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The Origins of the Monroe Doctrine Revisited: The Madison Administration, the West Florida Revolt, and the No Transfer Policy

by *William S. Belko*

Late in October of 1810, as citizens and statesmen throughout the United States focused almost entirely on an imminent conflict with Great Britain and apprehensively monitored Napoleon's armies in Europe, the president of the United States, James Madison, quickly convened an emergency session of his cabinet members. Great Britain and Napoleon were not, however, the reason for calling the secret cabinet meeting. What occupied the attention of the executive branch was a little recognized rebellion in a sparsely populated region south of the Mississippi Territory. Two days after secretly conferring with his cabinet, on October 27, Madison issued a pivotal presidential proclamation authorizing the U. S. occupation of the territory below the official U. S. border with Spanish Florida—the 31st parallel—and extending from the Mississippi River eastward to the Perdido River. Just weeks earlier, in late September of 1810, rebellious citizens, mostly recent American immigrants to the Baton Rouge area, declared their independence from Spain and dubbed themselves the West Florida Republic—the original Lone Star Republic. Within days of their precipitous declaration, the

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rebels requested the protection of and annexation by the United States. President Madison, motivated by a number of “weighty and urgent considerations,” deemed it “right and requisite” that the United States accept that invitation, and, accordingly, the Virginian unilaterally ordered the governor of the Orleans Territory, William C. C. Claiborne, to mobilize the territorial militia and enter into and exercise over the newly acquired region the “authorities and functions legally pertaining to his office.” Under the protection of the United States, the “good people” of the liberated Spanish territory were thus “invited and enjoined to pay due respect” to the new governor, and “to be obedient, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the enjoyment of their liberty, property, and religion.”¹

Few Americans know of this seemingly obscure presidential action seizing the “boot heels” of the present states of Alabama and Mississippi and the state of Louisiana east of the Mississippi River from Baton Rouge to the Pearl River. But Madison’s actions, taken only seven years after the Louisiana Purchase and nine years prior to the U. S. acquisition of all of Spanish Florida, initiated one of the more consequential territorial acquisitions in American history. Indeed, Madison’s ostensibly innocuous exploit provided the ideological foundation and the diplomatic justification for future annexation of foreign territory, from Spanish Florida in 1818 to nearly all of Mexico in 1848, and ultimately Alaska, Hawaii and Cuba in the late nineteenth century. The pivotal policy which Madison ultimately handed the United States—the No Transfer policy—served as an integral ingredient of the famous Monroe Doctrine of 1823, and beginning with the post-Civil War era, became a prominent component of U. S. foreign policy extending well into the twentieth century.

As soon as Madison assumed the presidency in March of 1809, activities and intrigues in Spanish Florida, and throughout the entire Spanish empire in the Western Hemisphere for that matter, attracted the attention of the U. S. government. From 1801 to 1809, President Thomas Jefferson had undertaken a rather confused and inconsistent foreign policy in relation to the region separating the United States from the Gulf of Mexico east of the Mississippi River. His secretary of state, James Madison, was intimately involved in

1. Madison to 11th Congress, October 27, 1810, in James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (Washington, D.C.: Government Printing Office, 1896), 1: 480-81.

the diplomacy with Spain concerning the Floridas. Both Virginians claimed West Florida as part of the 1803 Louisiana Purchase, a sentiment commonly shared by most American statesmen, and they pursued East Florida as recompense for existing spoliation claims against Spain resulting from the quasi-war with France during the late 1790s. Jefferson and Madison focused on the acquisition of Spanish Florida from 1803 until the crisis with Great Britain assumed the administration's full attention in 1807. There the matter rested until Madison became president in March of 1809.²

Within weeks of taking office as president, Madison received correspondence that brought Spanish West Florida to his attention. The seedy U. S. General James Wilkinson—also known as Spanish Agent No. 13—met with the governor of Spanish West Florida, Vicente Folch, while the latter visited New Orleans in late April of 1809. According to Wilkinson, Folch declared that West Florida should be transferred to the United States if France assumed complete control over Spain, that he had asked the Spanish Junta for permission to transfer possession, and that, if the Junta collapsed in the wake of Napoleon's invasion of Iberia, he would formally ask the United States to take possession of the territory. Wilkinson also informed the Madison administration that U. S. troops at Fort Adams, in the Mississippi Territory, "will be held in readiness" to march into West Florida "on the shortest notice," and that he would take command of the Tombigbee River "should any foreign force land at Pensacola or Mobile," and thereby "drive every hoof from that quarter." The American general then asked for guidance in the case of two events: "1st.—if the Governor of West Florida, should call on me, formally, for succor or protection, what am I to do? 2^{dly}.—If the Governor and government should be demolished, either by an usurpation of Spanish subjects, or by enterprise of the American settlers, what course am I to pursue?"³

2. Clifford L. Egan, "The United States, France, and West Florida, 1803-1807," *Florida Historical Quarterly* 47 (1968-1969): 227-52; Frank L. Owsley and Gene A. Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa: University of Alabama Press, 1997), 7-31; Wanjohi Waciuma, *Intervention in Spanish Floridas, 1801-1813: A Study in Jeffersonian Foreign Policy* (Boston: Branden Press, 1976), 11-98.

3. Wilkinson to Madison, May 1, 1809, in Robert A. Rutland, ed., *The Papers of James Madison: Presidential Series* (Chicago: University of Chicago Press, 1962), 1:155-56, hereinafter cited as *Madison Papers*; Wilkinson to William Eustis, May 12 and 18, 1809, in James Wilkinson, *Memoirs of My Own Times* (Philadelphia: Abraham Small, 1816), 2: 350, 351, 357.

If Madison responded, no correspondence exists, but evidence of the administration's initial position regarding West Florida can be gleaned from an official dispatch from Secretary of State Robert Smith to U. S. Minister to France John Armstrong. Smith stated that the United States would in no way be restrained from "interposing in any manner that may be necessary" to prevent West Florida, which the U. S. government "claimed under the Convention" with France in 1803, from "being reduced under the possession of another belligerent power." Yet, despite the absence of formal instructions to Wilkinson, the Madison administration expected the general to "avail himself of every proper occasion" to remove any impression of U. S. hostility to "Spanish colonies" and to relay always the pacific intentions and strict neutrality of the United States in regard to Spanish American affairs. Neither Wilkinson nor anyone else had been instructed or authorized to intermeddle in any shape or form with the internal affairs of the local Spanish authority, nor were they to violate in any way U. S. neutrality. At this point, Madison called for caution and nonintervention regarding West Florida.⁴

Wilkinson, however, was not the only prominent official contacting the Madison administration about events along the Florida border during the spring of 1809. The same intelligence came from a more trusted source, the Governor of the Orleans Territory and staunch Jeffersonian Republican, William C. C. Claiborne. The former Tennessee congressman informed the Madison administration in March of 1809, nearly six weeks before Wilkinson sent his correspondence off to Washington, that he had a conversation with two Spanish officers who stated that the Floridas were to be ceded to the United States as a consequence of the French conquest of Spain. "These Gentlemen talked, as if they were fully advised on the subject, and from the tenor of their conversation, I considered the sentiments delivered were those of Governor Folch, and with his assent, were communicated to me," Claiborne confided. "When speaking of East and West Florida, it was observed, that detached as they were from the other Spanish provinces, they were unimportant possessions, and ought and would be ceded to the U. States," and that such was "the opinion of

4. Smith to Armstrong, May 1, 1809, in William R. Manning, ed., *Diplomatic Correspondence of the United States Concerning the Independence of the Latin American Nations* (New York: Oxford University Press, 1925), 1: 3-4, hereinafter cited as *Diplomatic Correspondence*.

Governor Folch." The following month, Claiborne met with Folch himself near Baton Rouge, where the Spanish governor "freely and without reserve" revealed his intention to cede the Floridas to the United States. According to Claiborne, Folch believed that the Floridas "were alone important to the U. States" and must "from the course of things, fall very soon into their possession." Still, Madison maintained a position of strict neutrality and refused to meddle in the affairs of Spanish America. Actual U. S. possession of West Florida, or of all the Floridas, would have to wait.⁵

But as 1809 turned into 1810, pressure to intervene in West Florida persisted, and this time it arrived from American quarters, not Spanish. In February of 1810, the territorial delegate from Mississippi, George Poindexter, presented to the U. S. House of Representatives a memorial from the citizens of the Mississippi Territory "complaining of the enormous duty levied by the Spanish Government on vessels navigating the Mobile." They believed that the executive possessed the authority to remedy this evil and they wished to know what, if any, steps had been taken on this subject. The House promptly formed a committee to await Madison's response about any actions taken to achieve the free navigation of the Mobile River to its confluence with the Gulf of Mexico.⁶

The Madison administration promptly responded. Secretary of State Smith informed the House that in 1801 and 1802, President Jefferson "endeavored to obtain" for U. S. citizens residing along the Tombigbee and Alabama rivers the free navigation of the Mobile River to the Gulf of Mexico, "first by claiming this navigation as a natural right, sanctioned by the law of nations applicable to rivers similarly situated," and, secondly, by "endeavoring to purchase the country held by Spain on the Mobile." Smith reiterated the American claim to the region based on the Louisiana Purchase, but stated that the Spanish government had objected to this claim in a manner which "justified a belief that the question would not be soon decided," and thus the U. S. minister to Spain had been instructed to secure from Spain free access to the Mobile River and a reduction of the duties levied on American commerce. No other avenues would be entertained. At this juncture, Madison

5. Claiborne to Smith, March 19, April 21, May 14, 1809, in Dunbar Rowland, ed., *Official Letter Books of W. C. C. Claiborne, 1801-1816* (Jackson: Mississippi Department of Archives and History, 1917), 4: 332-33, 342-44, 351-54, hereinafter cited as *Letter Books*.

