

Louisiana's Unique Conditions and Andrew Jackson's Martial Law Declaration,
1814-1815

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Abstract

Despite two centuries of historical research on the War of 1812 and the Battle of New Orleans specifically, little is known about the martial law declaration of Andrew Jackson and his reasons for taking such dramatic action. The overall perceptions that emerge from the historical record are that either Jackson was a megalomaniacal tyrant and imposed martial law to satisfy a lust for power or that martial law occurred in a natural course of conducting the defense of the city. This study undertakes an exploration of how Louisiana's distinctive circumstances affected Andrew Jackson's decision to declare martial law in New Orleans.

It examines the cultural, political and racial components of Louisiana from its exploration and settlement by European powers through its acquisition by the United States and subsequent indoctrination into republican government before the War of 1812. It then explores the conditions of intrigue, political ineptitude and factionalism Andrew Jackson encountered as conveyed by officials and residents that gave him reasons to doubt the populations' loyalty in defending New Orleans against a massive British invasion. Conditions under martial law and the repercussions of Jackson's decision to keep the city under military control for an extended period following his stunning victory describe his remarkable intransigence and dedication to duty. This study adds important background information to the study of a largely ignored aspect of the Battle of New Orleans and demonstrates legitimate reasons for Jackson's behavior.

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Introduction

Andrew Jackson, as the military commander in charge of defending New Orleans and the entire Gulf Coast region from an inevitable British invasion, declared martial law and kept it in force from December 16, 1814 until March 13, 1815. The actions taken by Jackson at New Orleans in 1814 and 1815 made him a reprehensible figure to some and triumphal hero to others. It depended on the audience. Most Americans saw him as the savior of the country, a mighty warrior, who, with his ragtag force destroyed the cream of the British military, fresh from its conquest of the mighty Napoleon in Europe. On the other hand, some within the state of Louisiana, especially those in the military district of New Orleans, viewed Jackson with disdain. To them he was a despotic ruler who took absolute control of their city and suspended all civil rights. Even after defeating the British, Jackson refused to loosen the restrictive rule of martial law on the city. He fully expected the British to return, because they still had thousands of troops and an armada of warships in the vicinity. Even rumors of a peace treaty did not change his attitude towards preparedness and cautious defense of the region under his command. Historians, in considering the events of the Battle of New Orleans, dutifully recounted the events surrounding the military build up, skirmishes before the fateful battle of July 8, 1815, and subsequent results of the massive victory.

The question remaining, however, is why did he take these actions? What conditions did Jackson encounter that made him choose to impose martial law on the citizens of the American city of New Orleans? The purpose of this study is to show that the conditions Jackson faced, including a medley of cultures with

uncertain loyalty, uncooperative government officials, a defenseless city and intrigue and espionage plotted by the British and their agents, all gave him reasons to doubt the abilities of the citizenry to protect the immensely important location under his jurisdiction.

New Orleans was important because of its strategic military and commercial value. For America, its location on the Mississippi River made it a valuable transport hub and the southern gateway to the main inland transportation and shipping route for the nation. The British viewed New Orleans as a prize, because its large stockpile of valuable goods could make it a southern base of operations for the war. British control of the Mississippi River would prove disastrous for the United States. Linkage with forces in Canada might have prevented American growth westward into the newly acquired lands obtained through the Louisiana Purchase. Additionally, the British might restrict trade along the most valuable inland waterway in North America.

JACKSON IN HISTORY

Historical treatment of Andrew Jackson and his actions began shortly after the Battle of New Orleans catapulted him to fame. He was America's first great post-Revolutionary War military victor, and the most important national hero to emerge from the War of 1812. His command of a ragtag assortment of troops and their complete devastation of a much larger and experienced British force gave Americans pride that they could defend the nation's independence against any foreign aggressor. Jackson's role as the leader and symbol of this new American self-confidence made him a hero for the rest of his life.

For much of the past two hundred years, historians have followed suit writing laudatory accounts of Jackson during the War of 1812. This study's purpose is not to examine Jackson's heroism, but to assess his actions at New Orleans with a more critical eye. Nevertheless, it is essential to understand how previous historians have viewed Jackson's actions.

A French-born architect and engineer named Arsene Lacarriere Latour, who served as Jackson's military engineer, wrote the first account of the Battle of New Orleans in 1815. Although extremely detailed with maps and first person accounts, the book failed commercially. By mid-century interest in the war declined as America found itself involved in sectional battles that by 1861 erupted into civil war. Following that war, renewed interest in the War of 1812 used Latour's forgotten book as primary source material for new studies of the conflict. His account of the New Orleans campaign continued to be the major source of the military actions for historians. This new interest in the battle was brief; it took eighty years to publish the next book on the War of 1812. The sesquicentennial of the War of 1812 during the 1960s revived interest and brought new books, including a reprint of Latour's memoir. During the following fifty years, increased scrutiny of the Battle of New Orleans and its historical relevance to the westward expansion of the country produced many volumes examining the role of African Americans, Louisianans, and battle participants from other states. Despite the new scholarship, Latour's memoir has remained the standard first hand account of the battle. He served directly under Jackson's command, had access to vital documents

and witnessed participants taking part in the conflict. Even in the twenty-first century it remains a vital resource.¹

James Parton wrote a biography of Jackson in 1861 that is still a major reference for contemporary historians. In the introduction to his book, he decided that the contradictions of the complicated Jackson caused him to conclude that he was both “a patriot and a traitor.” Jackson was a superb general, but unskilled in the art of war. He composed eloquent thoughts, yet was unable to construct a sentence and a horrid speller of words. Parton called him a distinguished statesman who never originated a legislative bill. Jackson was the epitome of extreme discipline who also had no qualms about disobeying superiors. Parton believed Jackson was a “democratic autocrat, an urbane savage, an atrocious saint.” He and others of the period, Nationalist historians who believed in the inevitable forward progression of the world into the future, had trouble resolving respect for some of Jackson’s character traits with those they detested. Nationalist historians were eastern highbrow liberal thinkers who believed in human reason to make society better. Parton concluded that Jackson, who described himself as a champion of the common man, was a bundle of contradictions²

By the early twentieth century the Progressive or pro-democratic historians promoted America from the standpoint of protecting traditional values, particularly of the emerging middle class, from the threats of industrialism and increased urban

¹ Arsene Lacarriere Latour, edited by Gene A. Smith, *Historical Memoir of the War in West Florida and Louisiana in 1814-1815, with an Atlas* (Gainesville: University of Florida Press and The Historic New Orleans Collection, 1999), xxxi-xxxvi.

² Charles Grier Sellers, Jr., “Andrew Jackson versus the Historians,” *The Mississippi Valley Historical Review*, Vol. XLIV, No. 4 (March 1958), 615-618.

living. Reinvigorating the concept of effective democracy was aided by using Jackson as the symbol of the can-do attitude typified by Thomas Jefferson to “arouse the people to a sense of their responsibility.” John Spencer Bassett typified scholars of the period, those who saw Jackson as a great man, in spite of his limitations.³

Princeton history professor John Ward’s mid-twentieth century tribute to Jackson claimed he was a symbol for the national pride of the nineteenth century, and especially upheld his victory in an otherwise less than glamorous conflict. During the War of 1812, American morale was at a low point, thanks to this dismal war full of multiple calamities, such as a burned capital, Federalist opposition in the northeastern states, and rumors of massive British invasions along the east coast. Ward argued Jackson represented the young country’s renewed confidence and restored belief in its destiny. His unexpected victory at New Orleans represented the yeoman farmer, hardworking and undisciplined, yet still able to conquer the best troops in the world who had the benefit of extensive training and extreme discipline. Next, God and Nature were on the side of America as represented by the profusion of resources placed there to use as they pleased. Finally, American will, or self-determination, proved them worthy of God’s favors and he rewarded them with the abundance of the continent. Ward called these concepts “Nature, Providence and Will.” He believed these were the foundation of the ideology of early nineteenth century America and that Jackson was its representative.⁴ Ward saw Jackson as a

³ John Spencer Bassett, *The Life of Andrew Jackson, Volume 1* (Garden City, NY: Doubleday Page & Company, 1911), xi.

⁴ John William Ward, *Andrew Jackson: Symbol for an Age* (New York: Galaxy Books, Division of Oxford University Press, 1962), 3-10.

symbol for the ambitions of whites while intentionally excluding blacks and Indians and often disobeying laws in the process.

Robert Remini, a historian who devoted the bulk of his career to studying Jackson, generally believed that propelled by his victory at New Orleans, he was a symbol of the emerging American confidence and independence and waning love for English culture. He argued that Jackson was a masterful politician who over a lifetime of political fights constantly refined his abilities. Remini was a thorough and careful scholar who although he admired Jackson immensely, did not allow his prejudices to bury negative evidence he unearthed. In the first volume of his landmark biography of Jackson, Remini provided significant information on the war in the Gulf region and New Orleans.⁵

On the other hand, Andrew Burstein a contemporary cultural historian teaching at Louisiana State University, disagreed with such positive analyses of Jackson's abilities. Burstein did not believe Jackson was a skilled leader with a dream for America. Instead, he was a vain, power hungry man with an obsessive need to surround himself with blindingly loyal sycophants. "His vanity was corrosive...the American conqueror coveted nothing more and nothing less than dominion over the national household." Burstein thought Jackson's rants outweighed his patriotism, he did not understand the common good, his political pronouncements were irrational, and he was a man of tired expressions and a

⁵ See Robert V. Remini's three volume series on the life of Andrew Jackson, published between 1977 and 1984: *Andrew Jackson: The Course of American Empire, 1767-1821*, *Andrew Jackson: The Course of American Freedom, 1822-1832*, and *Andrew Jackson: The Course of American Democracy, 1833-1845*; Daniel Walker Howe, "The Ages of Jackson," *Claremont Review of Books* 9, no. 2 (Spring 2009), accessed March 25, 2015, <http://www.claremont.org/article/the-ages-of-jackson/#.VSKXsWbVSGc>.

ordinary intellect with a glamorous surface. Finally, he saw Jackson as a historically artificial hero, an almost cartoonish figure such as Davy Crockett and Daniel Boone.⁶ Burstein counterbalanced the many reverential histories of Jackson, presenting him as a man willing to disobey laws, vengeful and able to sacrifice friendships and ruling using fear as a motivation for obtaining desired results.

H.W. Brands, currently a University of Texas historian, wrote that Jackson was a lover of democracy and hero to the common man who loved him, because he was one of them and represented their interests better than anyone who came before. His story was based on a continual struggle for survival, preservation of the union and maintenance of his beloved democracy. Jackson represented the United States in all of its dignity, ambitions, principles and its imperfections.⁷ Brands did not deify Jackson and urged Americans to keep all presidents and elected government officials from becoming cult figures of idolization.

Despite the multiple volumes on Jackson and the War of 1812, very little scholarly attention has focused on Jackson's decision to impose martial law in New Orleans. Many historians have treated the Battle of New Orleans in particular as a needless fight, conducted after the conclusion of the peace treaty with Britain on December 24, 1814.⁸ Since the peace talks took place in Belgium, the time delay in news reaching America was a product of ocean going ships as opposed to today's

⁶ Andrew Burstein, *The Passions of Andrew Jackson*, (New York: Alfred A. Knopf, 2003), 231, 233, 237, 240.

⁷ Jonathan M. Atkins, "Review of *Andrew Jackson: His Life and Times*, by H.W. Brands," (New York: Doubleday, 2005), *The Georgia Historical Quarterly* 91, No. 2 (Summer 2007): 222-224, accessed March 22, 2015, <http://www.jstor.org/stable/40585001>.

⁸ J.C.A. Stagg and Donald Hickey, both leading scholars of the War of 1812, have said little about Andrew Jackson and martial law. See Stagg's *War of 1812: Conflict for a Continent* (New York: Cambridge University Press, 2012,) and *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830* (Princeton, N.J.: Princeton University Press, 1983). Also see Hickey's *The War of 1812: A Forgotten Conflict, Bicentennial ed.* (Urbana: University of Illinois Press, 2012,) and *Don't Give Up the Ship!: Myths of the War of 1812* (Urbana: University of Illinois Press, 2006.)

instant communication. Furthermore, the treaty required ratification by the United States Senate, which did not occur until February 16, 1815. Only then were provisions binding. Finally, news of ratification did not reach Jackson in New Orleans until March 13, nine weeks following the climactic battle of January 8. Both armies in the conflict at New Orleans had no idea that peace had already been declared. Some recent historians believed British intentions were more sinister, such as taking full control of the Mississippi Valley and effectively abolishing the Louisiana Purchase regardless of the treaty.⁹

Similarly, few historians provide much detail of the situation in New Orleans preceding the battle, its cultural mishmash or its divided citizenry. Jackson's reasons for taking the unique step of imposing martial law failed to spark enough scholarly interest to pursue the story. Parton's 1861 biography offered the best surviving narrative from personal accounts, but little more than pieces of the story were addressed by subsequent authors. Legal scholars pondered martial law and its effects. However, in 2006 Matthew Warshauer, a historian based at Central Connecticut University, penned a study that provided some details of the imposition, effects and post-battle results of martial law. He spent the majority of his book relating Jackson's fight during the 1840s to have his contempt of court fine rescinded and his name cleared. It is an effective contemporary treatment of the

⁹ Ronald J. Drez, *The War of 1812, Conflict and Deception: The British Attempt to Seize New Orleans and Nullify the Louisiana Purchase* (Baton Rouge: LSU Press, 2014), 15, 204, 307-308;

subject.¹⁰ Since Warshauer's book, no others have focused on Jackson's imposition of martial law.

This study offers a more complete analysis of Andrew Jackson's motivations for mandating martial law in New Orleans. It examines development of the very distinctive Louisiana culture with which Jackson clashed. Only in New Orleans and Louisiana would a military commander be required to negotiate a convoluted jumble of political, commercial, ethnic, and racial tensions, while at the same time attempt to defend against and ultimately defeat the best army in the world. By examining the particular culture of New Orleans and Louisiana and its effects on Jackson's decision making we can understand why he took the actions described by historians.

Jackson was not megalomaniacal in his actions. He carefully weighed the legal ramifications with his aides. Information concerning the circumstances of distrust, poor morale, and ineffectual government assailed him before he arrived on the scene. When he personally assessed the conditions, and witnessed the difficulties, he realized that he required drastic measures. His orders were direct: protect the city and Mississippi River waterway from British takeover. Jackson's sense of duty overrode all compassion for the feelings of the locals. At New Orleans Jackson believed that the military could undermine civil liberties if the action was essential to the country's survival. He assessed his situation as either the life or death of the republic. Martial law conflicted with the Constitution's protection of liberty, the political ideology that shaped the colonies' fight from under British

¹⁰ Matthew Warshauer, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties and Partisanship* (Knoxville, The University of Tennessee Press, 2006).

domination. It also was at odds with American fear of governmental and military power, coming only a few decades after the war for independence. Nevertheless, Jackson boldly took the fateful step to remove civilian control, put the region under his jurisdiction as an armed military camp, successfully defended the city, and then destroyed the best of Britain's military.

