better opportunities for hunting, farming, ranching, mining, and other ways of making a living and possibly getting rich. And politicians tried to put as good a face on this situation as they could.

The prominent role played by non-governmental actors in the creation of an American empire leads to a third issue: the fact that the book’s analysis is premised on a ‘weak state’ versus ‘strong state’ dichotomy. This conceptualization of empire building, where the state is either ‘weak’ or ‘strong’ depending on the issue area and the specific circumstances at hand,⁷³ obscures the frequent collaboration and collusion between politicians, government officials, and other public authorities, on the one hand, and

68. *Id.* at 90–91, 94.

69. *Id.* at 131, 168.

70. See EVERETT DICK, *THE LURE OF THE LAND: A SOCIAL HISTORY OF THE PUBLIC LANDS FROM THE ARTICLES OF CONFEDERATION TO THE NEW DEAL* 50 (1970).

71. HENRY CLAY, *SPEECH ON THE PREEMPTION BILL IN THE SENATE OF THE UNITED STATES* (Jan. 26, 1838), reprinted in 2 *THE LIFE AND SPEECHES OF THE HON. HENRY CLAY*, IN TWO VOLUMES 304, 307 (Van Amringe & Bixby 6th ed., 1844).

72. FRYMER, *supra* note 4, at 128–31.

73. *Id.* at 11–14.

commercial enterprises, organized interests, and individual actors, on the other hand. The author observes that the state was flexible and that it was sometimes able to coordinate and galvanize private interests “on behalf of public goals.”⁷⁴ What he does not consider is the equally plausible scenario that “private power and rising capitalist enterprises” were often able to motivate state actors and collaborate with them on behalf of private goals.⁷⁵

The intersection of public and private interests is particularly evident in the extraordinary expansion of the national railroad system. The railroads flourished not because of their independence from public policy and governmental action, but because of their close relations with the state and national governments. Congress ceded ninety-one million acres to the railroads for their rights of way and land grants, and another thirty-eight million to the states for railroad purposes, for a total of 129 million acres between 1850 and 1923. The Union Pacific and Central Pacific railroads also borrowed extensively from the federal government, fifty-one million dollars and forty-five million dollars, respectively.⁷⁶ In addition, members of Congress often had financial interests in the construction of the transcontinental railroad and other rail lines—a reality that would become infamous with the 1872-1873 Credit Mobilier scandal. The railroads were necessarily involved in the land business, and with the new, jointly produced railways came further settlement, new commerce, more resource extraction, and continued Indian removal.

The intermeshing of public and private interests in public policymaking is further manifest in the operations of the American Colonization Society (“ACS”). The ACS consisted of both non-politicians and political leaders, such as Jefferson, Madison, Monroe, Clay, and other leading American politicians and officeholders. It was founded by a Presbyterian minister and supported by prominent Quakers, evangelicals, abolitionists, and wealthy southern plantation owners. The ACS’s own branch members and affiliated churches supplied much of the later financial support for eventual transportation of 12,000 African Americans to the colony of Liberia.⁷⁷

And sometimes, federal, territorial, and state officials and politicians were themselves the investors, speculators, and entrepreneurs. George Washington and other presidents, John Marshall and other jurists, members of the Continental Congress and U.S. Congress, Land Office personnel, territorial officials, and other public employees often simultaneously wore two hats: one of a politician or public official, and another of a commercial stakeholder. Public authorities routinely invested in, speculated on, and profited from the opening and development of western lands, as Marion Clawson, Everett Dick, Lewis Gould, Patricia Nelson Limerick, Roy Robbins, Malcolm Rohrbaugh, and others show.

Frymer occasionally writes of the crossover between public and private interest. He

74. *Id.* at 12.