6. *Annals of Congress*, 11th Cong., 2d sess., 1257.

preferred negotiation with European powers and a policy of strict neutrality regarding the Southern borderlands region. Patience and prudence, diplomacy and deliberation, characterized the Madison administration's West Florida policy. An approaching conflict with Great Britain justifiably consumed the president's greatest attention throughout his first two years in office, and, thusly, any machinations, official or unofficial, to acquire the Floridas remained on the backburner.⁷

Events at home and abroad, however, quickly forced Madison's hand, ultimately convincing the president to change drastically his West Florida policy and adopt a new strategy—one that entailed considerably more controversial tactics, one that involved the administration in distasteful clandestine activities, and one that intensified international rivalry and brought the country to the brink of war. Conflict rather than peace characterized the new West Florida policy, and rapid and forceful unilateral action replaced calculated and friendly negotiation. Events unfolding thousands of miles from U. S. shores compelled Madison to rethink his approach to West Florida during the spring of 1810, as the impending collapse of the Spanish empire precipitated an international crisis that increasingly concerned U. S. national security. As Napoleon's control over Spain tightened and the exiled Spanish Junta crumbled, revolutions throughout the Spanish colonies of the Western Hemisphere spawned independence movements from South America to Mexico. Obviously, the disintegration of Spain's American empire affected the Floridas, where Spain's grip proved the weakest and where U. S. interests continued to increase. When the Madison administration read in the columns of its own organ, the *National Intelligencer*, the official proclamations of Venezuela independence that had arrived from Caracas in early June of 1810, the wheels of policy change were put into motion. Rumors of discontent and grumblings among the inhabitants of West Florida simultaneously reached the Madison administration,

7. *Annals of Congress*, 11th Cong., 2d sess., 1404-05, 1443. In April of 1810, Tennessee congressman Robert Weakley presented two memorials from the citizens of his state "praying that such measures may be adopted by the General Government as will secure to them the free and unmolested navigation of the Mobile and Tombigbee rivers, of which they are now deprived by the interposition of Indians, through whose country the said rivers run; and that provision may be made for extinguishing the Indian title to so much of the country adjacent to those rivers as is necessary for settlements for the protection of boats passing up and down the same." *Annals of Congress*, 11th Cong., 2d sess., 1761.

adding to Washington's rising consternation over the crumbling Spanish empire and further heightening anxiety over U. S. national security throughout the Southern frontier. International considerations combined with border concerns to spur Madison's change of policy regarding West Florida.⁸

The president seized the opportunity in June of 1810. He met at the executive mansion with Claiborne, who had come to Washington on separate business. Already a chief proponent of American acquisition of all of West Florida, the Orleans governor proved to be a cardinal architect of Madison's designs on the region to the Perdido. Madison and Claiborne decided upon a course of action that would enlist the support of American-born settlers in West Florida who would monitor events there, promote pro-American sentiment, and quell any potential rebellion by forces unfriendly to the United States. Central to the president's plan was the key conspirator William Wykoff, a leading citizen of the Baton Rouge area. As soon as the president and the governor completed their grand design, the latter immediately issued confidential instructions to Wykoff that elaborated more fully upon the new West Florida policy. From all appearances, Claiborne wrote, Bonaparte had taken Spain and thus, all hope for resistance by the Junta was now lost and Ferdinand exiled. Although the Louisiana Purchase gave the United States undisputed title to West Florida, "it would be more pleasing that the taking possession of the country, be preceded by a request from the inhabitants." Claiborne then asked "can no means be devised to *obtain such request?*" The people of West Florida, he continued, must adopt measures which guaranteed their present and future security. The collapse of the Spanish authority would most certainly instigate intrigues and provoke competition throughout the region among various factions tied to respective European powers. Silence the factions, Claiborne ordered Wykoff, for the United States could not tolerate instability so close to the southern border, and, most

8. *National Intelligencer*, June 10, 1810. For assessments of the collapse of the Spanish empire and its impact on the United States, see Charles C. Griffin, *The United States and the Disruption of the Spanish Empire, 1810-1822* (New York: Columbia University Press, 1937); Arthur Whitaker, *The United States and the Independence of Latin America, 1800-1830* (Baltimore: Johns Hopkins Press, 1941); and John Lynch, *The Spanish-American Revolutions, 1808-1826* (New York: W. W. Norton & Company, 1973). For the impact of these events on Madison himself, see the editors' notes in the *Madison Papers*, 1: 305-20.



WILLIAM C. C. CLAIBORNE.

William C.C. Claiborne, First Governor of the State of Louisiana (1812-1816). *Image courtesy of the West Florida Revolt Collection, the Center for Southeast Louisiana Studies, Southeastern Louisiana University.*

importantly, “to form for themselves an independent government is out of the question!” But the “line of conduct which honest policy points out” could not be mistaken—“Nature has decreed the union of Florida with the United States, and the welfare of the inhabitants imperiously demands it.” Wykoff was to sound the views of the citizens of West Florida and “impress upon their minds the importance of the crisis, the expedience of scouting everything like French or English influence, and assure them, I pray you, of the friendly disposition of the American government.” Claiborne

surmised that the “most eligible means of obtaining an expression of the wish of the inhabitants of Florida” was through the voice of the people themselves, and the “more satisfactory” manner of accomplishing this was “through the medium of a convention of delegates, named by the people.” Every part of West Florida should be represented, moreover, and Wykoff should also “prepare for the occasion the minds” of the leading citizens of Mobile. Secrecy, of course, was paramount. In fact, Claiborne later admonished Wykoff that “I hope my dear Sir, that you will always consider the correspondence between us, during my stay at the City of Washington, as confidential. There are persons who would gladly learn the whole contents of my letters to you in order to use them to my injury, and to that of the Government.”⁹

A week after Claiborne’s missive, Secretary of State Smith also sent instructions to Wykoff essentially detailing the same course of action. A “crisis is at hand,” Smith declared, which would produce dramatic changes in the Spanish empire, possibly dissolving the colony’s relations with Spain. The geographical position of these colonies to the United States “and other obvious considerations” necessitated an “intimate interest” with the Western Hemisphere and particularly the Floridas. It was, therefore, “our duty” to focus attention on this “important subject.” Besides local considerations, the United States also “consider themselves as holding a legal title to the greater part of West Florida under the purchase made by the Convention with France in the year 1803.” Thus, Wykoff was selected for the “confidential purpose” of proceeding into West and East Florida “for the purpose of diffusing the impression” of U. S. goodwill and common interest, and, in the case of its separation from Spain, “their incorporation into our Union would coincide with the sentiments and policy of the United States.” Gather intelligence, Smith instructed Wykoff, and keep the president apprised regularly. It was “particularly proper to draw their minds to a contemplation of the obvious and very disagreeable consequence, as well as to them as to us, should the dissolution of their ties to the parent Country be followed by a connection with any of the European powers instead of the natural one suggested by their geographical and maritime relations to the United States.”

9. Claiborne to Wykoff, June 14, 1810, in *Story of the West Florida Rebellion*, 35-37; Claiborne to Wykoff, March 26, 1811, in *Letter Books*, 5: 189-90.

With this, the Madison administration had embarked on a new, and undeniably more covert, policy regarding West Florida.¹⁰

Events in West Florida appeared to proceed as planned throughout the summer months of 1810. During the third week of June, the citizens of the Feliciana District met in convention and formed a common council comprising four districts armed with the general powers of government. During the first week of July, the citizens of the Baton Rouge district followed suit and held a similar convention. Other districts in the West Florida area held popular conventions and selected delegates to a larger convention scheduled to convene later that month. On July 25, the St. Johns Plains Convention commenced, a representative body of leading citizens composed of fourteen members—thirteen of whom were born in the United States, and only three of whom supported continued Spanish authority. Madison must have been heartened to learn that his agents assigned to the task of promoting the pro-American position were succeeding. Of those fourteen members elected on July 14 to attend the St. Johns Plains Convention, four were American settlers who had been recommended to Wykoff by Claiborne—William Barrow, Philip Hickey, Thomas Lilley, and George Mather. The fact that the West Florida militia was largely composed of former U. S. citizens only bolstered Madison's hopes of enticing, through voluntary popular movement, a peaceful request by the inhabitants of West Florida to join the American Union to the north.