CHAPTER OUTLINE

A discussion of Louisiana's settlement and development of its cultural assortment will begin the analysis in Chapter 1. After an initial half-hearted attempt by Spain to exploit the region's potential riches during the 1500s, that nation abandoned the region due to hostile climate, wildlife, and its lowland. After nearly one hundred years of the territory's abandonment by Europeans, French King Louis XIV, encouraged exploration of the Mississippi River. He sought to increase the size of his empire but also aimed to stop British and Spanish expansion in North America. By 1682, explorers reached the mouth of the Mississippi River, claiming it and all territories it drained for France, naming it "Louisiane" or "Land of Louis." Continued settlement followed at a very slow pace. No single culture dominated the region as whites, Indians, and Africans interacted within a three-way exchange.

Next, Chapter 2 will discuss New Orleans' strategic military and trade importance and the cultural and political conditions Jackson found on his arrival. The city became the center of regional trade activity. Agricultural goods from producers west of the Allegheny Mountains flowed into the city along the many water routes in the area. Sugarcane and cotton plantations in the region shipped their products to New Orleans. Transshipment eventually made New Orleans the

second most active port in the country, next to New York. The city also became a manufacturing center, as its remote location made the obtaining of necessary goods and services very difficult. Early manufacturing relied on basic industries such as iron foundries and machinery repair facilities. After the Spanish took control of Louisiana in 1769, many saw the strategic location of New Orleans as being integral to control of southern North America's fortunes. France's dictator Napoleon Bonaparte wanted to reinstate French power in North America and schemed to take back Louisiana from Spain. In 1800, he signed a treaty with Spain and obtained the entire Louisiana territory. However, conditions in the West Indies and war with Britain necessitated the need for Napoleon to raise funds. Thomas Jefferson and the United States were more than eager to accommodate him and purchased Louisiana in 1803. The United States wanted Louisiana, and particularly New Orleans, to guarantee its right to sail ships and boats down the Mississippi River from regions in the western territory of the country. Once goods reached the port city, their easy transshipment to the Atlantic coast and Europe made the port attractive. More importantly, however, control of the Mississippi River and its adjoining territory meant control of westward expansion of the United States. Jefferson knew this, and so did the British, who still controlled forts and influenced Indians in the western lands.

Finally, Chapter 3 reviews Jackson's actions concerning his imposition of martial law over a civilian population and its consequences at the time in New Orleans. Jackson was a suspicious man, with extreme love for his country and hatred of anything British. Whether it came from his difficult youth, when orphaned at a

young age and abused by the British during the Revolutionary War, or simply from his own complicated personality, historians find him a contradiction to this day. Anyone who opposed him, even on trivial issues, was a scoundrel or backstabber. He had no ability for self-effacing humor and challenged friends to duels if he thought he was subject to pranks. Even before Jackson's arrival at New Orleans, he anticipated British spies infecting the population and heard from the new state's governor of widespread dissension in government and the populace. This information fed Jackson's paranoia. After contentious talks with government officials and city leaders he decided to impose military control over the city, curtail most civil liberties and concentrate his power in dictatorial fashion. For Jackson, the ends justified the means, and he truly believed his actions served the best interests of the republic. His orders were to hold the city of New Orleans at all costs, and in his mind, by whatever actions were required. His temporary revocation of civil liberties later gave his political opponents reason to fear him. However, at the time, most viewed Jackson's actions as reasonable application of the broad concept of "necessity." The extraordinary emergency presented in New Orleans required martial law in order to pull together resources and centralize decision making. Fortunately for the United States, Jackson made the right choice, as a stunning victory followed directly resulting from Jackson's conversion of the city into a military camp.

Chapter 1— The Development of Louisiana Culture

The Louisiana Andrew Jackson and the British Army encountered during the War of 1812 had a unique history. Multiple influences, beginning hundreds years previously shaped the city's culture. The first explorations of the Mississippi River territory began during the early sixteenth century when Spaniards first ventured into the area. In 1542, Hernando de Soto led an overland expedition across Florida that confirmed discovery of the Mississippi River. The Spaniards found a disagreeable climate, dangerous creatures, treacherous geography and native Indians hostile to their intrusions. The deaths of many members of the exploring party and the generally adverse conditions prompted the Spanish to abandon plans for settlement and searching for riches such as gold and silver.

Negative reports of the territory resulted in European countries ignoring Louisiana for nearly one hundred and fifty years. Although the Spanish skirted the Gulf coast searching for treasure and Catholic missionaries joined explorers in attempts to bring Christianity to Indians, their efforts concentrated east of present day Louisiana on the Gulf coast of Florida near Tampa Bay. Disease, hurricanes and skirmishes with the natives forced abandonment of settlements by all but stragglers, leaving no discernable European presence.¹

The French concentrated their settlement of North America much farther north, in the St. Lawrence River area. Pope Clement VII gave Portugal and Spain

¹ Alcee Fortier, *A History of Louisiana: Volume I, Early Explorers and the Domination of the French 1512-1768* (New York: Manzi, Joyant & Co., 1904), 3-10; Kimberly S. Hanger, "A Medley of Cultures: Louisiana History at the Cabildo," Louisiana State Museum Publications, accessed September, 10, 2014, http://www.crt.state.la.us/Assets/Museum/publications/A_Medley_Of_Cultures.pdf.

exclusive rights to claim the New World in his papal bull of 1493. However, King Francis I of France convinced him to allow the French monarchy to settle lands that Portugal and Spain did not claim. In 1534, Jacques Cartier began an expedition in the Gulf of St. Lawrence, in present-day Canada, intent on finding a route to the Pacific and its supposed mineral wealth, comparable to that found in South America.² After several unsuccessful missions to find the promised wealth, Cartier returned to France. Beginning in the early seventeenth century, subsequent explorers established fur-trading bases along the St. Lawrence River, but wars with Algonquin and Iroquois Indian tribes left the struggling colony of New France very unstable. After a great deal of French investment in the colony, English privateers plundered their shipping and frustrated the continued settlement. Quebec subsequently was given to the British in 1629. A few years later, Samuel Champlain returned, and helped by the Catholic Church, re-established Quebec. By the end of the seventeenth century, it became a substantial commercial, government and religious center with Montreal as its centerpiece.

The Jesuit priests of New France were deeply involved with exploration and evangelizing throughout the Great Lakes region. Fur traders also proved to be important characters in settlement of the region, often serving as translators and intermediaries between priests and Indians. Native Indians proved important in the exploration of the Mississippi River and eventually the settlement of a permanent

² Francois Xavier Martin, *The History of Louisiana from the Earliest Period, Volume I* (New Orleans: Lyman and Beardslee, 1827), 1-8; Michael T. Pasquier, "Early Exploration." In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010, article published May 16, 2011, accessed April 12, 2014, <http://www.knowla.org/entry/491/>.

colony in the southern part of Louisiana. The symbiotic relationship between the groups allowed mostly peaceful coexistence as compared with oppressive domination practiced in other colonial situations.

By the latter part of the seventeenth century, the Jesuits sought to expand their knowledge of unknown areas of North America. Explorer priests Jacques Marquette and Louis Joliet made their way through the upper Great Lakes, through the Straits of Mackinac and down the Fox and Wisconsin Rivers to the Mississippi. They traveled down the river to its juncture with the Arkansas River, near the current Louisiana-Arkansas border. Indians there told them of Spanish settlers to the south. Marquette and Joliet were sure the Mississippi River eventually reached the Gulf of Mexico and not the Pacific Ocean, as some believed. Returning north to the Illinois Country, the explorers had set the stage for further discoveries to come.³

The French government recognized the value of the Mississippi River Valley to their fortunes in North America. The huge territory called the Illinois Country ranged from the eastern Allegheny Mountains to the Rocky Mountains in the west and from present day Peoria to Marquette's terminus at the Arkansas River in the south. The former priest Robert Cavalier de la Salle, after unsuccessfully fur trading in the northern country of Illinois, decided in 1678 to head south along the Mississippi River in search of more productive gaming grounds. La Salle and his

³ Ibid; Fortier, *A History of Louisiana, Volume I*, 11-17.

expedition reached the mouth of the Mississippi at the Gulf of Mexico in 1687. He claimed it for King Louis XIV and named it “Louisiane.”⁴

Disgruntled expedition members murdered La Salle in March of 1687, and soon abandoned his short-lived settlement. France became involved in another European war shortly thereafter that postponed any further attempts to explore and colonize Louisiana until 1699. An explorer named Pierre Lemoyne de Iberville returned and sailed up the Mississippi as far as Baton Rouge, returning to the Gulf via lakes north of present day New Orleans. Iberville believed the Mississippi River was not navigable and concentrated on developing French outposts along the Gulf Coast. It took almost two more decades for permanent settlement of the lower Mississippi River to occur.⁵

The French crown, preoccupied with a Spanish war, did not support Louisiana settlement during the early 1700s. Lacking this support, Iberville and his investors could not implement conventional French mercantilist policy of extracting resources such as furs, minerals, and cash crops from colonial territories. Instead, they developed alliances with native tribes and created a local and regionally network-based frontier exchange economy. By 1708, the census recorded 339 residents within the colony, roughly half of them being Native American slaves.⁶

⁴ J. Michael Bunn and Clay Williams, “A Failed Enterprise: The French Colonial Period in Mississippi,” *Mississippi History Now*, Mississippi Historical Society, accessed July 17, 2014, <http://mshistorynow.mdah.state.ms.us/articles/35/french-colonial-period-in-mississippi>.

⁵ Lawrence N. Powell, *The Accidental City: Improvising New Orleans* (Cambridge, MA: Harvard University Press, 2012), 11-17, 20-23; Hanger, *A Medley of Cultures*.

⁶ Ned Sublette, *The World That Made New Orleans* (Chicago: Lawrence Hill Books, 2008), 36-38.

Antoine Crozat, King Louis XIV's finance minister, received from him a commercial monopoly over Louisiana in 1712. Crozat attempted to bring Canadian-style French government to the colony by dividing military and civilian affairs as well as creating a separate court called the Superior Council. Although Louisiana technically fell under French-Canadian governmental and religious authority, it actually operated independently. Europeans more than doubled in population, from 200 to 500 during Crozat's rule. Trade remained the major economic engine for Louisiana. Unsuccessful cultivation of cash crops such as indigo and silk along with poor results from attempted trade with Spanish and French Caribbean posts created hardships for residents. Farther up the river, establishment of trading posts and mining provided some relief. The colony did not prosper according to Crozat's expectations. By 1717, Crozat determined his financial losses to be unsustainable, and he asked the king to release him from his obligations in Louisiana. France, concerned about re-entering a financial black hole, granted a Scotsman named John Law, a twenty-five year commercial monopoly, and he took control of all commercial affairs in Louisiana. Law was a prosperous investment banker, who in 1716 had his private bank chartered as the Royal Bank of France. Law created a scheme to use the bank's deposits and issuance of stock in his new Company of the West to pay down colonial debt in Louisiana. Law's investments caused much change in the organization and composition of the colony. New Orleans became the capital in 1718. At that time the city was a small collection of shacks described as being wild,

rogue and even savage as Enlightenment ideals of social order did not translate to a city comprised mainly of roughneck pioneers.⁷

Law's land operation granted large tracts to wealthy Frenchmen along the river outside of New Orleans. Trading expanded and smuggling grew in efforts to escape French mercantilist taxes imposed by the king. A growing labor force, mostly comprised of farmhands, indentures, criminals, poorly trained soldiers and prostitutes grew Louisiana's population to roughly 5,000 by 1721. However, disease and abandonment reduced the population to 2,000 by the end of the 1720s.

Roman Catholic priests and nuns added to the colony's improvement throughout the eighteenth century. The church remained a major cultural influence in Louisiana throughout its history.⁸ Jesuit priests converted Indians to Christianity through missions established throughout the territory. Others served as chaplains for the European settlers. Often the two Catholic sects, Jesuits and Capuchins clashed over lay-clerical issues. The first priests and nuns in the colony remained busy with everyday religious duties and developed plantations staffed by slaves they owned. Many clergy arrived with little funds and quickly realized that joining the planter class allowed them to generate the money needed to support their ministries. Louisiana clergy became major land and slave owners and dutifully

⁷ "Louisiana: European Explorations and the Louisiana Purchase, pp. 15-18," Library of Congress, Collection: Louisiana as a French Colony, accessed February 23, 2015, www.loc.gov/collections/static/louisiana-european-explorations-and-the-louisiana-purchase/images/lapurchase.pdf; Michael T. Pasquier, "French Colonial Louisiana," In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010, article published August 4, 2011, accessed April 12, 2014, <http://knowla.org/entry/534/&view=article>.

⁸ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: The Belknap Press of Harvard University Press, 1998), 77-80.

reported the slave trade's advantages to their French superiors.⁹ French missionaries saw their civilization unravel as new immigrants chose to mingle with Indians in the territory. They worried about the colony becoming a place of "half breeds who are natural idlers, libertines, and more rascally than those of Peru."¹⁰

Undoubtedly, the most important demographic shift occurred with the forced importation of nearly 6,000 enslaved Africans during the 1720s. Two-thirds came from the Senegambian region of West Africa. Elites believed they could turn the fortunes of Louisiana by developing a tobacco-based plantation economy to rival the Chesapeake region. Enslaved men and women arrived with cultivation knowledge of rice, indigo, cotton, and corn, but not tobacco. Africans also brought skills associated with craftsmanship, all needed to develop a new colony in North America. Slaves interacted with Native Americans frequently and intimately, thereby destabilizing intentions of the French masters to control the thoughts and actions of their human property. Ultimately in 1724, the French imposed the *Code Noir*, or Black Code, with hope that Louisiana's regulation of slave activities would equal that in other French Caribbean colonies. The regulatory attempts had mixed results as many slaves took advantage of Louisiana's unique topography, running away and forming fugitive communities called *le marronage* or maroons. There they established their own economies, intermixed with natives and plotted ways to rebel against white

⁹ Thomas N. Ingersoll, *Mammon and Manon in Early New Orleans: The First Slave Society in the Deep South, 1718-1819* (Knoxville: University of Tennessee Press, 1999), 109-111.

¹⁰ Berlin, *Many Thousands Gone*, 77-80; Maura Jane Farrelly, "Catholicism in the Early South," *Journal of Southern Religion* 14 (2012), accessed February 13, 2015, [www.http://jsr.fsu.edu/issues/vol14/farrelly.html](http://jsr.fsu.edu/issues/vol14/farrelly.html).

dominance.¹¹ From the 1724 introduction of the *Code Noir*, and continuing into the early 1800s, fugitive slaves thrived in Louisiana's swamps and islands. There, undeterred by threats of mutilation and death resulting from their capture, these people carved out lives in freedom either on their own or in communities.¹²

African slaves constituted a two-thirds majority of Louisiana's total population by 1732. Most slaves lived and worked on large plantations along the Mississippi River north of New Orleans. This large proportion, sixty-seven percent, compares with twelve percent only six years earlier. The growth of the Afro-Creole culture and population continued until those of African descent born in colonial Louisiana made up greater than one-half of the total population by the end of French rule in 1769.