75. *Id.*

76. See ROY ROBBINS, OUR LANDED HERITAGE: THE PUBLIC DOMAIN, 1776-1970, at 223–25 (2d rev. ed., 1976).

77. *American Colonization Society (1816-1964)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/american-colonization-society-1816-1964> (last visited July 5, 2018). The novelist and abolitionist Harriet Beecher Stowe supported the relocation of slaves to Africa, per her conclusion to *Uncle Tom’s Cabin*.

discusses the Ohio Company's influence on the Northwest Ordinance,⁷⁸ and he comments on the settlers in Texas who "forced the hand of American domestic policy makers."⁷⁹ Despite a brief reference to the work of Paul Wallace Gates,⁸⁰ however, he does not address Gates's arguments on this point. Neither does he engage in the arguments of other historians on how policymakers and government officials often worked closely with, or were actual participants in, the commercial enterprises that were a near-constant feature of westward expansion, the development of a white nation-state, and empire building.

There is a large body of scholarship on American political development and state-building that *does* acknowledge the indispensable role played by ostensibly non-governmental actors in the exercise of political authority. Ellis Hawley wrote of the "associational" or "associative" state in the 1970s, and Brian Balogh, Margaret Canaday, Shelley Hurt and Ronnie Lipshutz, Lawrence Jacobs and Desmond King, Suzanne Mettler, and other social scientists and political historians have more recently written of and elaborated on the "hybrid state," the "submerged state," the "relational state," the "parastate," and equivalent concepts of the jointness of state-building. These and other scholars have studied how policymakers and public officials often cooperate politically with the heads of major companies, trade associations, professional organizations, labor unions, and other societal actors to achieve certain ends. These objectives may include the achievement of particular policy outcomes, allocation of resources, and the establishment of political order of mutual benefit to both parties. Had the author adopted one or another of these other analytical perspectives on the 'state,' he may have arrived at significantly different findings with respect to both the processes and content of empire building.

In short, the signal contributions of other non-land policy instruments in the geographic expansion of a race-centered nation-state, the book's overreliance on official statements and public accounts, and the role of public-private cooperation and collusion in the building of an American empire raise fundamental questions about *Building an American Empire*. At the same time, however, I would suggest that questions of the centrality and dominance of land policy, of the actual independence and efficacy of state actors, and of the conceptualization and operationalization of the study the American state are the direct converse of the book's virtues: namely, its tightly-focused scholarship and admirable theoretic ambition.

The end result is that Frymer lays down an important marker. He provides a richly documented, extensively detailed, and theory-driven account of the importance of U.S. land policy in the development of a white nation-state and American empire. He shows how U.S. policymakers and public officials deliberately sought to remove and suppress Native Americans, how they acted to minimize the importance of and to relocate African Americans, how they wanted to marginalize the influence of the Hispanic populations of the southwest, and how they continue to politically discriminate against the non-white residents of the United States' insular possessions. And they largely succeeded, even if it took much more than their own efforts to create a white American empire. It ultimately took many other policies aside from federal land policy to conquer the continent, and

78. FRYMER, *supra* note 4, at 58–59.

79. *Id.* at 175.

80. *Id.* at 152 n.88.

required many other organized interests and commercial actors to coordinate and collude with public authorities to build a white nation-state.

The ideal of the United States as a settler nation—white, male, and entrepreneurial—remains the coin of the realm, and Frymer reveals a large piece of how this came to be. *Building an American Empire* thereby offers a salutary corrective to the emphasis that much scholarship in American Political Development—a subfield of American political science—places on bureaucracy. It also provides an alternative perspective on race and the role it had in U.S. geographic expansion. Furthermore, it brings welcome attention to the American Indians and to the historical reality of the removal, relocation, persecution, and political suppression of the non-white residents of North America.⁸¹ And it illuminates the deep roots of the continued political marginalization of African Americans, Hispanics and Latinos, Asians, American Indians, and the citizens of the United States' Caribbean and Pacific territories.

In sum, Paul Frymer's and Adams Burns' studies of American empire each make noteworthy contributions in a field crowded with books, such as works by Fred Anderson and Andrew Cayton, Neil Ferguson, A.G. Hopkins, Robert Kagan, and Walter Nugent. The conclusions that questions about the processes and governance of the United States' territories and possessions demand further investigation and analysis, and that theories of state-building and imperial expansion call for greater precision, better specification, and more investigation should hardly astonish us.

81. *Id.* at 278.