During these same months, correspondence regularly arrived at the executive mansion informing the Madison administration of these portentous events and providing a more detailed description and analysis of the sentiments and perspectives of the citizens of West Florida. One such informant was David Holmes, Governor of the Mississippi Territory, and another U. S. official entrusted by the

10. Smith to Wykoff, June 20, 1810, in Clarence Carter, ed., *Territorial Papers of the United States: Orleans Territory* (Washington: Government Printing Office, 1934) 9: 883-84. On the very same day Smith instructed Wykoff, the secretary of state also sent a missive to William H. Crawford requesting that the Georgian appoint a confidential agent to go into East Florida and portions of West Florida to encourage the population in these areas to agitate for admission to the United States. Crawford, to the satisfaction of Madison, sought the assistance of General George Mathews. For Mathews's activities, which resulted in the infamous Patriot War of 1812, see the seminal study by James Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida* (Athens: University of Georgia Press, 2007).

president. In mid-June, for example, Holmes discussed the political situation in West Florida, and reported that Spanish authority in the region was virtually nonexistent, even to the point that a "sense of common danger" induced some inhabitants to form a "kind of neighbourhood police" whose conduct was "inefficient" and "unjust." The local population, in addition, tended to be factionalized, as various parties leaned towards either the United States or several European powers. The Mississippi governor also wondered how the "state of Anarchy and confusion" south of the border would affect adjacent U. S. territory, including the possibility of slave uprisings. Holmes's rendition of events most certainly unnerved Madison, as the president recoiled at the thought of anarchy, rebellion, or a weak and independent West Florida so close to American territory and so susceptible to foreign influence or filibusters. Subsequent intelligence provided by Holmes during the first weeks of July, however, proved less threatening and revealed that Madison's desire for West Floridians' popular public desire to join the United States was still working. Holmes reported on the popularly-elected conventions, which "by an almost unanimous voice" adopted plans to respond to "both foreign invasion and internal disturbances," and whose proceedings proved "incipient to the more decisive and important Measure of asking the protection of the United States."¹¹

Still, the content of Holmes's letters convinced Madison that another step, and thus another key operative on the U. S. side of the border, was now necessary to accomplish the administration's West Florida policy. On July 17, the president, who had retreated from the summer heat of Washington to Montpelier, decided that an additional precaution must be taken, one which necessitated the inclusion of Holmes more directly in the administration's plans. "I think Govr. Holmes should be encouraged in keeping a wakeful eye to occurrences & appearances in W. Florida, and in transmitting information concerning them," the president notified his secretary of state. "It will be well for him also to be attentive to the means of having his Militia in a state for any service that may be called for. In the event either of foreign interference with W. F. or of internal convulsions, more especially if threatening the neighboring tranquility, it will be proper to take care of the rights & interests of the U. S. by every measure within the limits of the Ex.

11. Holmes to Smith, June 20 and July 11, 1810, in *Madison Papers*, 2: 420, 458.

Authority." Smith promptly informed Holmes of his new duties as territorial governor of Mississippi, and apprised him of Claiborne's instructions to Wykoff of the preceding month, directives that had been sanctioned by the president of the United States. Potential military intervention now accompanied the original objective of pursuing the voluntary invitation of the inhabitants of West Florida. In the case that the latter goal failed, the former remedy would be applied to achieve the ultimate end of securing U. S. control of West Florida and for protecting national security.¹²

Holmes zealously accepted the mantle offered by Madison. A series of letters from the Mississippi territorial governor quickly became the main source of intelligence for the administration. In late July, Holmes notified the president that the "occurrences now passing in West Florida appear to me in a light so important to the Government of the United States, that I cannot omit using all the means within my reach to procure and transmit to you the best information relative thereto." He then forwarded a critical piece of information provided by one of the delegates to the St. Johns Plains Convention that, although a "large majority" of the inhabitants of the region desired to enter the Union, they feared military suppression from Spanish forces arriving from Cuba before the United States could come to their aid. In early August, the Mississippi governor sent the administration a copy of the Convention's address to the Spanish governor and two resolutions adopted by the body. "From the style and tenor of these Documents," Holmes reported, "we might be led to believe that nothing more was desired than to redress Grievances, and to strengthen and support the administration of the present Governor." But the facts proved otherwise, according to Holmes. Unfortunately, "a correct Opinion cannot be formed of the real Views and Wishes of either the Governor or the Convention from their public and official Acts." One thing was certain, however, and that was the fear of military intervention on the part of Spanish authorities putting an end to the deliberations of the Convention. Still, a large portion of the population sought U. S. protection. In early September, Holmes followed up on his earlier missives. He informed Madison that the Spanish governor had conceded to the protestations and demands of the Convention, and that the governor had been divested of most of his powers and all powers placed "either under the immediate or direct control of

12. Madison to Smith, July 17, 1810, Smith to Holmes, July 21, 1820, in *Madison Papers*, 2: 419, 420-21.

the representatives of the people." More importantly, and thus more critically for the objectives of the Madison administration, "It is not contemplated by the representatives of any part of the community who think upon the Subject that the province can maintain an Independent Government, they of course will look to some power for aid and protection." This last piece of intelligence could only have proven as much disheartening as heartening for Madison. All reports indicated that the citizens of West Florida overwhelmingly desired U. S. protection and eventually entrance into the Union, but the Madison administration would have to act quickly in order to prevent foreign influence from disrupting U. S. objectives. West Florida could not survive independently, but acting precipitately could prove as dangerous for administration objectives as waiting too long to act.¹³

Throughout the summer months of 1810, the Madison administration received correspondence from other important sources confirming the contents of Holmes's missives. John Bedford, tax assessor for the 5th collection district of Tennessee, received a steady dose of information from his friend William Barrow, an American citizen who settled in West Florida in 1798 and who participated in the St. Johns Plains Convention. Bedford, in turn, reported to Madison the contents of Barrow's letters. In early July, conditions and sentiments in West Florida strongly convinced Bedford that "a revolution of some kind may be attempted in that country, before a great while," and that two plans to secure this end were in the works—declare independence and follow the lead of other Spanish American provinces and form a new nation, or, declare independence and create a new nation with the immediate objective of becoming "an integral part of the U. States." Like Holmes, Bedford indicated that a "large majority" of West Floridians desired to join the Union. Late in August, Bedford enclosed to Madison another of Barrow's letters in which the latter figure expressed a "frank expression of concern and solicitude and unpleasant suspense about their political situation," a sentiment shared by many other citizens of West Florida. Bedford, who knew

13. Holmes to Smith, July 31 and August 8, 1810, in Carter, *Territorial Papers, Orleans*, 9: 889-90, 891-92; Holmes to Smith, September 12, 1810, in Carter, *Territorial Papers, Mississippi*, 6: 115-18. The editors of the *Madison Papers* correctly claim that Holmes's correspondence to the Madison administration from June through October of 1810 was "probably the single most important source of information about the situation in West Florida that JM was to receive, both during his summer vacation and after his return to Washington on 6 October 1810." *Madison Papers*, 2: 313-14.

nothing of Madison's West Florida policy, replied to Barrow that the inhabitants of the region no longer owed any allegiance to Spain, that they should "assume the rights of self-government," that their interests were those of the United States and thus Florida "ought & must in time" become part of the Union, and that to "secure & facilitate" this end they should "constitute a separate & independent government" in West Florida which could be maintained until it was "proper & consistent" with U. S. policy to "protect or incorporate them" into the United States. Such counsel undoubtedly meshed with that being disseminated by Wykoff and others friendly to the cause of the Madison administration.¹⁴

The territorial secretary of Orleans, Thomas B. Robertson, also became an integral figure in the administration's evolving West Florida policy. Just days before he informed Holmes of his new role in the grand design to secure the region, Secretary of State Smith also instructed Robertson to monitor events and sentiments in West Florida and to report back the "most regular and precise information." The Madison administration informed the territorial secretary that the United States welcomed an insurrection in West Florida to be conducted and led by former American citizens residing there, and mentioned the instructions to Wykoff and Holmes to encourage such an event, including the use of the Mississippi territorial militia to occupy the area in order to stimulate further rebellion among the inhabitants. Robertson proved a faithful servant during the remaining summer months of 1810. He notified the administration that the people of West Florida "appear to be preparing to throw off their dependence on Spain," and that news of Venezuela's actions had just arrived "to hasten the event." Robertson also discussed the various political allegiances of the population and forwarded the addresses of the St. Johns Plains Convention. In sum, the Madison administration received throughout the summer of 1810 ample and consistent intelligence about the events unfolding and the sentiments of the residents of West Florida.¹⁵

14. Barrow to Bedford, June 4, 1810, Bedford to Madison, July 4, 26 August 1810, in *Madison Papers*, 2: 399-400, 508-09.

15. Smith to Robertson, July 13, 1810, Graham to Robertson, July 30, 1810, in Waciuma, *Intervention*, 145; Robertson to Smith, July 6, July 28, 1810, *Madison Papers*, 2:458, 505-06; Robertson to Smith, August 26, 1810, in Carter, *Territorial Papers, Orleans*, 9: 896-97.