During the 1720s, however, growth of the colony was limited. British encroachment on the fur trade in the areas of Alabama and Mississippi, French wars with native tribes, and unsuccessful forays into tobacco cultivation hindered economic expansion. Although the plantation owners were poised for growth, the greatest limiting factor to growth was the Natchez Revolt of 1729. After obtaining intelligence from some slaves, Indians of the Natchez tribe ambushed and killed more than ten percent of Louisiana's white population and captured over two hundred slaves. The French Crown then took control of the colony and French soldiers spent most of the next decade carrying out operations against the Natchez

¹¹ Powell, *The Accidental City*, 70-75; "Slavery in French Colonial Louisiana," *KnowLA: The Encyclopedia of Louisiana History, Culture and Community*, accessed April 12, 2014, <http://knowla.org/entry/1424>.

¹² Silvine A. Diof, *Slavery's Exiles: The Story of the American Maroons* (New York: New York University Press, 2014), 32-33.

and Chickasaw tribes. Two primary military objectives were the extermination of the Natchez people and punishment of the Chickasaw for trading with the British. Meanwhile, the promising plantation economy withered and African slave importation ceased. Until Spain reopened the slave trade in the 1770s, only one slave ship arrived in New Orleans. Without a profitable cash crop such as tobacco or rice to generate substantial profits, the Lower Mississippi Valley changed from a society built around slavery into a society with slaves as incidental members of the workforce.¹³ (See Appendix Map 1.)

The work force model changed after the Natchez Rebellion, and many slaves found a way out of slavery. Planters relaxed their demands on their slaves concerning plantation labor and allowed them to profit from their own gardens and handiwork. Slaveholders also improved living conditions for slaves by replacing crowded barracks style housing with huts and outbuildings, giving a village feel to their quarters. They treated enslaved women, especially those in pregnancy, with more compassion in order to allow pregnancies to run their course and increase their holdings. Slaves were encouraged to marry and carry on family lives.¹⁴

By the 1740s, natural increase accounted for a majority in the “creole” or native Louisiana born blacks over those imported from Africa. This only occurred because planters did not have a major cash crop to exploit and slaves to work to death. Tobacco continued its production, but the quality was inferior to that grown in other colonies such as Virginia. Rice and indigo production did somewhat better,

¹³ Ira Berlin, *Generations of Captivity: A History of African-American Slavery* (Cambridge, MA: The Belknap Press of Harvard University Press, 2003), 88-89; David J. Libby, *Slavery and Frontier Mississippi, 1720-1835* (Oxford: University Press of Mississippi, 2004), 10-13.

¹⁴ Berlin, *Generations of Captivity*, 88-89.

but again those products could not compete with Carolina Low Country quality or prices. As a result, fewer slaves were needed, and by 1763, twenty-five percent of all blacks, freed and enslaved, lived in or surrounding New Orleans. This contrasted with the plantation based economies of the Tidewater and Low Country. In those areas, more blacks lived on rural plantations outside of metropolitan areas.¹⁵

By the 1730s, enslaved Africans comprised sixty-five percent of Louisiana's population. However, free persons of color, those mixed race Louisianans, also called creoles, formed a substantial part of society. These creoles of color situated themselves between whites and enslaved blacks. Creoles owned property, had businesses, owned slaves, were better educated in many cases than whites and held social standing. The three-tiered social order of Louisiana: white, free blacks/creoles and the enslaved was unique among slave societies of the South. Other southern colonies had a hard and fast biracial structure, with less significant rights for mixed race/free blacks. As time went on, Louisiana became a firmly entrenched southern slave society. However, this unique social order, with free blacks occupying in some cases elite status persisted through the early years of the nineteenth century. In addition to property ownership, including other slaves, free blacks had further privileges such as membership in the protective military militias. This provided them with a sense of identity with the government. On the other hand, most whites were apprehensive when it came to arming blacks of any status. Fear and distrust by whites remained constant throughout the colonial period.¹⁶

¹⁵ Berlin, *Generations of Captivity*, 42-43; Berlin, *Many Thousands Gone*, 195-199.

¹⁶ Nathalie Dessens, "Re-Writing Race in Early American New Orleans," *Miranda* [Online], 5/2011, Online since 01 December 2011, accessed September 27, 2014, <http://www.miranda.revues.org/2296>;

French colonial economic development evolved slowly. Wars with Indians in the Illinois Country as well as British interference with the fur trade east of Louisiana, lessened French influence with the Indians. Following the war with the Natchez Indians, French officials encouraged cultivation of tobacco, which met with little success, as well as trade with other French outposts. Bad weather, including a major hurricane, and currency manipulation resulted in many settlers leaving Louisiana and a net population loss by the mid-1740s.¹⁷

However, conditions improved after a change in Louisiana governmental leadership in 1742. Population increases and economic prosperity transpired after planters switched from tobacco to the more profitable indigo. Cash crops and lumber products served to bolster trade with an increasing number of ports. More people came to the territory as the economy provided more prospects for success. During the early 1750s, France's King Louis XV sent a new governor to initiate better relations with the Indians. As the British continued to assert their influence in southern North America, France knew its only hope of stopping British progress was through alliances with Indian tribes such as the Choctaw, Creek and Cherokee. Following the French and Indian War (1754-1763), France lost all territories west of the Mississippi River to Spain and to the east to the British, via the treaty of 1763 ending the war.¹⁸ Louisiana fell under Spanish control. Louis XV's decision to give up

Emily Epstein Landau, *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans* (Baton Rouge: Louisiana University Press, 2013), 4-5.

¹⁷ Michael T. Pasquier, "French Colonial Louisiana," In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010, article published August 4, 2011, accessed September 27, 2014, <http://www.knowla.org/entry/534/&view=article>; Gilbert C. Din, *Spaniards, Planters and Slaves: The Spanish Regulation of Slavery in Louisiana, 1763-1803* (College Station: Texas A&M University Press, 1999), 3-5.

¹⁸ Hanger, *A Medley of Cultures*.

Louisiana to Spain had two outcomes. First, the territory never produced the wealth the crown had expected and abandoning it removed further economic commitments. In addition, France wished to strengthen its ties with Spain, and the Mississippi River now served to check further British expansion westward into Spanish held territories.

As with governance by France, Spanish rule was typically European. Monarchs ruled with unconditional power and in a protective fashion. Appointed representatives ruled in the monarch's stead in the colonies. These usually consisted of a governor or commissioner, a number of regional post commanders and a council. Local landowners had no vote regarding selecting representatives to royal councils but could elect members to local town councils. The representatives of the royal monarch were expected to listen to diverse points of view and rule in the best interests of all the subjects.¹⁹

During the initial years of Spanish governance, elite French Louisianans and free blacks continued to influence their rulers. The Spanish crown's administrators in Louisiana received ample funds to govern efficiently and were themselves successful in understanding the culture of the French-speaking Creole population. This led to the results the French authorities never achieved—an established and growing colony even during the turmoil of American and French revolutions.

The Spanish colonial period, 1763-1802, saw dramatic expansion of Louisiana's plantation economy as cotton and sugar became major cash crops. The labor-intensive nature of those cultivations led to a major increase in the number of

¹⁹ Pasquier, "French Colonial Louisiana;" "Louisiana: European Explorations," from the Library of Congress, 37-40.

African slaves imported into the colony. Concurrently, the Spanish crown realized a labor shortage in Louisiana and saw the advantage of encouraging a free black middle class to fill defense roles, provide needed merchant services and give slaves hope of their own freedom in order to lower tensions among the slave population. Spain's policy of manumission of slaves allowed the expansion of the free black class. New Orleans transformed from a small, shabby settlement into a center for business and culture as trade connections along the Mississippi and throughout the Gulf and Atlantic dramatically increased.²⁰ It also served as a military post, along with the rest of Louisiana, that protected western Mexican mines from the expansionist Britain, who controlled territory as far west as the Mississippi River.

Second generation white native-born creoles began to exert their influence and desire to be free from European rulers. The term "creole" by the Spanish colonial period meant any people – free or enslaved – of any color, native-born as opposed to those from the Old World. These creoles challenged Spanish dominance in 1768 with a rebellion that ended in rapid fashion. The Spanish governor revised some French laws, ended Indian slavery, divided the territory into parishes, changed the nation's colonial seat of power to Havana, Cuba, created a combined judicial and

²⁰ Lo Faber and Charles Chamberlain, "Spanish Colonial Louisiana," In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010, article published February 7, 2014, accessed September 27, 2014, <http://www.knowla.org/entry/773/&view=article>; Kimberly S. Hanger, "Patronage, Property and Persistence: The Emergence of a Free Black Elite in Spanish New Orleans," in Jane G. Landers, ed., *Against the Odds: Free Blacks in the Slave Societies of the Americas* (Portland, OR: Frank Cass & Co. Ltd., 2013), 44-47.

government authority with seats elite members of society could purchase and generally embraced the creole class.²¹

Rule under the Spanish meant greater independence for the residents. The new combined form of governance, the *Cabildo*, dominated by creoles, offered significant freedom to craft local legislation and regulations. This freed the Spanish administrators to concentrate on military and tax issues. There was no language barrier, as all locally based officials spoke French and did not require conversion to their native tongue. By the mid-1790s, New Orleans and the area of the southern Mississippi River became the population centers of Louisiana.²²

Because of these measures and increased trade, the population grew, mostly through immigration. French-Canadians called Acadians, expelled by the British from Canada, came in large numbers between 1765 and 1785, and settled in the bayous and areas south and west of New Orleans. They brought unique cultural and food traditions and passed them on to their descendants, known as Cajuns. Spain encouraged other groups to colonize undeveloped areas, and groups from the Canary Islands and Spain settled western areas of the territory. Americans, hungry for land and freedom, flocked to Louisiana. Pioneer settlers as well as city merchants and Atlantic traders arrived in large numbers. Furthermore, the revolution in St. Domingue (Haiti) (1791-1804) brought thousands of refugees, black and white to the colony after the victorious black rebels established an independent republic on the island.²³

²¹ Faber and Chamberlain, "Spanish Colonial Louisiana."

²² Powell, *The Accidental City*, 166-170;

²³ Faber and Chamberlain, "Spanish Colonial Louisiana."

An increase in the number of American merchants in New Orleans also proved to be a harbinger of things to come. As the eastern half of North America entered a struggle for freedom from British colonial rule in 1776, all manner of traders, shippers, agents and finance men descended on New Orleans. Representatives of shipping companies all along the eastern seaboard realized the potential of the Mississippi River, and New Orleans' strategic position at its mouth as the city grew in importance as a trading center. These merchants were the first to introduce a far-reaching market economy to Louisiana. As they fashioned new financial instruments, made new markets and created capital, this group was the first wave of people to eventually dominate the Louisiana economy. This introduction to merchant capitalism was the beginning of movement toward the American sphere of influence; from this there was no looking back.²⁴

Meanwhile, tobacco expanded its role in the Louisiana economy. By the 1780s it became recognized as the best quality in the South. Creole planters needed additional laborers, and Caribbean slave traders were happy to supply them. A concomitant increase in slave imports during the 1770s and 1780s changed the economy and culture of Louisiana. Slave imports during Spanish rule increased ten times to twenty-nine thousand, compared with imports during the French occupation. All were African, brought from Jamaica, and their cultural influence was evident throughout Louisiana. Their language, music and cooking brought distinctly foreign attributes to the colony. Spanish slave laws fostered a somewhat lenient treatment of slaves. The enslaved were permitted to gather in public spaces, bring

²⁴ Powell, *The Accidental City*, 194-195.

legal complaints against their owners for mistreatment, and could take advantage of a self-purchase system – permitting slaves to buy their freedom., Unlike the slave societies of the Chesapeake and Carolinas, all permitted slaves some measure of self-determination or agency within the institution of slavery. Manumissions increased following a series of fires that devastated New Orleans as officials short of labor hired slaves for construction work, thus providing them with the means to buy their freedom.²⁵

Before the American War for Independence ended, Spain saw Anglo settlers migrating westward. Both Spain and the fledgling United States argued over navigation rights on the Mississippi River. Spain’s colonial presence was boxed in as Americans moved westward and into West Florida, that comprises much of present day Alabama and Mississippi to the east of Louisiana. Finally, Spain reached the dual conclusions that United States expansion was unstoppable and that Louisiana was not providing enough economic incentive to remain a crown possession. In 1795, the Treaty of San Lorenzo or Pinckney’s Treaty gave the U.S. unimpeded navigation rights on the Mississippi to the Gulf of Mexico, duty free dockage at New Orleans, and settled its southern boundary with Spanish territory. The agreement set the groundwork for major American expansion to the west. As a result, Spanish influence declined as it lost control of territory possessions in eastern North America.²⁶ (See Appendix Map 2.)

²⁵ Faber and Chamberlain, “Spanish Colonial Louisiana;” Berlin, *Many Thousands Gone*, 210-214.

²³ “Louisiana: European Exploration and the Louisiana Purchase – Louisiana as a Spanish Colony,” 48-53, *The Library of Congress: American Memory*, accessed September 26, 2014, <http://www.memory.loc.gov/ammem/collections/maps/lapurchase/essay4.html>.

Republican impulses spread throughout the New World following the American Revolution. The Caribbean was no exception, and an independent black republic resulted from the revolution in St. Domingue beginning in 1791. The population exodus that resulted from the turmoil brought thousands of black and French elite refugees to Louisiana. Their entrance into the territory brought deep changes to politics, culture and race.²⁷ The St. Domingue Revolution decimated that island's sugar industry. Louisiana planters abandoned indigo for sugar and cotton to make up the deficit, and expansion of trade with America led to greater economic growth. Meanwhile Spain, ruled by a weak monarch, came under the influence of France's representative, Napoleon Bonaparte. In 1800, he convinced them to turn Louisiana back over to France, and negotiated the secret Treaty of San Ildefonso between Spain and France. Napoleon planned for Louisiana to serve as the lumber and food producer for a reinvigorated St. Domingue sugar economy. In addition, he envisioned extending a colonial empire from the West Indies to the Mississippi Valley. Word reached Washington, where President Thomas Jefferson reacted with fear at the thought of a tyrant as neighbor. In writing to W.C.C. Claiborne, governor of the Mississippi Territory, he argued that Spanish "...possession of the adjacent country as most favorable to our interests, & should see, with extreme pain any other nation substituted for them. Should France get possession of that country, it

²⁷ "Haitian Immigration: Eighteenth and Nineteenth Centuries," *Schomburg Center for Research in Black Culture, The African-American Migration Experience*, accessed February 22, 2015, <http://www.inmotionaame.org/migrations/topic.cfm?migration=5&topic=3&tab=image>.

will be more to be lamented than remedied by us..."²⁸ Jefferson prepared for potential dealings with the French, while Britain and France prepared for war. The thought of an alliance with Britain against France repulsed Jefferson, so he and Secretary of State James Madison began discussions to somehow stop France from fulfilling its plans.