Not everything went so smoothly for the Madison administration during that summer. The president's capable and trusted agents were certainly in place and successfully carrying out their assigned tasks, but a number of serious complications threatened to undermine Madison's West Florida policy. For one, rowdy American settlers in the Tombigbee region threatened a filibuster against Mobile. Such a scenario undermined Madison's objective of securing the voluntary request of the inhabitants of West Florida. The president, therefore, took every precaution in order to prevent American invasion of Spanish territory and the disruption of his peaceful annexation of the region to the Perdido River. First, Madison secured the direct assistance and intervention of Mississippi Territory officials, primarily that of Territorial Judge Harry Toulmin, who consistently and successfully thwarted the militaristic intrigues of the American citizens—the Caller, Kennedy, and Kemper clans—instigating an “unlawful expedition” ultimately producing “injurious consequences” for U. S. policy. Second, the president reinforced the U. S. garrison at Fort Stoddert, situated just north of Mobile, and he even considered invoking the 1794 Logan Act to squash any movements made by Americans against Mobile. “There can be no doubt of its unlawfulness,” Madison informed Toulmin, “nor as to the duty of the Executive to employ force if necessary to arrest it, and to make examples of the Authors.” Fortunately for the Madison administration, the proposed filibuster never materialized.¹⁶

Another complication, however, directly concerned executive authority. The president believed he had the constitutional power to employ force against American citizens threatening foreign-occupied soil, but questions arose immediately about presidential power to *annex* or *occupy* foreign-occupied soil, even in the event of a peaceful *request* to do so by the inhabitants thereof. As the situation within West Florida seemed to proceed according to plan during the late summer of 1810, Madison asked his cabinet to weigh in on this most crucial subject. “Should it become necessary,” he

16. Madison to Eustis, August 10 and September 7, 1810, Eustis to Madison, August 19 and September 14, 1810, Richard Sparks to Eustis, July 12, 1820, Madison to Graham, August 10 and 24, 1810, Madison to Gallatin, August 22, 1810, Graham to Madison, August 29 and September 3, 1810, Madison to Toulmin, September 5, 1810, *Madison Papers*, 2: 466, 473, 474, 497, 501-02, 504-05, 515-16, 522, 525, 529-30, 543; Toulmin to Madison, July 28, 1810, Homes to Smith, September 12, 1810, in Carter, *Territorial Papers, Mississippi*, 6: 84-90, 117.

stated to Secretary of the Treasury Albert Gallatin, "for the Ex. to exercise authority within those limits, before the meeting of Congs. I foresee many legal difficulties." "Will you turn your thoughts to the question," Madison concomitantly requested of Secretary of War William Eustis, "what steps are within the Executive Competency, in case the deliberations of the people of W. Florida should issue in an offer to place the territory under the Authority of the U. S.?" Both responded in the affirmative, that the president possessed the constitutional authority to occupy West Florida. Gallatin maintained that the "law which authorizes the President to take possession of Louisiana will legally cover any other measures which policy may dictate in relation to that part of West Florida which lies between the Mississippi & the Perdido," but "what ground ought generally to be taken consistent with justice, the rights and interests of the U. States, and the preservation of peace is the difficult question." Eustis fully concurred. "But as it is impossible to [divine] what course they might take," he counseled the president, "it is equally difficult to determine what part should be taken by [the] Government." Should the deliberations of the citizens of West Florida result in a formal request to place the region under U. S. authority on terms deemed by the latter to be admissible and justifiable, "protection of some kind will [necessarily be implied]—protection under such circumstances [implies force; how far], how near and to what extent must depend on [events and] may not probably require to be determined before the [next month]." As for the president's worries over the status of the customs house in the event of an invitation to occupy the region, Gallatin invoked the fourth and eleventh sections of the 1804 Mobile Act, which the "laws having been so worded as to include the districts of Orleans & Mobile whatever we may claim & possess," and which provided for either annexation to the Mississippi Territory's revenue district "all the navigable rivers . . . lying within the United States, which empty into the Gulf of Mexico, east of the river Mississippi" or the creation of a separate revenue district for waters of "the bay and river Mobile . . . emptying into the Gulf of Mexico, east of the said river Mobile." Such advice quickly convinced the president that he indeed retained all the necessary authority to act on any request emanating from West Florida. He mentioned to Jefferson that West Florida presented "serious questions" as to the authority of the executive, as well as to the "adequacy of the existing laws of the U. S. for territorial administration," and the "near approach of Congs. might subject any intermediate interposition of the Ex. to the

charge of being premature & disrespectful, if not of being illegal." Still, "there is great weight in the considerations, that the country to the Perdido, being our own, may be fairly, taken possession of, if it can be done without violence, above all if there be danger of its passing into the hands of a third & dangerous party."¹⁷

The threat of that "third & Dangerous" party offered a third—and the most serious complication—an intense American Anglophobia. Most Americans, Madison included, ardently believed that the British bogeyman threatened to seize the initiative and add West Florida to the British empire. Of course, American fears of British intervention in or even occupation of West Florida was nothing new. Madison, in fact, encountered this prospect from the very beginning of his presidency. Wilkinson, for example, had suggested to Madison in April of 1809 that if the United States "have not peace with Great Britain," then the "whole force destined to this quarter, should be pressed forward, because she can, at her will, take possession of West Florida." Claiborne, too, worried about the British specter during those early days of the Madison administration. Despite Folch's assurances, made during their visit that same month in 1809, that the Spanish colonies would not fall into the hands of England, Claiborne still declared to Secretary of State Smith that "it is greatly to be desired, that the [Spanish colonies] may not fall either commercially or politically into the hands of Great Britain or France, and without a severe struggle, one or the other event, seems to me inevitable." The interests of the United States, continued Claiborne, required that all European influence in the Americas, and England's most of all, "should be banished [from] the continent of America."¹⁸

Madison most certainly shared these fears. At the same time that the U. S. secretary of state informed Wykoff of his confidential mission in West Florida, Smith also notified the U. S. minister to Great Britain, William Pinkney, that the Madison administration would not tolerate British interference in that region. The imminent

17. Madison to Gallatin, August 22, 1810, Madison to Eustis, August 30, 1810, Gallatin to Madison, September 5, 1810, Eustis to Madison, September 7, 1810, *Madison Papers*, 2: 501-02, 516-17, 527, 531; *U. S. Statutes at Large*, 2: 251-54; Madison to Jefferson, October 19, 1810, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson, Retirement Series* (Princeton, NJ: Princeton University Press, 2004), 3: 177, hereinafter cited as *Jefferson Papers*. Madison also notified William Pinkney that the "occupancy of the Territory as far as the Perdido, was called for by the crisis there, and is understood to be within the authy. of the Executive." Madison to Pinkney, October 30, 1810, *Madison Papers*, 2: 605.

18. Wilkinson, *Memoirs*, 2: 349; Claiborne, *Letter Books*, 4: 343, 353.

disruption of the Spanish empire, Smith instructed Pinkney, made it the duty of the United States to turn its attention to the Floridas, "in whose destiny they have so near an interest." Besides the obvious geographical situation, the U. S. government claimed a legal title to "the greater portion of West Florida" based on the Louisiana Purchase. Under these circumstances, Smith concluded, "it may be proper not to conceal from the British Government (which may otherwise form views towards these territories inconsistent with the eventual ones entertained by the United States) that any steps on the part of Great Britain interfering with these will necessarily be regarded as unjust and unfriendly, and as leading to collisions." Here, then, from the confines of the Madison administration, came the germination of the No Transfer policy.¹⁹

Fears of English intervention in West Florida also filled the 1810 summer correspondence to the Madison administration, as every one of the president's agents broached the issue in nearly every letter. Robertson, for example, informed the administration that if the Spanish authorities refused to accede to the demands made by the citizens of West Florida, then the refusal "might be attended with serious consequences" as the "English who held most of the offices in the province were the chief obstacle to their adopting measures leading to independence" and that "unless the United States showed some disposition to countenance them a messenger would be sent to England to propose an alliance with that Govt." Holmes confirmed the fears of his compatriots. He notified the administration that West Florida could not maintain its independence and would thus "look to some power for aid and protection." Either the United States or Great Britain would be the obvious choice. "The friends to a connexion with Great Britain are numerous, intelligent, and active," Holmes warned Madison, and "their endeavors to gain proselytes are unremitting and the arguments brought forward in support of their Opinions are of an impressive and operative Nature. The ability of Great Britain to afford the best Markets for the productions of the province and to promote in other respects the pecuniary Interests of the Inhabitants are Urged as powerful inducements for forming a connexion with that nation." These recurring admonitions certainly did not fall on deaf ears back in Washington.²⁰

19. Smith to Pinkney, June 13, 1810, in Manning, *Diplomatic Correspondence*, 1: 5-6.

20. Robertson to Smith, August 26, 1810, in Carter, *Territorial Papers, Orleans*, 9: 896-97; Holmes to Smith, September 12, 1810, in Carter, *Territorial papers, Mississippi*, 6: 115-18.

This same Anglophobia pervaded Madison's administration. At the same time that Holmes's and Robertson's correspondence reached the nation's capital in the late summer of 1810, Gallatin opined to President Madison, still at Montpelier, that "every circumstance" corroborated his opinion that England will attempt to govern the Spanish colonies through the medium of a nominal Spanish regency, and that she will oppose the Spanish American revolutionary movements by keeping up a war in some corner of Spain. Gallatin also feared that England would take possession of Cuba, and thus "English interest and prejudices against us" arising from there would be the "principal obstacles" to American interests in that region. "We may expect new sources of collision," the Treasury Secretary concluded. "Florida & Cuba are by the far most important objects & will require some immediate decision." The U. S. Charge de Affaires to Spain, George Erving, another of the administration's trusted advisors, presented Madison the sternest warning regarding British machinations concerning the status of the Floridas. "It appears to me that G. B. is now playing a deep speculating game with the poor Spaniards," he wrote the president, and "taking it for granted that the English government cannot overlook the Floridas, but that on the contrary for many principal reasons, they will be disposed to make their first location there, it occurs to me that the U. S. should anticipate any movement of that sort, or any communication on the part of England of a guarantee &c—by a formal & bold declaration that in a certain state of things they will take possession of the Floridas"—or, in sum, that the United States "will never suffer them to be held by a European power other than that to which they now owe allegiance." Erving presented, therefore, the first explicit appeal for what was to become the No Transfer Resolution of 1811, and, arguably, revealed the genesis of the Monroe Doctrine of 1823—and it all started with U. S. concerns over the future of West Florida and the threat of British intervention therein.²¹

Matters changed abruptly for the Madison administration in October of 1810, however, as a series of rapidly developing events finally compelled the president to take action. The first development concerned, as could be expected, American Anglophobia. On October 14, the administration received

21. Erving to Madison, September 2 and October 20, 1810, Gallatin to Madison, September 17, 1810, *Madison Papers*, 2: 519-21, 545, 589.

information that the Caracas Junta, which had earlier that year declared its independence from Spain, had now granted to Great Britain a series of lucrative commercial concessions. The following day, the *National Intelligencer* published an official proclamation from the government of Venezuela, in which the new nation not only sought commercial relations with England, but also requested "protection from G. B." On October 17, the editor of the newspaper, Joseph Gales, called on Madison, now back in Washington, and listened as the president bemoaned British meddling in South America, which quickly turned to worries about British influence in West Florida. Cabinet officials shared Madison's consternation. Two days later, Madison confided to his friend Thomas Jefferson that "the Crisis in W. Florida as you will see has come home to our feelings and our interests." The "successful party at Baton Rouge," the president continued, "have not yet made any communication or invitation to this Govt. They certainly will call in, either our Aid or that of G. B. whose conduct at the Caraccas gives notice of her propensity to fish in troubled waters. From present appearances, our occupancy of W. F. would be resented by Spain, by England, & by France, and bring on, not a triangular, but quadrangular contest." But fears of English intrigues and potential international conflict were not yet enough to compel Madison to seize the initiative. As he intimated to Jefferson, the president still needed the invitation of the inhabitants thereof—and they would certainly not let him down.²²

After intercepting a communiqué from the Spanish governor at Baton Rouge to Governor Folch in Pensacola requesting military assistance, the president and delegates involved with the St. Johns Plains Convention ordered the local militia commander, Philemon Thomas, to seize the Spanish fort at Baton Rouge. Thomas, with a small contingent of former American citizens, responded accordingly, and on September 23, 1810, captured the fort. Three days later, ten of the Convention members convened and declared West Florida independent of Spain. That very same day, John Rhea, president of the Convention, sent a copy of the declaration to Holmes, further requesting that the Mississippi territorial governor forward the document to President Madison. Almost two weeks

22. *National Intelligencer*, October 15, 1810; Smith to Armstrong, November 1, 1810, in Manning, *Diplomatic Correspondence*, 1: 7-8; Madison to Jefferson, October 19, 1810, in Looney, *Jefferson Papers*, 3: 177-78.

later, on October 10, the Republic of West Florida formally asked the U. S. government for "that immediate protection to which we consider ourselves entitled." Finally, the Madison administration had its invitation to take what it already had claimed.²³

As soon as Holmes received the much-awaited news from south of the border, he sent it to Washington. In the meantime, the Mississippi governor had yet to receive his orders, issued earlier by the secretary of state, to occupy West Florida in the event of independence and a request for protection. Holmes, however, seized the initiative, and, "thoroughly impressed with the necessity of taking immediate measures for the safety of the persons and property of the Citizens of this territory who reside near the line of demarcation," immediately ordered to the border two companies of U. S. troops stationed near the territorial capital. The news of the sudden events consuming West Florida most likely alarmed Madison when it arrived at the nation's capital. For one, the revelation that Holmes had not received his orders to enter and occupy the region until September 29 could delay U. S. occupation, ultimately undermining the ability of American forces to protect the people of West Florida. Worse yet, Holmes also reported that a significant number of the inhabitants, namely from the Mobile district, were "inimical to the New order of things" and, bolstered with Spanish troops from Pensacola, were quite likely to strike back at the Convention. Rumors also circulated that pro-Spanish forces in West Florida were actively seeking the support of local Indians, and that "an insurrection of Slaves, who are very numerous in the upper part of the Province," was very likely. Holmes's correspondence during the first several weeks of the fall of 1810, combined with a rabid Anglophobia, spurred Madison to action.²⁴

"News arrived today, that West Florida is declared independent, by Convention," Joseph Gales noted in his journal entry of October 25, and "official information received same day." President Madison

23. For the various correspondence regarding the West Florida declaration of independence and the request for U. S. annexation, see *American State Papers, Foreign Relations*, 3: 395-96 or the *Annals of Congress*, 11th Cong., 3rd sess., Appendix, 1251-63. About four hundred men also brought the St. Helena and St. Ferdinand districts under Convention authority on October 1, 1810.

24. Holmes to Thomas Cushing, September 26 and 28, 1810, in Carter, *Territorial Papers, Mississippi*, 6: 120, 121-22; Holmes to Smith, September 26, October 3 and 17, 1810, *Madison Papers*, 318. For the content of Holmes's correspondence, see also *American State Papers, Foreign Relations*, 3: 394-96 and the *Annals of Congress*, 11th Cong., 3rd sess., Appendix, 1251-63.

immediately convened a three-hour, closed session of his cabinet, Gales recalled. Two days later, President Madison issued his famous October Proclamation, the first statement on what soon was to become the No Transfer Resolution of 1811. The president declared that a "Crisis has at length arrived" in West Florida, subverting Spanish authority there, threatening the "tranquility and security of our adjoining territories," and giving "new facilities" for the violation of "our revenue and commercial laws and of those prohibiting the introduction of slaves." Due to these "peculiar and imperative circumstances," any hesitation or forbearance on the part of the United States to occupy West Florida and thus prevent "confusions and contingencies" undermining national security, would be seen as nothing less than a "dereliction of their title" or an "insensibility to the importance of the stake." In the meantime, a U. S.-occupied West Florida would still be a "subject of fair and friendly negotiation and adjustment." Madison also referred to the American claim to the territory between the Mississippi and the Perdido rivers pursuant to the Louisiana Purchase, and that the United States had merely acquiesced in the "temporary continuance" of Spanish authority in that particular region out of "their conciliatory views and by a confidence in the justice of their cause and in the success of candid discussion and amicable negotiation with a just and friendly power," and not out of any "distrust of their title" to the region. The "satisfactory adjustment" of the American claim had been "too long delayed" and "entirely suspended" by events over which the United States had no control. Existing acts of congress, in addition, had already contemplated "an eventual possession" of West Florida and were "accordingly so framed as in that case to extend in their operation" to that region. The president, therefore, "in pursuance of these weighty and urgent considerations" deemed it "right and requisite" that the United States should take possession of the territory and add it to the Orleans Territory. Madison then directed Governor Claiborne to extend his authority over the area. "This act of occupancy, which is merely a change of possession and not a change of right," Secretary of State Smith summed it up to John Armstrong, Madison's U. S. minister to France, "will it is hoped, be viewed only as the natural consequence of a state of things, which the American Government could neither foresee nor prevent."²⁵

25. Joseph Gales, "Recollections of the Civil History of the War of 1812," *Historical Magazine*, 3rd series, 3 (March 1874), 158; Madison to the House

The same day that the president signed his proclamation, he ordered Governor Claiborne to proceed at once to Natchez, publish and circulate the Proclamation in English, French, and Spanish, enlist the protection and assistance of U. S. regulars stationed along the southwestern frontier, and enter into and take possession of West Florida. Once accomplished, Claiborne was to extend the laws of the Orleans Territory, organize the militia, establish parish courts, and, "finally, to do whatever your legal powers applicable to the case will warrant, and may be calculated to maintain order; to secure to the inhabitants the peaceable enjoyment of their liberty, property, and religion; and to place them, as far as may be, on the same footing with the inhabitants of the other districts under your authority." The territorial legislature of Orleans would provide any additional and necessary authority or provisions. If, "contrary to expectation," U. S. occupation was met with or opposed by force, the commanding officer of the U. S. regulars would assist the governor, and, if deemed necessary, so would the militia of the territories of Orleans and Mississippi. At the same time, should any particular place in the newly acquired territory remain in the possession of Spanish forces, no force was to be employed against them. The very next day, October 28, Claiborne set out from Washington bound to the Mississippi territory and thence on to Baton Rouge to carry out his instructions. In the meantime, the administration apprised Holmes of Claiborne's sundry duties and instructed the Mississippi governor to coordinate and provide any necessary support.²⁶

Madison's October Proclamation in no way resolved who controlled West Florida. American officials secured only the western portions, including the Baton Rouge area; events in the eastern part, the Mobile area, still proved chaotic. During the month of October, for example, rumors circulated widely throughout the eastern portion of a Convention army making its way from the western region, causing the "utmost panic" and fomenting "a crisis to be fast approaching." The Baton Rouge men indeed presented those from Mobile a "temperate

of Representatives, October 27, 1810, in Richardson, *Messages and Papers*, 1: 480-81; Smith to Armstrong, November 2, 1810, in Manning, *Diplomatic Correspondence*, 1: 8. Later in 1811, the citizens of West Florida requested that congress attach them to the Mississippi Territory or grant them statehood, rather than add them to the Orleans Territory. *Annals of Congress*, 12th Cong., 1st sess., Appendix, 2157-59.