In 1802, Spain, who still ruled Louisiana, as the treaty with France had not gone into effect, restricted American shipping access to the port of New Orleans, claiming non-payment of past duties. The United States did not take this act lightly. Jefferson's representatives informed Spain that the U.S. would never give up its rights of navigation, and would use force to maintain it. Jefferson, in the interim, made overtures to France regarding purchasing New Orleans and the Floridas; never did he envision obtaining the entire Louisiana Territory that included the entire Mississippi River, its tributaries and doubled the land area of the country. Meanwhile, Napoleon had difficulty in St. Domingue with malarial fevers overtaking his men and with stopping the continued slave uprisings. With a British war forthcoming, France could use money to support its efforts. Napoleon decided to sell the entire Louisiana Territory to the United States.²⁹ (See Appendix Map 3.)

Louisiana became a United States possession in December of 1803. The territory more than doubled the size of the country and encompassed the area of fifteen future states. However, much of the territory was vast area of unexplored grasslands and thus barely populated. The key to the Louisiana Purchase was New

²⁸ Thomas Jefferson to William C.C. Claiborne, Washington City, July 13, 1801, "Thomas Jefferson Papers," *The Library of Congress: American Memory*, accessed January 4, 2015, http://www.memory.loc.gov/ammem/collections/jefferson_papers.

²⁹ "Louisiana: European Exploration and the Louisiana Purchase," 54-61.

Orleans.³⁰ Its place as a major center of trade was secure, and continued growth and importance to the United States was a given. However, what did the inhabitants think about the acquisition and what did United States officials think of Louisianans?

Anglo-Americans were ecstatic, slaves and Indians were apathetic and Spanish officials were angry at France's duplicity in violating the treaty. Selling Louisiana to the expansionist United States threatened Spanish possessions in Florida and Mexico. On the other hand, the United States government did not see Louisianans as qualified for citizenship or self-government. Jefferson's secretary of the Treasury, Albert Gallatin, classified Louisianans as being "...but one degree above the French West Indians, than whom a more ignorant and depraved race of civilized men did not exist."³¹ Once handover of control to the United States occurred, Jefferson's administration hurriedly put a government into place—without giving resident creoles any part. Jefferson appointed as governor Virginian W.C.C. Claiborne. The Louisiana Territory was quickly divided in two: the northern part included from Arkansas north with St. Louis as its capital. The southern part that included present day Louisiana was called the Territory of Orleans.³²

American officials disparaged Louisianans' use of the French language and rapidly imposed their will on the territory. They replaced one set of laws associated with French and Spanish principles with another. Slave importations were banned, but slavery was maintained. Jeffersonian principles of trial by jury, freedom of the

³⁰ Powell, *The Accidental City*, 318-319.

³¹ "The Louisiana Purchase – Aftermath," *History-Essays, The Lehrman Institute*, accessed September 26, 2014, <http://www.lehrmaninstitute.org/history/louisiana-purchase.asp#aftermath>.

³² Sublette, *The World That Made New Orleans*, 202-205.

press and religion became laws.³³ Louisiana, during the Territorial Period between 1803 and 1812, underwent major changes as officials strove to integrate an area ruled for over a century by European monarchs into the republican United States. This task proved to be very difficult for Governor Claiborne and his administrators. Resistance came from the creole French and Spanish elites, reluctant to accept impositions of Anglo-American laws and culture. Claiborne attempted to bring Anglo principles of British common law, which placed greater emphasis on individual rights through a judicial process. This concept differed greatly from Roman, French and Spanish civil law that looked outside of judicial decisions to other agencies, putting more emphasis on the rights of various groups as compared with individual rights. Compromises resulted such as Louisiana's unique parish government system and laws combining principles of common and civil law.³⁴ Many Americans believed that local leaders did not comprehend republican ideas and needed time to learn democratic government before considering statehood.

At the same time, the population increased dramatically. New Orleans served as a magnet for emigrants, free and enslaved, from the Caribbean, Africa, Europe and America. The prosperity of the region attracted many, particularly Frenchmen, who escaping their own revolution, enjoyed the familiar language and culture the area around New Orleans provided them. The existing white population also was largely French speaking. Refugees from the St. Domingue (Haitian) Revolution added 10,000 new residents divided equally between whites, slaves and free blacks,

³³ "The Louisiana Purchase – Aftermath"

³⁴ "Territory to Statehood," *The Cabildo: Two Centuries of Louisiana History*, Louisiana State Museum-Online Exhibits, accessed September 23, 2014, <http://www.crt.state.la.us/louisiana-state-museum/online-exhibits/thecabildo/territory-to-statehood/>

all of whom spoke French.³⁵ Additionally, Hispanic heritage of the Spanish period in Louisiana left many of those creoles highly suspicious of French duplicity and of Napoleon regarding the literal give away of Louisiana to the United States. Both groups resented America's imposition of its will on Louisiana.³⁶

It is not surprising that convoluted cultural interactions resulted from this clash of societies and resolves. French and English speaking groups constantly bickered. The French majority continued to carry out their cultural traditions that made Louisiana seem as if it were a foreign country within the United States. The French language continued as the main source of verbal and written communication. No distinctions ever completely split the population into Anglophone and Francophone factions. Despite their differences, most people shared common ground concerning business and political interests.³⁷

One area all whites agreed on was a commitment to supremacy over the black race and concurrent fear of their possible revolt. Louisianans were fearful that the United States planned to eliminate slavery in the territory. Many also wished to overturn Spanish laws on slave-owned property and manumission. In 1806, the Territorial government passed legislation that reincorporated tougher provisions of the French Code Noir of 1724 and South Carolina's 1740 Slave Law, both highly repressive and brutal regulations. They further limited rights of free blacks legally making them legally subordinate to whites. Among Louisiana's first democratic acts

³⁵ Powell, *The Accidental City*, 337.

³⁶ Peter J. Kastor, "Louisiana Purchase and Territorial Period," In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010--, article published September 17, 2014, accessed September 24, 2014, <http://www.knowla.org/entry/535/&view=article>.

³⁷ Ibid.

in 1806 was the imposition of these laws that took away rights from blacks and lessened any autonomy they possessed. This set the stage for the absolute inhumanity of plantation slavery that dramatically expanded during the 1820s – 1840s.³⁸ The enactment of protectionist law for slavery strengthened beliefs by non-creole Americans in Louisiana that residents of the territory were not ready for self-rule, until they underwent a period of education in democratic and republican principles.³⁹

Slave insurrections were rare, but white fears of impending rebellion were constant. It is easy to see how in a territory of a black majority population, most living in bondage and oppression that rumors of slaves murdering whites occupied much of white elites' thinking. In fact, there were few uprisings in Louisiana, and those were small with no real hopes of achievement. Discontent with a slave's condition manifested itself more in his running away than in attempting to kill his master. The largest revolt took place in 1811, when twenty-seven slaves from one sugar plantation overcame their master and proceeded to march towards New Orleans, joined by several hundred other slaves along the way. Governor Claiborne's militia eventually slaughtered most of them, leaving behind heads on pikes to discourage future thoughts of rebellion.

On the other hand, compliant free people of color adapted by maintaining artisan or commercial positions within the city of New Orleans, which became the largest concentration of free blacks in the country. Whites, still suspicious of

³⁸ Powell, *The Accidental City*, 330-333.

³⁹ Judith Kelleher Schaefer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1997), 4-6.

possible insurrections, supported the government's desire to destabilize Indian authority that led to eventual expulsion of all Indians from Louisiana. They unsuccessfully attempted several types of resistance but could not maintain strength against a national offensive, eventually moving westward.⁴⁰

By 1810, the Orleans Territory contained 76,000 residents, more than enough required population to reach statehood. A convention met in 1811 to enact a constitution in order to set up a state government. The constitution spelled out a two-house legislature, governor with sweeping appointive powers, judiciary and capital city of New Orleans. The United States Congress approved Louisiana's statehood petition on April 30, 1812, becoming the first state formed from the Louisiana Purchase and first west of the Mississippi.⁴¹

Meanwhile, the United States and Britain were about to go to war again. America was caught between the feuding French and British as those countries fought it out to determine the world's major power. The United States wished to continue trade with both countries, but each side wanted to stop trade with the other. Britain responded by blockading American ports and capturing American ships engaged in French trade. In some cases, the British forcibly took American sailors to serve on their warships. Britain also instigated Indians in the West to attack settlers as they migrated into the western regions newly acquired through the Louisiana Purchase. Britain wished to maintain the Mississippi River Valley

⁴⁰ Kastor and Robert L Paquette, "Slave Insurrection of 1811," In *KnowLA Encyclopedia of Louisiana*, edited by David Johnson, Louisiana Endowment for the Humanities, 2010--, article published January 10, 2011, accessed September 22, 2014, <http://www.knowla.org/entry756/>.

⁴¹ "Louisiana: European Explorations and the Louisiana Purchase – Borders are Defined: Louisiana as Territory and State," Library of Congress.

lands for themselves and wanted to halt American expansion west of the “Big River.”⁴²

Some American leaders in Washington, including President James Madison, wanted to go to war with Britain to protect American shipping and ability to trade. Others wanted to fight both Britain and France. People in the area of the Mississippi wanted to fight Britain in order to stop their initiating Indian attacks. In the wealthy New England states, leaders did not want war with Britain, because they derived much of their trade wealth from them. Even though the country had divided feelings, Congress declared war on Britain on June 18, 1812; six weeks after Louisiana entered the union. The United States, with its tiny army and nothing resembling a navy, picked a fight with the world’s premier military power. Britain was already engaged in a struggle for its survival against France and its dictator Napoleon Bonaparte. The American declaration was more of a sideshow for the British, and fortunately for the United States, sent only token forces to protect Canada. However, they still won most of the early battles of the war.⁴³

Louisiana was to play the climactic role in the war in a few years with the great victory by Andrew Jackson, south of New Orleans at Chalmette. The magnitude of the victory and how Jackson cobbled together his ragtag force of defenders is the stuff of legend. However, what Jackson saw and heard when he arrived in New Orleans in early December 1814 did not let him believe that the inhabitants were even willing to defend their city let alone fight to stop any British advance up the

⁴² *The War of 1812*, directed by Lawrence Hott and Diane Garey, aired October 10, 2011 (Arlington, VA: PBS Video, 2011), DVD.

⁴³ *Ibid.*

Mississippi River. Jackson was an uncompromising man of action, duty to his country and unflinching honor. His motto oftentimes was the “ends justified the means.” His orders were to defend and hold New Orleans and prevent further British incursions into the South.

The British had crushed American fighters repeatedly throughout the war. The previous August they burned the United States’ capitol and president’s house. Their grand scheme was to take New Orleans, control the Mississippi River, and link up with their forces in Canada; effectively stopping American expansion in its tracks. The British had forecast an easy victory in New Orleans. They did not anticipate the reception Jackson planned for them.

Chapter Two – Preparations and the Imposition of Martial Law

On January 23, 1815, the city of New Orleans celebrated the Americans' tremendous January 8 victory over the British army. At St. Louis Cathedral, a Mass of thanksgiving hailed the "external manifestation" of thanks to the "Ruler of all events" and celebrated the impossible outcome.¹ The French pirate Jean Lafitte recalled, "the *Place d'Armes* was the center of the gala, everyone, young and old, took part. Big bands played while leading the parade. Church bells rang in the whole city, cannon salvos were fired to celebrate the triumph, and it was the only day of my life to appear and be recognized by the general public. It was moving and cause for reflection . . ." ² The celebration belied the reality that martial law was still in force, and fearing further loss of control General Andrew Jackson heightened the already tight restrictions on the populace. He wrote to Secretary of War James Monroe after the battle to inform him that wherever he commanded, there would be no "relaxation of the measures for resistance." Jackson continued to build and reinforce fortifications. He did not trust the residents and arrested great numbers found wandering about without appropriate passes, and the jails overflowed with prisoners.³

The Battle of New Orleans on January 8, 1815 was the culmination of a number of skirmishes lasting over one month. British commanding general Edward

¹ Mary Ann Wegmann, Louisiana State Museum, and University of New Orleans History Department, "Battle of New Orleans: St. Louis Cathedral," *New Orleans Historical*, accessed January 22, 2015, <http://www.neworleanshistorical.org/items/show/515>.

² Gene Marshall, trans., *The Memoirs of Jean Lafitte* (Bloomington, IN: Xlibris LLC, 1999), 97.

³ Matthew Warshauer, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties and Partisanship* (Knoxville: University of Tennessee Press, 2006), 29.

Pakenham's 14,000 troops and sixty warships attacked Andrew Jackson's entrenched defenders numbering a mere 5,000. Jackson's contingent comprised pirates, free blacks, Tennessee and Kentucky backwoodsmen, regular army, Indians and local militia. After failing to move the Americans out of embedded positions, the British commanders sent 5,000 attackers on frontal assaults. The eventual climactic attack proved catastrophic for the British. Met with thunderous artillery and rifle fire over 2,000 British fell in less than an hour. Included in the casualties were Pakenham and all of his senior commanders who lay dead on the field. The Americans suffered 13 deaths, 39 wounded and 19 missing in action. It was a shocking military victory for the United States, one of few during the entire War of 1812.⁴ It secured the important port city of New Orleans and made Andrew Jackson a national hero.

Jackson, being a man of intense devotion to duty and country, refused to let his guard down following the victory. Although American troops under his command thoroughly crushed the British at the Chalmette Battlefield south of the city, Jackson refused to believe the mighty imperial army was simply going to leave without another try at the prize that was New Orleans. After all, the capture and control of New Orleans was the cornerstone in Britain's plan to nullify the Louisiana Purchase, and to control American commerce and western expansion. However, the citizens and militias became impatient with Jackson and wanted to return to their homes and farms. Between January and March, Jackson arrested many citizens,

⁴ Robert V. Remini, *The Life of Andrew Jackson* (New York: Harper & Row, 1977), 1-3; Robert V. Remini, *Andrew Jackson and the Course of American Empire, 1767-1821* (New York: Harper & Row, 1977), 275-285.

including a member of the state legislature and a federal judge, alienated many French by expelling them from the boundaries of his armed camp, and experienced contempt of court charges. By the time Jackson left New Orleans for his Tennessee home in April 1815, he received praise and scorn for his actions in Louisiana.

Andrew Jackson and New Orleans are inextricably tied together. Yet, historians have treated Jackson's imposition of martial law in cursory fashion throughout the many retellings of the Battle of New Orleans. The reasons for his actions have been described as "lunatic militarism," "tactless," and an example of his "brash and ruthless nature." Noted Jackson biographer Robert Remini complained that Jackson "established a police state with no other authority but his own." John Spencer Bassett, compiler of Jackson's correspondence, explained that his lack of tactfulness prevented him from finding a way out of the situation. Further, he suggested, "it is not unfair to suppose that his conduct in that respect was due not so much to a sense of necessity as to his innate desire to be obeyed."⁵

Effects of Jackson's imposition of martial law seem to be more important to historians than the reasons why he chose to take this action; martial law had never been declared in the United States before Jackson's fateful decision. Additionally, examinations of the conditions existing while the city was under martial law have merited no scholarly scrutiny. Understanding his actions within the context of the

⁵ Remini, *Jackson and the Course of American Empire*, 311-312; John Spencer Bassett, ed., *Correspondence of Andrew Jackson, Volume II, May 1, 1814 to December 31, 1819* (Washington: Carnegie Institute, 1927), 2: ix; Matthew Warshauer, "Andrew Jackson as a Military Chieftain in the 1824 and 1828 Presidential Elections: The Ramification of Martial Law on American Republicanism," *Tennessee Historical Quarterly* 57 (Spring/Summer 1998): 5-23.

time, place and cultural conditions that Jackson faced is critical to answering the question of why he took such drastic actions.