26. Smith to Claiborne, October 27, 1810, Smith to Holmes, November 15, 1810, in *ASP: FR*, 3: 396-97, 398; Smith to Holmes, October 30, 1810, Smith to Claiborne, November 15, 1810, in Carter, *Territorial Papers, Orleans*, 2: 901-02, 902-03.

& friendly" disposition to join the cause, but they also hinted that force may be their only recourse. Wedded to this concern was American interest in the future of the remaining portion of Spanish West Florida, from Pensacola to the Apalachicola River, and to all of East Florida, to which the United States had no legitimate claims. "E Florida is of great importance to the U. S. and it is not probable that Congs. will let it pass into any new hands," Madison wrote Pinkney at the end of October. "It is to be hoped G. B. will not entangle herself with us, by seizing it, either with or without the privity of her Allies in Cadiz." The position of Cuba, too, gave the U. S. government "so deep an interest in her destiny," and although the island "might be an inactive" it "could not be a satisfied spectator, at its falling under any European Govt. which might make a fulcrum of that position agst. the commerce or security of the U. S." Making matters worse, concluded the president, with respect to Spanish America generally, Great Britain "is engaged in the most eager, and if without the concurrence of the Spanish [authority] at Cadiz, the most reproachful grasp of political influence and commercial preferences." Deep concerns over U. S. national security still kept the Florida question uppermost in the minds of the Madison administration, despite U. S. occupation of Baton Rouge. More must be done, they realized. But unilateral presidential action would not remedy the situation, and the president revealed another serious concern on the part of the administration—the need for congressional assent to the October Proclamation, which the administration had yet to reveal to congress. To such dire subjects, the Madison administration turned its full attention in December of 1810. The logical end of the administration's efforts was the historic No Transfer Resolution of the following month.²⁷

In his second annual message, President Madison finally notified congress of the October Proclamation. It was December 5 and Governor Claiborne was already on the scene in West Florida. Due to ongoing disruptions within the Spanish empire, the administration necessarily focused on "that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain awaiting the result of negotiations for its actual delivery to them." In the meantime, however, Spanish authority had been subverted, exposing that nation to "ulterior events" ultimately threatening U. S. "rights and Welfare." The president, therefore, had to occupy the territory "to which

27. Madison to Pinkney, October 30, 1810, Toulmin to Madison, October 31, 1810, *Madison Papers*, 2: 605, 606-08.

the title of the United States extends, and to which the laws provided for the Territory of Orleans are applicable." The "legality and necessity of the course pursued" by Madison assured him that congress would approve his action in the most "favorable light," and, thus, that body would provide any necessary legislation further protecting the "rights and equitable interests of the people thus brought into the bosom of the American family." West Florida's declaration of independence and the subsequent request for U. S. protection accompanied the message to congress, along with a copy of the October Proclamation.²⁸

Congress heeded Madison's call and commenced debate over the future of West Florida that very month. The bill "declaring the laws now in force in the Territory of Orleans to extend to, and to have full force and effect, to the river Perdido, pursuant to the treaty concluded at Paris on the 30th of April, 1803" generated a number of challenging, and to some extent, irresolvable, questions, and produced equally cogent arguments both for and against Madison's request for U. S. annexation of the region. First, did the United States have "good title" to the territory under question? Second, did Spanish perfidy and spoliation claims provide justification for seizure? Third, did national security and the "law of self-preservation," that is, the threat of a foreign power seizing West Florida, necessitate U. S. occupation? Fourth, did Madison's Proclamation transcend executive authority and, thus, prove unconstitutional, namely as it concerned issues of legislation and war? Congressional answers to these dicey questions remained unanswered as 1810 turned into 1811.²⁹

28. James Madison, *Second Annual Message to Congress*, December 5, 1810, in Richardson, *Messages and Papers*, 1: 484.

29. For the congressional debate over the West Florida bill, see *Annals of Congress*, 11th Cong., 3rd sess., 37-66. For the full text of the bill, see *Annals of Congress*, 11th Cong., 3rd sess., 25-26. The Federalist Senator from Delaware, Outerbridge Horsey, went so far as to suggest that the Madison administration's policy of economic coercion as retaliation against England's commercial restrictions violating U. S. neutral rights and damaging American commerce were directly connected with the administration's actions in West Florida: "Let it be remembered that Great Britain is now the ally of Spain, and, for aught we know, may have guarantied her colonies. Would it not at least have been prudent . . . to have inquired what part she would take? If she is to act the part of an ally, offensive and defensive, or of an ally at all, can it be expected that she will revoke her Orders in Council, or even remain indifferent? It is a singular circumstance, that the proclamation reviving the non-intercourse with Great Britain and the one for taking possession of Florida were upon the anvil at the same time. There is only five days difference in their dates, and the Florida proclamation is the first. Sir, to me, they look a good deal like twin brothers." *Annals of Congress*, 11th Cong., 3rd sess., 55.

Madison's October Proclamation also directly affected another spirited debate consuming congress at the same time as the consideration of the West Florida bill—a bill for admitting the Territory of Orleans to the Union. A number of congressmen noted that the president's occupation of West Florida and the immediate addition of the area to the Orleans Territory conflicted with that portion of the proclamation calling for a "fair and friendly negotiation and adjustment." If Orleans became a state, with West Florida as part of its domain, queried one congressman, then "would not all right of negotiation on the subject be taken from the President?" Another asked could the executive "convey away any part of a State?" "What power have we to negotiate about the territory of any of the States?" pondered several others. Madison's proclamation indeed carried with it a number of important considerations of constitutional law, aspects not readily perceived by the president in the fall of 1810. Despite such reservations, congress voted in mid-January of 1811 to admit the Territory of Orleans into the Union as the State of Louisiana. But other than allowing Louisiana—West Florida included—a spot on the Stars and Stripes, congress had yet to act on the Florida question. Executive action during the first two weeks of January of 1811, however, quickly returned Washington's attention to events unfolding immediately south of the American border. Once again the Madison administration had taken the offensive.³⁰

Several documents simultaneously landed in the president's hands in late December of 1810. The first set was rather propitious; the second set proved considerably more ominous. All of it convinced the administration that the Florida question was far from settled. Together, the correspondence Madison sent congress on January 3, 1811, prompted that body to address the administration's concerns over the future of the Floridas and the potential consequences concerning U. S. interests. As to the first of the correspondence, Folch voluntarily offered Madison the remainder of West Florida. The Spanish governor had hinted over the previous years that he would do so, but now he made it official. Unless succor arrived from Spanish authorities in Mexico or Cuba, or unless the Spanish authorities had already opened negotiations directly with the United States, Folch "decided on delivering this province to the United States under an equitable capitulation."

30. *Annals of Congress*, 11th Cong., 3rd sess., 482-83, 484, 496, 497, 519.