Jackson took the actions he did because conditions in New Orleans were unique and unlike any other American city. Had the city been Philadelphia, New York, or Boston, Jackson would likely have taken different actions. Since New Orleans' cultural history and situation was unique, Jackson's conduct deserves scholarly attention.

Since Jackson's orders from President James Madison were to defend New Orleans at all costs from the British invaders, he found the cultural situation of the French and Creole majority population difficult. The distrust and animosity between them and the incoming Americans was extremely troublesome. By examining the string of actions, mistakes and misunderstandings that typified Andrew Jackson's relationships with Louisiana's citizens within the context of cultural tensions, the reasons for his conduct can be viewed from a different perspective. Louisiana experienced a difficult integration into the United States. Distrust reigned as citizens and government officials fought cultural and political battles that continued even after Jackson's arrival. The legislature and governor were at odds, resulting in weak and ineffectual leadership. New Orleans was defenseless with a population believed by some city fathers, not to be counted on to defend their own homes and businesses. Jackson alienated citizens with social blunders and by approving black militia to increase troop levels. Finally, realizing he had disaffected citizens mingled with spies and saboteurs in an undefended city, Jackson took the only course of action he believed would result in success: military control of New Orleans.

Declaring martial law permitted Jackson to coordinate military and civilian resources in order to defend the city and defeat the British.

THE LOUISIANA TERRITORY

Louisiana experienced multiple changes in colonial government between the French and Spanish before the United States and its republican form of government entered the picture in 1803. President Thomas Jefferson was an expansionist and wanted additional lands for development. At the same time, he recognized the strategic importance of New Orleans. When he learned the Spanish ceded the Louisiana territory to France, he worried that Napoleon could use the city's shipping and economic strengths to bolster a reestablishment of French interests in North America. In 1802, Jefferson wrote his ambassador to France, Robert Livingston, "There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans."⁶ The country grew by 828,000 square miles when the Louisiana Purchase transpired, and New Orleans was the centerpiece of the acquisition.

Integrating the area into the United States puzzled the administration, and questions arose over whether to let Louisiana remain a colony or admit it as a state. Jefferson immediately sent a cadre of government officials to New Orleans. Ironically, not one of those bureaucrats spoke French or Spanish, or was from the region. The territorial governor William C.C. Claiborne, a native Virginian, in one of his first official acts, appointed only English speaking judges to court positions, alienating the region's French speakers. Further, Jefferson's administrators did not

⁶ Quoted in Lawrence N. Powell, *The Accidental City: Improvising New Orleans* (Cambridge, MA: Harvard University Press, 2012), 318.

believe the Louisianans sophisticated or educated enough to understand republican rule, having lived for too long under provincial foreign governments.

The citizens did not take the news of the American takeover well. Catholics fled fearing Protestant domination. Intense distrust of American administrators by the entrenched creole elites predominated. Slaveholders feared the new administration would eliminate slavery and thus destroy their way of life. Many Anglo-Americans who came and established themselves during the Spanish period also distrusted the government. When America purchased Louisiana, the Anglo-Americans feared statehood might bring unequal treatment for Louisiana and invalidate claims made under Spanish rule. The U.S. government divided the Louisiana territory; effectively separating what is today's state in two, north and south separate fragments. This infuriated the native population that never experienced such indignity under French or Spanish rule. Many residents believed the U.S. acquisition of the territory aimed to reduce local influence and importance in political affairs. Additionally, the U.S.-led government enacted laws invalidating land concessions made by the Spanish. White Louisianans only saw these actions as omens of future continued reductions of their rights granted under the previous colonial regimes.⁷

Americans outside of Louisiana believed that those of European extraction or living under European style colonialism did not understand the complexities of republican government. Native Louisianans were used to the repressive notions of advancement through family or royal connections over the general progress of the

⁷ Charles Gayarre, *History of Louisiana: The American Domination* (New York: William J. Widdleton, Publisher, 1866), 1-6.

public good. Many old line creoles still reverently called Napoleon “The Man” or “the Greatest of Mortals.” Americans fully believed Louisiana needed to serve an internship under American rule in order to learn and appreciate the gifts of the democratic system before granting statehood, which eventually occurred in 1812. Creoles heard admonitions to “not interfere with Government, as that is a subject peculiar to ourselves.”⁸

The language barrier proved to be an impediment to the legal system as well. French jurors would leave the courtroom during arguments presented by an American lawyer. Likewise, French language arguments prompted the departure of Americans in the courtroom. This created extreme frustrations and lengthened the judicial process to intolerable lengths.⁹

JACKSON AND CLAIBORNE

Andrew Jackson arrived in New Orleans on December 1, 1814. Surely, he must have felt a keen distrust of all he met, based on his earlier correspondence with Governor Claiborne. He wrote to Claiborne shortly after his arrival to appraise the legislature’s attitude. Jackson implored him that: “Should I be disappointed in the laudable feelings, that I am induced to believe pervades your whole Legislature, it is necessary that I should know it, that I may employ what means I have in my power for the best defence of this Section of the District that is intrusted for my

⁸Arnold R. Hirsch and Joseph Logsdon, eds., *Creole New Orleans: Race and Americanization* (Baton Rouge: Louisiana State University Press, 1992), 151-152.

⁹ Albert Phelps, *Louisiana: A Record of Expansion* (Boston: Houghton Mifflin & Company, 1905), 226, accessed January 7, 2015, <http://www.archive.org/details/louisianaarecor00phelgoog>.

care.”¹⁰ Claiborne had earlier informed Jackson that New Orleans’ citizenry did not share his zeal in defense of the city: “Among them there exist much jealousy, and as great differences in political sentiment, as in their language and habits.”¹¹

Claiborne’s inability to inspire confidence was widespread among the citizens. A local resident expressed his frustrations: “Governor Claiborne fell, as it were from the clouds, without the least knowledge of the country, its inhabitants, their manners, their customs, the very language, or their laws, which he was enjoined to follow.”¹² A colonel in the Louisiana militia named Samuel Fulton wrote to Jackson, complaining that “the total want of Confidence by all Classes of people, in the Chief Magistrate of the State, puts it in a truly alarming situation.”¹³

Governor Claiborne was certainly a loyal American government official, but Jackson’s doubt in his leadership ability predated the situation New Orleans faced in 1814. Jackson knew him in Tennessee as a young judicial candidate. He believed that Claiborne possessed good qualities, among them being an amiable young man. However, he did not recommend him for the judgeship because of his lack of experience. They maintained a courteous personal and political relationship for many years in Tennessee before the New Orleans hostilities. However, during the transitional period following the Louisiana Purchase, Jackson lobbied President

¹⁰ Harold D. Moser et al., *Papers of Andrew Jackson, Volume III, 1814-1815* (Knoxville: University of Tennessee Press, 1991), “To William Charles Cole Claiborne, December 14, 1814,” 3: 201-203.

¹¹ Bassett, *Correspondence of Andrew Jackson*, “Claiborne to Jackson, August 24, 1814,” 2: 30.

¹² Robert Breckinridge McAfee, *War in the Western Country* (Bowling Green, OH: Historical Publications Company, 1919), 501-502, accessed January 5, 2015, <http://www.archive.org/details/historyoflatewar00mcafe>.

¹³ Bassett, *Correspondence of Andrew Jackson*, “Colonel Samuel Fulton to Jackson, September 20, 1814,” 2: 56.

Jefferson seeking the territorial governorship himself. However, his much younger acquaintance Claiborne, at age twenty-eight, curried favor with Jefferson and earned his selection. Jackson was furious at Jefferson's rebuff, and he became anti-Jefferson, in his political views. Claiborne had a calm, diplomatic manner about him, while Jackson's personality was anything but that. Jefferson saw evidence of his fiery nature during Tennessee senatorial proceedings and felt Claiborne was the better choice to manage the territory. Jackson remained politely cordial with Claiborne over the ensuing years, but in protecting New Orleans from British attack, the strong-minded Jackson wanted a more aggressive authority than Claiborne, and he was unhappy with the governor's mild mannered personality.¹⁴ During the New Orleans engagement, their relationship soured to the point when Jackson referred to Claiborne as an "old woman," and questioned his courage "... hiding himself from the Balls & Rocketts of the enemy instead of encouraging the men upon the lines."¹⁵ Contemporary Robert Breckinridge McAfee reinforced Jackson's concern about Louisiana's ill preparation for war citing, "Local jealousies, national prejudices, and political factions, dividing and distracting the people, prevented that union and zeal in the common cause, which the safety of the country demanded. Hence there was a general despondency and want of preparation for the approaching crisis."¹⁶

¹⁴ R. Randall Crouch, "William Charles Cole Claiborne: An Historiographical Review," *Louisiana History* 36, No. 4 (Autumn, 1995): 453-465, 461; John Buchanan, *Jackson's Way: Andrew Jackson and the People of the Western Waters* (New York: John Wiley & Sons, Inc., 2001), 172-173.

¹⁵ James W. Ely, Jr. and Theodore Brown, Jr., eds., *Legal Papers of Andrew Jackson*, (Knoxville: University of Tennessee Press, 1987), 363; Moser et al., *Papers of Andrew Jackson*, "To Unknown, c. March 31, 1815," 3: 337-338.

¹⁶ McAfee, *War in the Western Country*, 501.

Jackson's criticisms of the governor were not always well founded and were linked to a long-standing resentment of the younger man. Claiborne did the best he could under the conditions. Since his days as territorial governor a decade earlier, he dealt with putting a government together with the fractious population and their different languages and cultures. He held the region together through floods, hurricanes, yellow fever outbreaks, and a slave rebellion. Just before statehood he managed to somewhat incorporate the massive influx of refugees of French extraction including slaves, whites and free blacks from Haiti (St. Domingue) that effectively doubled New Orleans' population during the winter of 1809-1810.

However, Claiborne was primarily a politician and not the military leader New Orleans required in order to defend the most strategic port city in the country. A military leader, willing to do whatever was required to defend the city, was necessary. The citizens of Louisiana and the British were not prepared for the military man who arrived to save New Orleans. Andrew Jackson soon gave everyone much more than expected.

THE PROBLEM WITH NEW ORLEANS

In 1814, New Orleans' population was eighteen thousand, comprised of four principal groups. The Creoles or "ancienne" population were native to Louisiana. Second were the foreign French who were émigrés and usually refugees from European or Latin American revolutions. Next, blacks, enslaved and freed, comprised a significant component, occupied a significant proportion of the population. Last, were the Americans, entrepreneurs and fortune seekers who

flooded the area following 1803's Louisiana Purchase and continued a steady influx of migration throughout the War of 1812.¹⁷

Extreme economic and political competition marred the interactions between these groups. Noted Louisiana cultural historian Joseph Tregle characterized the rifts as derived from "suspicions, resentments, and hatreds fed on the isolation from each other occasioned by differences of language and tradition, and battered on the inevitable competition for political and economic power."¹⁸ To complicate matters, the slave population of five thousand coupled with a significant population of free blacks bred much suspicion among the city fathers. Politically, however, they were a non-factor. African Americans had few rights, voting or otherwise, yet some owned property and operated small businesses, but when counted with the enslaved African Americans were nearly a third of the city's population.

On a psychological level, the black population presented many concerns. Their large numbers and the constant fear of rebellion combined to frighten the white citizenry. The Haitian Revolution of the 1790s, in which slaves rebelled against their inhuman bondage in the sugarcane fields, continued to plague French leader Napoleon Bonaparte until he abandoned the island in the early 1803. Thousands of refugees, white and black, flocked to Louisiana. Louisiana quickly responded economically by converting many cotton and indigo plantations to sugarcane. Slavery dramatically increased since a ready population of black refugees

¹⁷ Joseph Tregle, Jr., "Early New Orleans Society: A Reappraisal," *Journal of Southern History*, 18 (1952): 20-36.

¹⁸ *Ibid*, 21.

supplied the labor to produce the sugar.¹⁹ Rumors of the British enticing slaves to rise up and rebel against their owners in return for their freedom terrified the residents. An Indian agent notified the Secretary of War that the British equipped and trained black men for rebellion along the coast. He also told General Jackson the British intended “to free and prepare for war all of the Blacks in this quarter.”²⁰ Jackson and Louisiana Governor Claiborne agreed to organize a free black militia of those property owners who previously served with distinction during Spanish rule, into companies commanded by whites. In this way, Jackson intended to placate many blacks and offer an incentive to defend the lands of whites as well as their own.

The prominent city fathers who were members of the Committee of Safety, a volunteer group tasked with planning for the defense of New Orleans before Jackson’s arrival, educated Jackson on conditions present in the region, along with recommendations for defensive positions. They noted their fears by stating that plantation owners outside of the city could not be counted on to join in the region’s defense:

There are on average 25 slave to one White Inhabitant the maintenance of domestic tranquility in this part of the state obviously forbids a call on any of the White Inhabitants to the defense of the frontier, and even requires a strong additional force, attempts have already it is said been detected, to excite insurrection, and the character of our Enemy leaves us no doubt that this flagitious mode of warfare will be resorted to.²¹

¹⁹ Daniel Rasmussen, *American Uprising: The Untold Story of America’s Largest Slave Revolt* (New York: HarperCollins Publishers, 2011), 46-49.

²⁰ Gene Allen Smith, *The Slaves’ Gamble: Choosing Sides in the War of 1812* (New York: Palgrave MacMillan, 2013), 158-159.

²¹ Bassett, *Correspondence of Andrew Jackson*, “Committee of Safety to Jackson,” September 18, 1814, 2: 51-53.

Furthermore, the Committee had doubts about their own citizenry: “the mix’d population particularly of the City presents a source to from which we anticipate much evil, tho we cannot yet form any accurate idea of its extent.”²² Clearly, recognition of the multi-cultural makeup of Louisiana and New Orleans presented those in control with predicaments and difficult solutions.

James Parton, one of Jackson’s earliest biographers, described New Orleans’ situation at the time of his arrival: “The people and their rulers were divided among themselves...personal animosities were numerous and bitter...the old population distrusted the new settlers, and the new settlers the old population, neither believing that the other would risk life and fortune in defense of their homes and country.”²³ In August of 1814, Louisiana’s status as a state was barely two years old. Numerous residents did not yet consider themselves citizens of the United States. Louisiana was French in language and traditions, and its acquisition by the U.S. had many citizens simmering with anger. The influx of “Americans” and other immigrant groups created tensions and distrust as they and creoles competed for political and business influence. There was a very real concern whether these people would rise up and mount a defense of their own country or quickly capitulate to the British.