"The incomprehensible abandonment in which I see myself, and the afflicted situation to which this province sees itself reduced, not only authorize me, but force me to have recourse to this determination, the only one to save it from the ruin which threatens it," he informed the Madison administration. "The United States are also authorized to accept it; for as the disturbances which now afflict this province, so near to them, must increase every day, they cannot but have an influence on their tranquility, an object which merits the first care of every Government." Madison could not have stated it any better.³¹

The other correspondence reaching Madison, however, attracted more of the president's attention and obvious concern—the British government protested the U. S. occupation of West Florida. In addition, the British considered the American claim to the region as "manifestly doubtful," and even chastised the Madison administration for using the West Florida rebellion as "the pretext for wresting a province from a friendly Power, and that in the time of her adversity." As a close ally of Spain, the British government "cannot see with indifference any attack upon her interests in America," and the "Mistress of the Seas" requested an explanation from the president that "will at once" convince the British government of the "pacific disposition" of the United States towards its Spanish friend, and thusly to remove the "contrary impression" that Madison's annual message made upon the British government. Relations with Great Britain were already considerably strained, and such a response from His Majesty's minister in Washington only irritated an already infectious Anglophobia.³²

Indeed, in Madison's special message to congress addressing the correspondence of both Folch and Morier, the president dwelled entirely on the British missive, not the Spanish one. Although Madison believed that the British minister acted without any formal instructions from his superiors, and although the British government had never officially communicated to the United States any agreement with Spain that required any British interposition materially affecting the United States, and although Spain had made no call for the fulfillment of any supposed existing agreement, "the spirit and scope of the document, with the accredited source from which it proceeds," demanded the

31. Folch to Smith, Folch to McKee, December 2, 1810, *ASP: FR*, 3: 398, 399.

32. John P. Morier to Smith, December 15, 1810, *ASP: FR*, 3: 399, 400.

consideration of congress. President Madison then provided the first explicit statement of the policy that would become the famous No Transfer Resolution. "Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States eastward of the river Perdido to their security and tranquility, and the peculiar interest they otherwise have in its destiny," the president recommended to congress "the seasonableness of a declaration that the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power." Madison also recommended that congress consider the "expediency of authorizing the Executive to take temporary possession of any part or parts of the said Territory, in pursuance of arrangements which may be desired by the Spanish authorities, and for making provision for the government of the same during such possession," and, more importantly, "to provide for the event of a subversion of the Spanish authorities within the Territory in question, and an apprehended occupancy thereof by any other foreign power." One of the most important and consequential documents of American foreign policy, therefore, originated with the Madison administration, and, although directed at areas of Florida not currently under American control, this policy was conceived, developed, and matured as a direct result of the events unfolding in West Florida during the summer of 1810.³³

No sooner had Madison made his appeal to congress, then the British bogeymen quickly materialized in another, yet equally, menacing manifestation. Exactly a week after sending to congress the Spanish governor's propitious request and the British minister's ominous one, Madison disclosed another startling piece of intelligence, one that merely fueled an already fervent Anglophobia consuming the administration and its supporters in congress. The revolutionary government of Venezuela had intercepted a letter written by Luis de Onís, the Spanish minister representing the Cadiz government in America, bound for the Captain General of Caracas. In a fit of vituperation unbecoming a diplomatic official of his station, Onís insinuated that military

33. Madison to Congress, January 3, 1811, in Richardson, *Messages and Papers*, 1: 488.

force may be a viable option to neutralize U. S. influence in the Western hemisphere. The Spanish minister angrily declared, albeit in rather sarcastic and dismissive tones, that "if England should display her energy, in however small a degree, and if, on our part, some vessels should be sent to their coasts, and some troops should draw near to Louisiana, there is reason to believe that we should see these provinces separated and divided into two or three republics, and, consequently, they would remain in a state of perfect nullity." The letter passed into the hands of an American agent, who then promptly sent it straight to President Madison. Such a threatening charge coming from such a high-ranking source only justified in the minds of the administration that Florida was indeed a serious security concern, and, ultimately, confirmed their fears that a foreign power—England namely—could and most likely would acquire the territory.³⁴

But the administration had prodded enough. Congress finally responded, and quickly. Less than a week after the Madison administration notified congress of Onís's imprudent missive, and undoubtedly as concerned as the president about national security along the southern border with Florida and as fueled by fears of English intrigues in that region, congress enacted the No Transfer Resolution. Much of the wording was Madison's: "Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquility, and commerce," congress resolved that the nation, "under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power" and that a "due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory," an occupation which shall "remain subject to future negotiation." As the Madison administration requested, congress authorized the executive "to take possession of, and occupy, all or any part of the territory lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory," in the event that "an arrangement has been, or shall be, made with the local authority of the said territory, for delivering up the possession of

34. Onís to Captain General of the Province of Caracas, 2 February 1810, *ASP: FR*, 3: 404.

the same, or any part thereof, to the United States," or in the more menacing event "of an attempt to occupy the said territory, or any part thereof, by any foreign government." In either case, congress empowered the president to employ the armed forces as deemed necessary to secure these ends, appropriated a hefty sum of money to cover the expense, and provided that a "temporary government" be established under U. S. occupation.³⁵

Six weeks later, congress ordered, through a supplementary piece of legislation, that the No Transfer Resolution would not be printed or published until the end of the next session of congress, or unless directed by the president to do otherwise. In other words, the act was to remain a secret for the time being. Not until February of 1812, as war with Great Britain loomed just over the horizon, did congress authorize the president "to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States." The Madison administration would not achieve this objective until U. S. forces seized Mobile from Spain in 1813, as war raged with England.³⁶

The Madison administration wasted no time in promulgating the new American policy to the world. Exactly a week after congress confirmed Madison's West Florida policy and redirected it eastward and hence southward, the president informed the U. S. minister to England of the No Transfer Resolution that had "passed with closed doors." "You will thence perceive that the United States are not disposed to acquiesce in the occupation on the part of any foreign power of any part of East or West Florida, and that Congress have provided under certain contingencies for the temporary occupation of the said Territory," Smith apprised Pinkney. "This proceeding is, on the part of the United States justified by national interest and national policy; an interest founded upon a recognized though unliquidated claim on Spain for indemnities; and a policy imperatively prescribed by a legitimate principle of self preservation." The secretary of state then reviewed the history of U. S. interest in acquiring Spanish Florida, from the negotiations prior to the Louisiana Purchase for its "peaceable acquisition," to the diminished "geographical extent of West Florida" as result of the 1803 treaty with France, and, finally, to the "increased solicitude of the United States for the Sovereignty of a tract of Country, whose contiguity rendered it vitally important in a

35. *U. S. Statutes at Large*, 3: 471-72.

36. *Ibid.*, 3: 472.

military, naval and commercial point of view." Now mingled with these considerations were claims by the United States against Spain, "the final adjustment of which, it was believed, might be facilitated by a purchase for a fair price, of all the Territory of Florida east of the River Perdido." The conquest of Spain and the consequent revolutions convulsing the Spanish empire in America, however, intervened, and thus made it "more natural" and "more conformable to justice" that the United States "seek security" for the indemnities Spain owed America and which payment had been so long delayed. A newly-established government in Spain, moreover, which may absolve itself from its debts, demanded that the United States make a "pledge in possession" for the remuneration of "so many losses" experienced by American citizens at the hands of Spain. Of course the Madison administration disavowed any wanton extension of territory, and promised that the "future peace and safety" of the nation upon "honorable and reasonable terms" dictated American policy. "The United States cannot see with indifference a foreign power, under any pretext whatever possess itself of the Floridas," Smith concluded to Pinkney. "The prospect of danger to the Union from such a step would be too imminent, the real object too apparent for them either to disguise their sentiments or to hesitate a moment as to the conduct which they would be inevitably compelled to pursue." This "explicit declaration," moreover, ought to admonish the British from any inclination "of gaining a footing in the Floridas." Throughout the spring and summer months of 1811, other American diplomats transmitted to European courts the very same line of reasoning devised by the Madison administration in 1810 and confirmed by congress in 1811.³⁷

Although the Madison administration applied the No Transfer Resolution to East Florida and the remaining Spanish portion of West Florida from the Perdido to the Apalachicola rivers, the policy originated in the events unfolding in West Florida during the summer and fall of 1810. Of course the justification for occupying the region *east* of the Perdido River differed somewhat from that which justified U. S. occupation of the region *west* of the Perdido. The Madison administration emphasized a legal American claim to the territory from Baton Rouge to Mobile, based on the Louisiana Purchase, as the basis for the October Proclamation and

37. Smith to Pinkney, January 22, 1811, in Manning, *Diplomatic Correspondence*, 1: 9-11. See also Monroe to Foster, July 8 and November 2, 1811, *ASP: FR*, 3: 543, 544-45, and Jonathan Russell to Duke of Bassano, April 30, 1811, in Waciuma, *Intervention*, 191-93.

subsequent occupation. But no such claim applied to the rest of Spanish Florida. Eventually, Madison stressed claims owed by Spain to the United States as a reasonable foundation for putting the No Transfer policy into effect. In either case, however, national security concerns and a bout of Anglophobia provided the ultimate justification for the seizure of any portion or even all of the Spanish Floridas. The "law of self-preservation" had replaced a "rightful and legal claim," but the spirit of it all remained unchanged. Throughout the remainder of 1811 and right up to the outbreak of war with England in the spring of 1812, the administration applied its West Florida policy—the peaceful and voluntary request of the inhabitants of Florida, spurred, of course, by furtive prodding from American circles, into, as Madison so eloquently put it, "the bosom of the American family"—to Florida east of Pensacola. Using the No Transfer Resolution as a pretext, as a sort of congressional mandate for acquiring all of Florida in the name of national security, the Madison administration employed the clandestine services of General George Mathews and, when that failed, of Georgia Governor David Mitchell to seize Amelia Island and St. Augustine, the capital of East Florida. This unsavory affair became known as the Patriot War, or more accurately, as one scholar so aptly labeled it, the "other War of 1812." U. S. forces briefly occupied Pensacola in 1814, destroyed Negro Fort on the Apalachicola River in 1816, invaded Spanish Florida in 1818, and wrested it by treaty in 1819—and all along, U. S. officials involved in these events based their actions on the same language drafted by the Madison administration as early as the summer of 1810.