Governor Claiborne also had a poor relationship with the Louisiana legislature. It comprised a fractious group of creoles that resented the governor from his arrival in the territory almost ten years previously. They rejected five of his

²²Ibid.

²³ James Parton, *Life of Andrew Jackson* (New York: Madison Brothers, 1860), 2: 16.

nominations for a vacancy on the state Supreme Court, and then informed him that their own chosen candidate was the only one meeting their approval. Claiborne stood his ground and the position remained open. This personal acrimony between the two branches of Louisiana government reduced their power to effectively govern. New Orleans and Louisiana were like a rudderless ship, filled with distrustful passengers. At the same time, the vaunted British army, the best in the world, was making plans to take the city and control the Mississippi River from Canada to the Gulf of Mexico.²⁴ In early October 1814, Claiborne asked the legislature to draw up plans and initiate funding for the defense of New Orleans. Given the pending threat it would seem rational to undertake such actions. However, nothing resulted; no money appropriated, no forces raised, no laws passed intended to save the city.²⁵ The chairman of the appropriations committee, Louis Louallier, expressed his frustration at the impasse: "Are we always to see the several departments entrusted with our defense languishing in inactivity, which would be inexcusable even in a time of peace? . . . Nothing has been done."²⁶

After months of jockeying with his legislature, Governor Claiborne by August of 1814 still had difficulty raising sufficient troops to staff the local militias. Jackson warned Claiborne of the British plans to occupy Pensacola (Florida) as a staging base against Mobile (Alabama) and the mouth of the Mississippi River, and of the

²⁴ Ronald J. Drez, *The War of 1812, Conflict and Deception: The British Attempt to Seize New Orleans and Nullify the Louisiana Purchase* (Baton Rouge: Louisiana State University Press, 2014), 209.

²⁵ *Ibid.*, 210.

²⁶ James Parton, *Life of Andrew Jackson, Volume II*, (Boston: Houghton, Mifflin and Company, 1888), 22.

additional plan to march to Baton Rouge and invade New Orleans from the north.

The governor replied in a frustrated manner to Jackson:

I have a difficult people to manage...In Louisiana, there are many faithful Citizens, but I repeat there are others, on whose Attachment to the United States I cannot confide; These last persuade themselves, that Spain will soon repossess herself of Louisiana, and they seem to believe that a Combined Spanish and English force will soon appear on our Coast...Unless supported by a Respectable Body of Regular Troops...I...fear we shall be enabled to make but a feeble Resistance.²⁷

The local culture also proved even more frustrating as officials tried to prepare to defend the city. Jackson himself complained that while he prepared for battle, the creoles went dancing. Like many Americans, he perceived the Louisiana creoles and immigrant French as lazy people who loved gambling and dancing. Dancing, in particular, characterized descriptions by observers of Louisiana culture. Dance halls sprung up throughout the colonial period, and visitors were amazed with the passion for dancing displayed by the residents. In the winter, people danced to stay warm, and in the summer, they danced to stay cool. Lending some credibility to Jackson's complaint, the New Orleans dance halls often saw violent outbursts among Americans, French and Creoles when one group challenged another's honor. Additionally, their Catholic faith made Louisianans a suspect people. Protestant America did not trust Catholicism and its foreign leader, the Pope.²⁸

As Jackson established himself in New Orleans, he immediately ruffled feathers among the city's elite. Bernard de Marigny, a major player in

²⁷ Bassett, *Correspondence of Andrew Jackson*, "Governor Claiborne to Jackson," August 24, 1814, 2: 29-30; Ronald J. Drez, *The War of 1812, Conflict and Deception*, 208-209.

²⁸ Powell, *The Accidental City*, 327-328.

New Orleans society, wealthy, connected and a member of the state legislature expected Jackson to board at his home during the campaign. When Jackson changed his mind and stayed elsewhere, the ramifications in the highly stratified society were much greater than he realized. Jackson chose to stay in the home of a noted physician named Dr. Kerr. On arriving in New Orleans Jackson suffered from dysentery and most likely believed it practical to be in proximity to medical care. In addition, someone left Marigny off the guest list for a ceremony welcoming Jackson to the city. Marigny felt slighted by both insults. First, he had intended to entertain Jackson in a proper European style manner befitting his status. Additionally, Marigny was a leading creole legislator who led a faction of that body in resisting attempts to “Americanize” Louisiana. He planned to “acquaint [Jackson] with the real leaders of Louisiana.” Later, following the battle, the legislature voted to award Jackson a ceremonial sword for the American victory. Marigny voted no.²⁹

The creole establishment also resented Jackson’s choice of Edward Livingston and Abner Duncan, both prominent attorneys, to his military staff. They assumed Jackson favored Americans over Creoles. Jackson believed his choices sound, as he knew the men personally. Livingston served in Congress along with Jackson, and Duncan knew Jackson while both lived in Natchez, Mississippi. Even more practically, Livingston spoke fluid French, and Jackson required reliable interpretation in a city where English was not the native tongue.³⁰

²⁹ Marquis James, *Andrew Jackson: The Border Captain* (Indianapolis: The Bobbs-Merrill Company, 1933), 217-220; Joseph G. Tregle, Jr. “Early New Orleans Society: A Reappraisal,” *The Journal of Southern History* 18, No. 1 (February, 1952): 26; Burke Davis, *Old Hickory: A Life of Andrew Jackson* (New York: The Dial Press, 1977), 111.

³⁰ Marquis James, *The Border Captain*, 193.

A CONTROVERSIAL MILITIA

Jackson created more anxiety when he chose to include Louisiana free blacks in his fighting force. The Louisiana militias numbered only a few hundred men. Those numbers, combined with regular army troops and the Tennessee and Kentucky volunteers expected to arrive, made Jackson believe he required additional men to face the tremendous British force expected to assemble against New Orleans. On September 14, 1814, Jackson issued a proclamation guaranteeing black recruits the same pay and conditions, including land, given to white men. In addition, he proclaimed to those free blacks: "To every noble hearted generous freeman of colour volunteering to serve during the present contest with Great Britain, and no longer, there will be pd. the same bounty...You will not...be exposed to improper comparisons or unjust sarcasm...you will undivided receive the applause, reward, and gratitude, of your Countrymen."³¹

In an October 24 letter, Governor Claiborne reluctantly agreed to support Jackson's plan, but also expressed the sentiments of the planter class, who dreaded the notion of armed blacks, either freed or enslaved: "I will use my best efforts to promote your wishes; but I do not know with what success; I have already apprized you of the Distrust which exists here against this corps of people."³² Claiborne did not publish Jackson's proclamation to free blacks until late October, because of fear and distrust of armed blacks. The Committee of Public Safety, a group formed to organize opposition against the British, however, supported the plan on the

³¹ Bassett, *Correspondence of Andrew Jackson*, "To the Free Coloured Inhabitants of New Orleans, September 21, 1814," 2: 58-59.

³² *Ibid*, "Governor Claiborne to Jackson, October 24, 1814," 2: 81-82.

condition that guaranteed the black regiment be disbanded following hostilities. Like most southern whites, they feared black men with military skills and guns, especially in peacetime, as fears of rebellion were constant. Whites sincerely desired to hire black soldiers for the defense of the region, pay them for their efforts and then ask them to leave and move great distances from them.³³

Despite objections of many citizens, Jackson proceeded with the plan to raise two battalions of roughly 600 free blacks. These troops were comprised of shoemakers, carpenters, bricklayers, bakers, tailors, merchants and property owners among the lower middle class of New Orleans society. Another group of older freemen of color, not subject to service, volunteered as well. They performed police functions, such as night watches and general preservation of stability. Additionally, they policed the slave population and deterred uprisings. These freemen all believed that their actions, done to fulfill their civic obligations in defense of the region, would ultimately gain them more privileges as citizens.

Slaves, commandeered from area plantations, also performed their typical backbreaking duties, clearing timber, building and reinforcing fortifications, digging trenches and generally easing “the labour of the soldierly and preserve their health and activity for more important service.” Jackson also recruited slaves for military service, promising them freedom following the campaign. Being a slave owner, Jackson understood the fears of arming slaves, but he needed soldiers to drive away the British threat. In addition, by guaranteeing them freedom, he coaxed them to the American side and not the British. Slaves, occupied in such manner, had no time to

³³ Smith, *The Slave's Gamble*, 160-162.

consider rebellion. In truth, Jackson never intended to free the slaves and did not following the conflict. He fully understood the social and economic consequences of slavery in the South. He did not follow through on his promise to free the slaves, and he heard no objections from whites or freemen of color. Jackson knowingly deceived the slaves, and they returned to their oppression after the battle.³⁴

At the end of October, Jackson assured Claiborne that his plans did not include placing blacks on the front lines. He also was conscious of British plans to incite blacks to join their cause: "If they can be enrolled, They may when danger appears be moved to the rear to some point where they will be kept from doing us any injury. If their pride and merit entitle them to confidence, they can be employed against the Enemy. If not they can be kept from uniting with him."³⁵ Jackson's forces eventually contained approximately six hundred free black troops. They proved themselves courageous and ferocious warriors and served with distinction throughout the entire New Orleans campaign.

In order to bolster the forces, advisors such as Edward Livingston and Arsene Latour, his chief engineer, urged Jackson to negotiate with noted outlaw Jean Lafitte and his substantial band of pirates.³⁶ Lafitte and his brother Pierre were of French heritage and led a group of privateers who preyed primarily on Spanish shipping in the Gulf of Mexico. They based their operations in the island region south of the mouth of the Mississippi River. Through their interconnected business operations,

³⁴ Ibid., 162-166.

³⁵ Bassett, *Correspondence of Andrew Jackson*, "To Governor Claiborne, October 31, 1814," 2: 87-88.

³⁶ Arsene Lacarriere Latour, edited by Gene A. Smith, *Historical Memoir of the War in West Florida and Louisiana in 1814-1815, with an Atlas* (New Orleans: The Historical New Orleans Collection, 1999), xxiii.

they served as brokers and traders for all sorts of goods. They managed a network of 3,000 seamen with artillery skills and substantial numbers of ships to carry them. Given America's weak navy, his innate knowledge of the Gulf Coast and most importantly his great numbers, Lafitte's services were naturally attractive to Jackson; except that his actions were criminal and morally repugnant to the highly principled Andrew Jackson.³⁷ At first, the thought of dealing with criminals like Lafitte disgusted Jackson.

The British did not care about his background; they knew of the Baratarians pirates' skills with cannons, as well as their seamanship, and attempted to recruit Lafitte and his men. His priceless knowledge of the local geography including the multitude of swamps and bayous encompassed in the British plan of invasion made him potentially an invaluable ally. Admiral Cochrane, chief of the British forces charged with taking the Gulf Coast, ordered Lieutenant Colonel Edward Nicholls, a highly decorated marine commander to convince Lafitte and other Louisianans to join the British cause. In late August, Nicholls issued a statement from Pensacola, which surely put Jackson in a state of apoplexy:

Natives of Louisiana! On you the first call is made to assist in liberating from a faithless, imbecile government, your paternal soil: Spaniards, Frenchmen, Italians, and British, whether settled or residing for a time in Louisiana, on you, also, I call to aid me in this just cause: The American usurpation in this country must be abolished, and the lawful owners of the soil put in its possession...Inhabitants of Kentucky, the whole brunt of war has fallen on your brave sons; be imposed upon no longer, but either range yourselves under the standard of your forefathers, or observe a strict neutrality.³⁸

³⁷ John Sugden, "Jean Lafitte and the British Offer of 1814," *Louisiana History* 30, No. 2 (Spring, 1979): 159-167.

³⁸ Latour, *Historical Memoir*, 185-186.

This statement showed ultimate disdain for the United States and demonstrated their non-recognition of the Louisiana Purchase. The British did not recognize Napoleon's deceptive purchase of Louisiana from Spain and still believed the Spanish legally owned the territory. Within a few days of this proclamation, Nicholls wrote to Lafitte and reminded him that Britain and France were now friends, since the defeat of Napoleon: "with your brave followers, to enter into the services of Great Britain, in which you shall have the rank of captain; lands will be given to you all, in proportion to your respective ranks, on a peace taking place, and I invite you on the following terms...cease all hostilities against Spain, or the allies of Great Britain."³⁹

The Lafitte brothers rejected the British offers and extended their skills and materiel to the Americans. Many pirates, including Lafitte's brother Pierre, sat in New Orleans prisons awaiting trial for various criminal charges. The local Committee of Defense members appealed to Jackson to release these men and pardon their offenses in exchange for military service. Jackson admonished them, calling the pirates "wretches" and informing Claiborne that they should all be banished from the city as vagabonds. Meanwhile, Lafitte made overtures to Jackson through Bernard Marigny, his friend in the legislature. Lafitte naturally hated the British, and, he feared that their navy, the best in the world, could crush his business in the Gulf. He believed the Americans to be his best option based on commerce and thus offered to join forces with them. Eventually Jackson agreed to meet Lafitte, and

³⁹ Ibid., "Nicholls to Lafitte, 31 August 1814," 185-187; Frank L. Owsley, *Struggle for the Gulf Borderlands* (Gainesville: University of Florida Presses, 1981), 107-109.

the two worked out an accommodation for the pirates' release and joining forces with the Americans.⁴⁰

Jackson initially did not see the advantages of joining forces with a crew of pirates. His aide, Edward Livingston stubbornly insisted that Jackson reconsider because of the benefits the pirates had for the country. In addition to their local knowledge and willingness to fight, they possessed a massive store of gunpowder and ammunition. In addition, the Americans did not have enough men to staff their own military vessels, and Lafitte's men required no training and could move directly into needed positions. Jackson still refused to change his position. The legislature passed a resolution authorizing release of the jailed pirates and provided immunity for Lafitte. The district judge, Dominick A. Hall, with whom Jackson would have future battles, authorized the act and freed the prisoners. Lafitte and Jackson eventually met with Lafitte effectively arguing his case for joining with the United States. Jackson came away impressed with Lafitte's assertiveness, courage and willingness to fight; they were kindred spirits in their hatred of the British. Immediately, Jackson made him a trusted lieutenant and gave him the assignment of shoring up the defenses south of the city.⁴¹ Jackson assessed the defensive conditions in New Orleans as disastrous on his arrival and was desperate to improve them at whatever the cost. This is an example of Jackson's willingness to

⁴⁰ Moser et al., *Papers of Andrew Jackson*, "To William Charles Cole Claiborne, September 30, 1814," 3: 151-152; Sugden, "Jean Lafitte and the British Offer of 1814," 159-167.

⁴¹ Owsley, *Borderlands*, 31-32; Robert C. Vogel, "Jean Lafitte, the Baratarians, and the Battle of New Orleans: A Reappraisal," *Louisiana History: The Journal of the Louisiana Historical Association* 41, No. 3 (Summer 2000): 262-267.

compromise his moral standards by aligning himself with known “hellish banditti,” and allowing the creole culture of social connections and backroom dealing to rule.

TOWARD A DECLARATION OF MARTIAL LAW

Jackson had seen, heard, and experienced enough of the disaffection, poor leadership and complete lack of preparedness for battle in New Orleans. Before his arrival in the city, Jackson had a biased observation of its citizens: “We have more to dread from Spies, and traitors, than from open enemies. Vigilance and Energy is only wanting and all is safe.”⁴²

After reviewing the city’s fortifications and surrounding areas, Jackson sent forces to locations from which he anticipated the British attacks. In order to deal with the disillusionment of the residents he asked Claiborne to gauge the mood in the legislature regarding their attitude towards enhancing the poor defense works in place around the city. Jackson desired a sense of commitment to the cause by the local government: “should I be disappointed in the laudable feelings, than I am induced to believe pervades your whole Legislature, it is necessary that I should know it, that I may employ what means I have in my power for the best defence of this Section of the District that is intrusted to my care.”⁴³

Claiborne persuaded the legislature to allocate money, but Jackson remained distrustful of the group. Previously, they refused Jackson’s request to suspend the writ of habeas corpus, in order to force impressment of men to serve on Jackson’s naval vessels. Governor Claiborne and Jackson suspected British agents were

⁴² Moser et al., *Papers of Andrew Jackson*, “Andrew Jackson to William C.C. Claiborne,” August 30, 1814,” 3: 126.

⁴³ Ibid., “Andrew Jackson to William C.C. Claiborne, December 10, 1814,” 3: 202-203.

working throughout the city. In order to prevent their ability to persuade the legislature to capitulate and surrender the city, Claiborne asked them to shut down deliberations for a few weeks. They refused, stating they had several reasons for remaining in session and would not adjourn.⁴⁴

Jackson did not trust the legislature and combined with reports of spies circulating throughout the region, manifest in the naturally suspicious Jackson a paranoid fear of disloyalty to the United States among New Orleans' residents. He also had concerns regarding relationships between some residents and those in the Spanish held Pensacola: "Information reached me last evening that Vessels with Flour are daily passing from N Orleans to Pensacola to feed our enemy contrary to my express orders and the rules of warfare."⁴⁵

Spies already operated there, and additionally British forces were in residence at a Spanish fort in the area. Jackson and his men invaded Pensacola in mid-November and forced them out. He was distressed that those British troops were within striking distance of New Orleans at Pensacola, and that they had already tried to bribe Lafitte and his band of pirates south of the city at the strategically important coastal Barataria. Jackson knew he needed to take dramatic action in order to control the city and its residents.

Jackson drew up an address to the citizens of New Orleans and published it on December 15, 1814. In it he expressed his disgust with British intrigue,

⁴⁴ John Spencer Bassett, *The Life of Andrew Jackson* (Garden City, NJ: Doubleday, Page & Company, 1911), 173-176; Parton, *The Life of Andrew Jackson*, 61.

⁴⁵ Moser et al., *Papers of Andrew Jackson*, "To Daniel Todd Patterson, October 14, 1814," 3: 160.

addressed calls to their patriotism and natural hatred of the British and warned of collaboration with the enemy:

The Major-General commanding has with astonishment and regret learned that great consternation and alarm pervade your city...the enemy is on our coast...we will beat him...The General with still greater astonishment, has heard that British emissaries have been permitted to propagate seditious reports amongst you...[Britain is] the common enemy of mankind, the highway robber of the world that threatens you...the rules and articles of war annex the punishment of death to any person holding secret correspondence with the enemy...he is confident all good citizens will be found at their posts with their arms in their hands, determined to dispute every inch of ground with the enemy...should the general be disappointed in this expectation he will separate our enemies from our friends. Those who not with us are against us, and will be dealt with accordingly.⁴⁶

The address threatened military style punishments for enemy collaboration or non-service of citizens, implying that civilians and military personnel were held to the same standards of soldierly conduct. Jackson's proclamation predicted the next step, which was the initiation of martial law. Before its imposition, however, Jackson wanted legal opinions, which he received from Edward Livingston and Abner Duncan, two aides who happened to be prominent New Orleans lawyers. Imposition of martial law was without precedent in the United States, and the legal implications meant that all civil government ceased and the military controlled the populace.

Jackson's lawyers disagreed with each other on the lawfulness of martial law, and engaged in something of a constitutional debate. Livingston stated that the Constitution made no mention of martial law, and that its justification by necessity of the situation made it Jackson's sole responsibility. Duncan believed the

⁴⁶ Ibid., "To New Orleans Citizens and Soldiers, from Thomas L. Butler, Aide de Camp, December 15, 1814," 3: 204-205.

Constitution's allowance for suspension of habeas corpus implied martial law imposition. He also believed that Jackson undertook such action at his own risk, since this was treading a new, untested legal path.⁴⁷

The commanding general may have wanted his legal advisors only to confirm what he had previously decided. Jackson was obstinate, with a forceful and self-assured personality that surpassed any naiveté he may have had in such situations. He never looked back, once he made up his mind, and took a course of action. Jackson was a forthright patriot and despised all things British. Thus, the extreme action of imposing martial law was necessary in Jackson's mind in order to save the country. All of the information he received about New Orleans and Louisianans in general, the condition of defenses and other circumstances such as the prevalence of spies he found on his arrival, give us his rationale for imposing martial law and then carrying it out in such a callous manner.⁴⁸

The British were approaching New Orleans. Jackson and his commanders shored up defenses as best they could. The legislature refused to suspend the writ of habeas corpus, to allow impressment of men for naval duty. Instead, they suggested a shipping embargo at New Orleans and cash incentives for men to enlist. Jackson ordered Governor Claiborne to maintain his militia in a ready position. News of the British capture of a fleet of American gunboats at Lake Borgne, northeast of the city

⁴⁷ Matthew Warshauer, "The Battle of New Orleans Reconsidered: Andrew Jackson and Martial Law," *Louisiana History* 39, No. 3 (Summer, 1998): 261-291.

⁴⁸ Reginald C. Stuart, *Civil-Military Relations During the War of 1812* (Santa Barbara, CA: ABC-CLIO, 2009), 111-114.

reached Jackson on December 15. Jackson believed he could not wait for any further legislative action and decided to act.⁴⁹

The next day, December 16, 1814, Jackson made it official. In his general orders of the day, he addressed the citizens of New Orleans: “Major General Andrew Jackson commanding the 7th U. States Military District declares the city and environs of New Orleans under strict martial law – and orders that in future the following rules be rigidly enforced.” In short, New Orleans, with that order, became a fortified military encampment. All persons entering the city reported to the Adjutant General’s office or risk arrest and interrogation. No one could leave the city without permission from the Adjutant General. Boats or ships could not leave the city without permission from the Adjutant or Naval commander. Streetlights were extinguished at nine o’clock in the evening, and all persons forbidden from the streets without authorization. Those found without such permission warranted suspicion as spies, and arrest and interrogation followed. Suspension of civilian authority occurred immediately, and General Jackson became the ruler and chief judge of New Orleans.⁵⁰ (See Appendix Map 4.)

New Orleans had also suffered under martial law during the Burr Conspiracy of 1806. General James Wilkinson, afraid of an invasion by colonists led by former Vice President Aaron Burr, who wanted to annex Spanish lands in order to set up a rebel republic, put New Orleans under martial law. Several people were arrested and charged with treason. The state legislature did not recognize Wilkinson’s

⁴⁹ Moser et al., *Papers of Andrew Jackson*, 3: 206.

⁵⁰ Ibid., “To New Orleans Citizens, December 16, 1814,” 3: 206-207; Warshauer, “Battle of New Orleans Reconsidered,” 266.

actions as legal, and thus refused to suspend the writ of habeas corpus. In 1807, in response to this instance, the United States Supreme Court ruled that only a legislature had the authority to suspend habeas corpus. Before this case, there was a question concerning which government body had such authority. New Orleanians knew of the possible actions the military could enforce with the impending threat of invasion. Apparently, memories of 1806 were still fresh in the minds of legislators and residents of the city. With Jackson's reputation for decisive action, it was conceivable they could see a repeat of that unpleasant experience.⁵¹

Additionally, with the British a few miles from the city, rumors spread that the British intended to rape the female residents and steal as much property as possible. The commanders of British forces later denied it, but the assumptions by the locals for the "Beauty and Booty" of the city to be ravaged, struck fear into the hearts of many. Jackson, of course allayed those fears by imposing martial law. Its provisions aided in keeping the British out and maintaining order within.⁵²

Andrew Jackson had a zealous determination to stop the British, whatever the cost. Jackson expected the citizens to share his resolve. He published an address to the people indicating what he expected from them: "every Louisianan, either by birth or adoption, will promptly obey the voice of his country; will rally around the Eagle of Columbia, rescue it from impending danger, or nobly die, in the last ditch of

⁵¹ Albert Phelps, *Louisiana: A Record of Expansion* (Boston: Houghton Mifflin & Company, 1905), 230-246, <http://archive.org/details/louisianaarecor00phelgoog>; Warshauer, *Andrew Jackson and the Politics of Martial Law*, 20-21.

⁵² Robin Reilly, *British at the Gates: The New Orleans Campaign in the War of 1812* (New York: Putnam, 1974), 253-256.

its defense.”⁵³ Jackson’s “at all costs” strategy must have haunted the city fathers who feared he would resort to all means necessary, including burning the city. Jackson later on related that option was on the table: “I would have retreated to the city, fired it, and fought the enemy amidst the surrounding flames...I would have destroyed New Orleans, occupied a position above on the river, cut off their supplies, and in this way compelled them to depart from the country.”⁵⁴ This certainly struck fear in the hearts of those citizens sitting in their homes, uncertain of the outcome of the imminent battles: their town on fire, with thousands of runaway slaves creating mayhem.

CONCLUSION

With martial law in place, Jackson had the power to force compliance with his plan to defend New Orleans and the Mississippi River gateway against the British invaders. He did not declare martial law impulsively. The notices of a disaffected population, ruled by a quarrelsome government proved accurate and resulted in Jackson determining that his only option was to take absolute control of the predicament he faced. Fears of traitorous activity by residents, British spies instigating intrigue among the slaves, Indians and Spanish, an indecisive legislature and weak governor all combined to force Jackson’s hand. This discussion has shown that Louisiana’s unique multi-cultural society created the conditions of suspicion, distrust and contentious leadership resulting in a stunning lack of preparedness for an invasion most knew was inevitable for months. Andrew Jackson quickly assessed

⁵³ Bassett, *Correspondence of Andrew Jackson*, “Jackson’s Proclamation to the Citizens of Louisiana, September 21, 1814,” 2: 57-58.

⁵⁴ Parton, *Life of Andrew Jackson*, 2: 143.

the defenses and troop strength and recognized the need for decisive action. He increased troop numbers by creating a black militia, allying himself with bandits, commandeering private resources and generally disrupting the lives of citizens while preparing for the battle. Jackson understood the constitutional issues raised by his proclamation. His advisors gave him differing opinions on its legality, but ultimately he believed martial law was his only option to accomplish his goals. This examination of conditions within the city and state as well as the unique cultural tensions existing at the time offer a new view of Jackson's justification for imposing martial law's restrictions on the population.

Chapter Three -- Jackson's Obstinacy, the Battle, and the Impact of Martial Law

Jackson's assessment of the conditions in New Orleans required dramatic action, and a declaration of martial law resulted in his total domination of the city. He felt strongly that espionage and subversion perpetrated by British agents and disloyal residents occurred throughout the region and threatened his defenses. The British did provoke insurgency among the slave population and Indians, encouraging them to join the British cause. Jackson did not trust the people in New Orleans and to them attributed treasonous activity. Martial law was in force from three weeks before the final climactic battle until two months following it. The fact that General Jackson kept the heavy restrictions of military rule on New Orleans for an extended period is a major reason for many of the problems experienced by citizens and Jackson. Suspicion of the people whose language and culture he did not understand and a refusal to relax his defensive posture until official notification from Washington reached him fueled his intransigence.

Jackson, even after the citizenry proved their worthiness in defending the city, still could not bring himself to trust them. They were "foreign" to him and their differences made them suspect. Unknown to everyone, the peace treaty negotiated by the American representatives and British authorities was signed two weeks before the final battle of January 8, 1815. Terms were not binding until the United States Senate ratified the treaty, and that did not occur until February 16, 1815. Due to travel restrictions and miscommunication, Jackson

did not receive the official word of the peace treaty until March 13, and at that time immediately ended martial law. His decision to impose martial law and his refusal to release citizens from its restraints proved troublesome for Jackson and the United States government. Arguments over constitutional ramifications and civilian control of the military were not settled for decades.

Once Jackson controlled New Orleans by his martial law proclamation of December 16, he focused on final preparations for the fight with the British. He ordered all horses, carts and cattle gathered up for military use. Jackson directed the mayor to search all homes for weapons; picks, shovels, axes, and other needed implements. Receipts provided to owners accounted for those items commandeered and offered a promise to pay for them later. All federal and state courts closed; jailers released prisoners without bail in return for their serving in the militia. Jackson ordered the blockage of all waterways adjacent to the Mississippi River to prevent their usage by the invading British. The result was that Jackson received confirmation of this order's completion; but in fact, obstruction of one canal did not occur.

This open canal at Jacque Villere's plantation, proved nearly fatal for the United States, as the British used it on December 23. Guided by a group of bribed fishermen, British forces navigated this all-important waterway to a point several miles below the city. These fishermen had unfettered access to New Orleans. Most came there to sell their fish, and they knew all the routes in the environs. British commanders queried them for information about defenses and

troop strength.¹ On learning this, Jackson wrote of his continued distrust of the populace in a letter to his brother in law: “On the 23rd the British effected a landing within nine miles of New Orleans in force at a point I had directed to be well guarded...by three different orders...private – I fear the enemy obtained, their foothold through the treachery of the guard – they were of the militia of the country.”² Jackson refused to trust the people he expected to aid in the defense of their own country. This was another example of the justifiable mistrust Jackson had for the residents of the region.

BRITISH ARROGANCE AND THE TROUBLE WITH CLAIBORNE

In his role of the state’s chief executive, Louisiana Governor William C. C. Claiborne also commanded and recruited for the state militia. Jackson worried about the loyalty of some residents outside the city who did not obey an order by Governor Claiborne to join the militia forces. He informed a general of the militia to take action: “The Example of the Citizens here (who have turned out to a man) must be followed by the inhabitants of the Country: endeavor to shew them that their only safety consists of a manly resistance & at the same time give them Clearly to understand that the severest punishment will be inflicted on those who neglect their Duty.”³ Jackson’s heavy-handed manner threatened Claiborne’s position, since his arrival in 1803 he had been the leading governmental authority in Louisiana. Their relationship further deteriorated as Claiborne felt subservient to Jackson’s domineering presence. For his part,

¹ Charles Gayarre, *History of Louisiana* (New York: W.J. Widdleton, 1866), 417-420.

² Moser et al., *Papers of Andrew Jackson*, “To Robert Hays, December 26, 1814” (Knoxville: University of Tennessee Press, 1991) 3: 221-222.

³ *Ibid.*, “To Philemon Thomas,” December 22, 1814,” 3: 214.