The No Transfer policy eventually evolved into a viable and integral feature of U. S. foreign policy long after the acquisition of all of Spanish Florida. The first step in this evolutionary process centered on the promulgation of the Monroe Doctrine and the correspondence that accompanied the famous 1823 presidential statement. Here again, the events erupting throughout Spanish America provided the foundation for another round of official pronouncement of the No Transfer principle. In 1823, Secretary of State John Quincy Adams notified the Russian minister to the United States that the Monroe administration "could not see with indifference, the forcible interposition of any European Power, other than Spain, either to restore the dominion of Spain over her emancipated Colonies in America, or to establish Monarchical Government in those Countries, or to transfer any of the possessions heretofore or yet subject to Spain in the American

Hemisphere, to any other European Power." With U. S. possession of Florida, the island of Cuba emerged as the next great concern for American national security, and, as expected, Anglophobia served once again as a catalytic force. Also in 1823, Adams informed Hugh Nelson, the U. S. minister to Spain, that the U. S. government feared that the British would take advantage of Spain's continued weakness and force a cession of the island to Great Britain, which the United States would not tolerate.³⁸

Two years later, President John Quincy Adams's secretary of state, Henry Clay, again invoked the No Transfer policy. Responding to rumors of French seizure of Spanish Cuba and Puerto Rico, Clay informed the French government in October of 1825 that the United States "could not see, with indifference, those islands passing from Spain to any other European power" and "could not consent to the occupation of those islands by any other European power than Spain under any contingency whatever." The president, Clay instructed the U. S. minister to France, "cannot suppose a state of things in which either of the great maritime powers of Europe, with or without the consent of Spain, would feel itself justified to occupy or attempt the occupation of Cuba or Porto Rico without the concurrence or, at least, the knowledge of the United States." Clay had connected the No Transfer policy with the noncolonization and nonintervention principles enunciated in Monroe's famous message of 1823.³⁹

38. Adams to Baron Tuyl, October 16 and November 8, 1823, in Perkins, *Monroe Doctrine*, 87-88, 203; Adams to Nelson, April 28, 1823, in Worthington C. Ford, ed., *Writings of John Quincy Adams* (New York: Macmillan Company, 1913-1917), 7: 369-421.

39. Henry Clay to James Brown, October 25, 1825, *ASP: FR*, 5: 856; Dexter Perkins contends that the declarations made by Adams and Clay "clearly indicate a nexus between the no-transfer conception and the Monroe Doctrine," but the statements "do not mark the clear development of a general principle" and that "for a long time to come this principle, either expressly stated or even implied, is absent from the American diplomatic documents." Dexter Perkins, *The Monroe Doctrine, 1867-1907* (Baltimore: Johns Hopkins Press, 1937), 5-6. Some scholars of the Monroe Doctrine include President James K. Polk's messages of December 2, 1845, and April 29, 1848, as another evolutionary step in the No Transfer policy, but Perkins argues that the first of Polk's declarations "awakened comparatively little comment, and the second aroused perhaps the bitterest criticism that has ever been expressed" in connection with the Monroe Doctrine. "Furthermore, it is to be observed, neither the one message nor the other deals with the type of situation most commonly connected with the no-transfer corollary" as neither of the declarations concern the transfer of sovereignty from a European power to another. Perkins, *Monroe Doctrine*, 6. On Polk's corollaries to the Monroe Doctrine, see Dexter Perkins, *The Monroe Doctrine, 1826-1867* (Baltimore: Johns Hopkins Press, 1933), 77-83, 174-78.

Despite these diplomatic utterances, however, the No Transfer principle remained for the next few decades in a rather embryonic status. As one noted scholar declared correctly, it may be stated "with some definiteness that the no-transfer corollary was very far from fully developed in the period before the Civil War." The Republican Party's expansionistic impulse in the years immediately following the Civil War—acquisition of Alaska, negotiations with the Dominican Republic, and efforts to annex Hawaii—finally linked the No Transfer policy of 1811 with the principles outlined in the Monroe Doctrine of 1823. The administration of Andrew Johnson fought the possible transfer of the Danish West Indies to Austria in 1865 based on this reasoning. The United States, declared Secretary of State William H. Seward, "would not desire to see the islands in the hands of any other power," and that "no transfer of colonies in West Indies between European powers can be indifferent to the United States."⁴⁰

But the decisive steps in the evolution of the No Transfer policy directly incorporating the principle into the Monroe Doctrine came during the Grant administration. In response to the outbreak of revolution on Spanish controlled Cuba, Grant declared in his 1869 annual message that "these dependencies are no longer regarded as subject to transfer from one European power to another." Also in 1869, Italy desired to transfer sovereignty of the island of St. Barthelemy to Sweden, a possibility that Secretary of State Hamilton Fish warned against as "adverse to that cardinal policy of the United States" established in the Monroe Doctrine. Another instance instigating the Grant administration to invoke the No Transfer policy arose from U. S. efforts to annex the Dominican Republic in 1869 and 1870 in the wake of rumors that the North German Confederation would take possession of the island, an action which the president himself asserted to be simple "adherence to the 'Monroe Doctrine'." The doctrine promulgated by President Monroe, Grant told congress, "has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power." This was, in the words of the historian Dexter Perkins, "the first statement of the no-transfer concept in unqualified and entirely general terms by any American statesman, most certainly by any American President."⁴¹

40. Perkins, *Monroe Doctrine*, 8-11.

41. *Ibid.*, 11-21. For Grant's message to congress, see Richardson, *Messages and Papers*, 7: 61-63.

The formal wedding of the No Transfer policy to the Monroe Doctrine, however, and thus the official acceptance of both as keystones of U. S. foreign policy, came with the Fish Memorandum of 1870, in which Secretary of State Hamilton Fish, in response to a congressional inquiry about the state of U. S. commercial relations with Latin America, seized the opportunity to elaborate on the history of the Monroe Doctrine and to provide the most "distinct affirmation of the no-transfer concept in general terms." Although the secretary took some liberties with the historical record, employing history as propaganda for promoting U. S. foreign policy, Fish declared that the United States stood "solemnly committed by repeated declarations and repeated acts" to the Monroe Doctrine and "in its application to the affairs of this continent." In his annual message to congress, Fish continued, President Grant, "following the teachings of all our history," stated that "the existing dependencies are no longer regarded as subject to transfer from one European power to another. . . . This is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European governments from this continent and adjacent islands, America should be wholly American." The Madison administration and the authors of the 1811 No Transfer Resolution could not have agreed more.⁴²

In the "most specific and definite language," therefore, Secretary of State Fish connected inextricably the No Transfer principle with those declared in the Monroe Doctrine. A "new landmark" had been passed, conjectured Perkins, and the Fish Memorandum of July 14, 1870, "has an historical importance not to be denied." The pronouncement, moreover, not only incorporated the No Transfer policy into the Monroe Doctrine, but "it is the starting-point for its frequent application" in the decades that followed. Both Grant and Fish were avowed proponents of the Monroe Doctrine, and their immense appreciation for the principles outlined in Monroe's 1823 declaration necessarily and comfortably allowed them to add the No Transfer policy as an essential ingredient of this antebellum hallmark of U. S. foreign policy. In the final analysis, the 1870 Fish Memorandum merely ensconced the 1811 No Transfer

42. Perkins, *Monroe Doctrine*, 21-26. For the Fish Memorandum of 1870, see 41st Cong., 2nd sess., Senate Executive Document No. 112.

Resolution as an integral and explicit foundation of American foreign policy. Samuel Flagg Bemis, the renowned scholar of U. S. diplomatic history, summed it up perfectly when he stated that "like Washington's Farewell Address earlier and the Monroe Doctrine later this was an historic contribution to the formulation of a distinct American foreign policy." The events unfolding in West Florida during the summer and fall of 1810, therefore, proved just as important for the course of American history, and specifically for the development of a distinct American foreign policy, one that continued well into the 20th century. The original Lone Star Republic established the precedent for the addition of other stars to the blue canton of the Stars and Stripes. The Madison administration's reaction to the West Florida revolt in 1810 and the consequent passage of the No Transfer Resolution the following year arguably set the standard for further American territorial acquisition. Manifest Destiny commenced not with Tyler and Polk, but with Jefferson and Madison, and Spanish West Florida, not Texas or Mexico or Oregon, served as the beachhead.⁴³

43. Perkins, *Monroe Doctrine*, 25, 26; Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York: Alfred A. Knopf, 1949), 301. Bemis also asserted that the "No-Transfer Policy, stated in the diplomatic documents ancillary to Monroe's message but not in the message itself, was to become just as important a part of the Monroe Doctrine as the three dicta proclaimed in that celebrated state paper. Older than the Doctrine itself, it lay from the beginning in the same bed with the principles of the message." Bemis, *Adams*, 395. The historian George Dangerfield likewise connected the No Transfer policy directly with the principles of noncolonization and nonintervention espoused in Monroe's 1823 message. George Dangerfield, *The Era of Good Feelings* (New York: Harcourt, Brace, and Co., 1952), 303.