Jackson thought little of Claiborne's military experience and skills. Claiborne wrote to Secretary of War James Monroe, requesting assignment as second in command to Jackson of the troops in Louisiana. Claiborne had an inflated opinion of his military aptitude, and he chafed under Jackson's overbearing command. He wanted to reestablish his self-importance and did not wait for a reply from Monroe. The governor requested an immediate meeting with Jackson to address his concerns. The meeting's results remain unknown, but Jackson surely snubbed him. Claiborne did not receive any change in status and never forgave Jackson for this insult.⁴

On December 23, the British made a sneak attack at Bayou Bienvenue, the one canal at Villere's plantation left unblocked by the Louisiana militia. Jackson halted the attack for the time being, as the British forces retreated to wait for their main force to arrive. Jackson hardened defensive positions along the canal at Villere's plantation with mud, wood from stables, animal shelters, slave quarters and fencing he commandeered from nearby plantations. Claims by landowners for extensive damage to property later resulted in reimbursement by the federal government. The British assessed these fortifications both on December 28 and on January 1. During the first instance, probing offensive maneuvers examined the main American battlements. The second attempt further tested Jackson's line against cannon fire. Jackson's ramparts held up well under fierce artillery barrage in both cases.

⁴ Ibid., "Claiborne to Jackson, December 22, 1814," 3: 214-215.

British commanding general Edward Pakenham confidently believed his superior numbers would smash through the American lines and move easily into the city, some seven miles north. Pakenham's hubris foreshadowed his ruin, as during the climactic battle of January 8, 1815, an irresponsible frontal attack by the British led to their slaughter. Over 2,500 British casualties resulted, compared with six dead and seven wounded Americans. The Battle of New Orleans was no contest, and the subsequent embarrassing British defeat was both shocking and completely unexpected by all.⁵ (See Appendix Map 5.)

The British were so confident in the outcome, that the commanding general of land forces, Edward Pakenham, brought his wife and family. If the British were victorious, Pakenham would assume governorship of Louisiana and "its contemplated dependencies...[and] that a Mayor and Collector of the port of N Orleans had also come out in the expedition."⁶ The Baltimore *Patriot* newspaper supported observations of the enemy's confidence, publishing the following dispatch from January 13 in New Orleans on February 8, 1815: "Many of the British officers have brought their families with them, and it is said they have a collector on board. Every thing proclaims their intention of permanent establishment and their confidence of ultimate success – a confidence still kept

⁵ Matthew Warshauer, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties and Partisanship* Knoxville: University of Tennessee Press, 2006), 268-269.

⁶ "Glorious News from New Orleans! Splendid Victory over the British Forces," *Essex Registrar Office*, Feb. 9 [1815] Digital ID rbpe 05002600, *American Memory, The Library of Congress, An American Time Capsule: Three Centuries of Broadsides and Other Printed Ephemera*, accessed January 12, 2015, <http://hdl.loc.gov/loc.rbd/rbpe.05002600>.

alive.”⁷ Both of these statements reflected British arrogance and disrespectful attitudes towards the Americans. Following their brazen attack on the United States capital city where they encountered weak resistance, they arrived fully confident of an easy takeover of New Orleans. This would permit their control of the key to navigation of the Mississippi River and a link up with their forces in Canada. On learning this, Jackson believed it was even more critical that he controlled the city and managed the population’s support of his efforts to defend New Orleans through his proclamation of martial law.

JACKSON AND THE LOUISIANA LEGISLATURE

Jackson experienced more problems with the Louisiana legislature during the British campaign, further justifying his martial law declaration. On December 28, it was rumored that the legislature planned to surrender to the invading British. Jackson ordered Claiborne to investigate the situation. Abner Duncan, an attorney and aide to Jackson, carried the order to Claiborne “to make strict inquiry into the subject, and if true to blow them [the legislature] up.”⁸ Somehow, Duncan misconstrued some key points of the order, because Claiborne, rather than inquire, posted guards and forbade the legislature from convening inside their building. When Jackson learned of this mistake he withdrew his order. The legislature, however, fumed over the Jackson’s interference. Jackson asked Duncan the source of the capitulation rumor; he

⁷ Mary Bowden, Researcher, University of Texas Bound Newspaper Archive, “News of the U.S.: January 1815,” *Headliners Foundation of Texas*, accessed December 22, 2014, <http://www.headlinersfoundation.org/news-of-the-us-january-1815>.

⁸ Moser et al., *Papers of Andrew Jackson*, “Andrew Jackson to the Louisiana General Assembly,” December 31, 1814, 3: 226-227.

responded that it was Colonel Alexander DeClouet of the Louisiana militia. Jackson believed Claiborne might have been the actual instigator of the rumor, due to his sour relationship with the legislators.⁹ Nevertheless, Jackson's already poor relations with the Creoles and French nationals took another beating. From his arrival, they considered him anti-French. After the battle of January 8, legislative resolutions praised the major officers of Jackson's command. However, Major General Jackson's name was not among the names of the exalted.¹⁰

This event was simply another instance of Jackson's rocky relationship with the residents of Louisiana and New Orleans, which in his mind justified the full prosecution of martial law. His naturally suspicious nature imagined conspiracies springing from innocuous and inoffensive behaviors. Any notion of intrigue set his mind racing. He arrested men simply on the grounds they did not possess official passports. After the final battle, he detained civilians because their status was simply that of resident alien. Over thirty people experienced prison time for no reason at all.¹¹ Governor Claiborne stoked the fires of Jackson's fertile mind with his reports of dissension, treachery and espionage well before his arrival on December 1, 1814.¹²

Following the final battle on January 8, the legislature convened an inquiry into the events surrounding the shutdown of the legislature. Jackson

⁹ Gayarre, *History of Louisiana*, 539-548.

¹⁰ Joseph Tregle, Jr., "Andrew Jackson and the Continuing Battle of New Orleans," *Journal of the Early Republic* 1, No. 4 (Winter, 1981): 375.

¹¹ Andrew Burstein, *The Passions of Andrew Jackson* (New York: Alfred A. Knopf, 2003), 118.

¹² Tregle, Jr., "Andrew Jackson and the Continuing Battle of New Orleans."

wrote on an envelope containing a note pertaining to an appearance by Colonel DeClouet in front of the committee:

this will show that the Legislature of Louisiana endeavored to withdraw officers from the defence of important posts to which Genl. Jackson had assigned them, thus trying by every means to frustrate his designs for the defence of the City while the enemy were in sight.¹³

Jackson's distaste for the Louisiana state legislature never abated. He considered their investigation with suspicious anger and worried about the outcome. They eventually found DeClouet and Duncan complicit in the shutdown but absolved Jackson of any wrongdoing. The legislature had equal revulsion for Jackson and ignored him in a formal proclamation praising the military officers for their brave defense of New Orleans.¹⁴

THE "RUMOR" OF A PEACE SETTLEMENT

Meanwhile the military engagements ended. The humiliating British defeat proved to be their last attempt against New Orleans. They suffered disastrous military losses comprising the majority of their core leadership, including commanding general Edward Pakenham. Forces retreated from the field after gathering their dead and wounded. They returned to the British ships that brought them on January 18, 1815. Shortly afterward, Jackson reported to Secretary of War, James Monroe:

In my own mind however there is but little doubt that his last exertions have been made in this quarter, at any rate, for the present season; & by next, I hope we shall be fully prepared for him...the enemy have been allowed very little respite...my

¹³ Warshauer, *Andrew Jackson and the Politics of Martial Law*, 28.

¹⁴ Matthew Warshauer, "The Battle of New Orleans Reconsidered: Andrew Jackson and Martial Law" *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 39, No. 3 (Summer, 1998), 271.

artillery...being constantly deployed, till the night, & indeed until the hour of their retreat, in annoying them...I believe...Louisiana is now clear of its enemy...however, I need not assure you that wherever I command, such a belief shall never occasion any relaxation in the measures for resistance.¹⁵

Jackson did not diminish his guardedness in any fashion. He knew his forces severely thrashed the British in this campaign but fully expected them to return in the future for another attempt to take the city. Jackson also continued to distrust the diverse inhabitants. He was not about to allow subversive elements and those with questionable loyalties undermine his army's sacrifices. Jackson did not care that citizens already chafed under his restrictions that turned their city into an armed camp. He would not relax his guard until he received official word of the rumored peace treaty's ratification. Jackson therefore maintained his military takeover of New Orleans for two additional months. He reinforced defense positions, continued blocking waterways and prolonged the intense restrictions of martial law.

Jackson's distrust of the area's residents required that he maintain strict control. Those without passes faced arrest and incarceration. The city's mayor wrote to Jackson, complaining that the entire guardhouse was full to overcrowding with prisoners.¹⁶ Slave owners, whose bondmen ran away to join the British, wanted compensation, or better yet, the return of their slaves.¹⁷

¹⁵ Moser et al., *Papers of Andrew Jackson*, "Andrew Jackson to James Monroe, January 19, 1815," 3: 250-251.

¹⁶ John Spencer Bassett, ed. *Correspondence of Andrew Jackson, Volume II, May 1, 1814, to December 31, 1819*, "Nicholas Girod to Jackson, December 25, 1814" (Washington, D.C.: Carnegie Institute of Washington, 1927) 2: 125.

¹⁷ Moser et al., *Papers of Andrew Jackson*, "Claiborne to Andrew Jackson, January 31, 1815, 3: 263.

Jackson, by this time, appeared from the following response, to have had enough of Claiborne: "The interests of the citizens has and will be duly attended by me, and be assured if either the Assembly or yourself attempt to interfere with subjects not becoming to you, it will be immediately arrested...I am pledged for the protection of this District, having the responsibility, I trust I know my duty and will perform it."¹⁸

Jackson then sent a delegation of men to negotiate with the British for return of slave property. The British refused to release them, claiming that the slaves came to them of their own volition. British officers insisted that any slaves in their encampments either appeared voluntarily or arrived as refugees or deserters. British commanders would not force slaves to return to their owners. They would, however, authorize slave owners to visit them and attempt to encourage their return. Some were successful, and others stayed on with the British as military enlistees.¹⁹

A key bit of news, however, resulted from the meeting with the British. The American delegation was taken aboard a British vessel, and Admiral Alexander Cochrane, the supreme commander of British forces, informed them that the Treaty of Ghent peace agreement ending hostilities between the two countries was signed weeks before on December 24, 1814. Subsequently the local press, eager to publish any news that would end the burden of martial law, grabbed the opportunity and on February 21 announced that peace was

¹⁸ Bassett, *Correspondence of Andrew Jackson*, "To Governor Claiborne, February 3, 1815," 2: 156-157.

¹⁹ Gene Allen Smith, *The Slaves' Gamble: Choosing Sides in the War of 1812* (New York: Palgrave MacMillan, 2013), 169-171.

forthcoming. Jackson suspected continued British treachery. He believed surrendering his defenses due to “...newspaper publications—often proceeding from ignorance, but more frequently from dishonest design” to be a disgrace.²⁰

As could be expected, Jackson refused to follow any news except through his official Washington channels. He then hauled the paper’s editor to his headquarters. There he demanded a published retraction and warning that the citizens not accept any news of peace except by Jackson’s formal pronouncement.²¹ The paper’s editor, incensed at Jackson’s intrusion into the free press, followed his command, but not without protesting on February 23, “as we have been officially informed that the city of New Orleans is a camp, our readers must not expect us to take the liberty of expressing our opinions as we might in a free city...as we are ordered not to publish any remarks without authority, we shall submit to be silent until we can speak with safety.”²²

NEW ORLEANIANS RESPOND

The impulsive proclamation of the peace news reverberated throughout the city. Dissatisfaction among the population intensified, as most did not understand Jackson’s reasons for continuing martial law after the slaughtering of British forces. Most citizens had done all they could to defend their city. Only

²⁰ Moser et al., *Papers of Andrew Jackson*, “John Reid to Godwin Brown Cotton, February 21, 1815,” 3: 284-285.

²¹ Francois Xavier Martin, *History of Louisiana from the Earliest Period, With a Memoir of the Author, by Judge W.W. Howe; to Which is Appended Annals of Louisiana from the Close of Martin’s History, 1815, to the Commencement of the Civil War, 1861, by John F. Condon* (New Orleans: James A. Gresham, 1882), 388, accessed January 22, 2015, <http://catalog.hathitrust.org/Record/001268564>.

²² A. S. Colyar, *Life and Times of Andrew Jackson, Vol. 1* (Nashville: Press of Marshall & Bruce Company, 1904), 351.

after the Battle of New Orleans did many question Jackson's continued oppression of them. After all, in their eyes, the danger was eliminated, and they could not understand the necessity of martial law in peacetime. Their businesses had been left unattended for months, and regional commerce was in shambles. Militiamen deserted, and requests for dismissal from duty flooded Jackson's headquarters. After all, these men were not professional soldiers, but average residents willing to do their duty and then return to civilian lives. The governor and military leaders made pleas on behalf of men who simply wanted to return to their farms for the spring planting season. Jackson ignored them all and remained stubbornly attached to his responsibility as protector of New Orleans. He warned them to remain vigilant: "the enemy is still hovering around us & perhaps mediates an attack." Many members of the militia with a French background went so far as to apply for citizenship through the French consul to obtain their release from military duty. Jackson was furious and acted as expected. He ordered the French consul and all those holding certificates of French citizenship banished from New Orleans to a distance of 120 miles of the city until the termination of martial law.

The unifying attitude that inspired the citizenry to join in defense of New Orleans now worked to separate them because of Jackson's stubborn insistence on maintaining martial law.²³ Sending the French outside the city was a major insult and confirmed their feeling that Jackson held them in special contempt.

²³ Warshauer, *Andrew Jackson and Martial Law*, 31-33, 272-277; Moser et al., *Papers of Andrew Jackson*, "Order to the French Citizens of New Orleans, February 28, 1815," 3: 294.

These Americans of French origin proved themselves loyal to the defense of New Orleans and were brave participants in the battles. Jackson never trusted them or any foreign citizen, because he did not understand their language or customs. He thought of them as a conniving people and prime suspects in his perceived ring of spies. This act of banishment was the culmination of his frustration in dealing with them during his time in New Orleans.

The next event challenged Jackson's authority and set the course for a climactic battle between Jackson and the Louisianans. An active member of the Louisiana legislature, Louis Louaillier, under the alias "A Citizen of Louisiana of French Origin," penned a letter to the editor to the Louisiana *Courier* newspaper on March 3 that took Jackson to task for taking civil rights from the French and censoring the press. Louaillier demanded to know why the French, who exhibited gallantry in defending the city, received for such outrageous treatment to the exclusion of others. He wrote:

To remain silent on the last general orders...would be an act of cowardice which ought not to be expected from a citizen of a free country; and when every one laments such an abuse of authority, the press ought to denounce it to the people...it is high time the laws should resume their empire; that the citizens of this State should return to the full enjoyment of their rights; that in acknowledging that we are indebted to General Jackson for the preservation of our city and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and, less than any other, that of expressing our opinion of the acts of his administration.²⁴

Louaillier spoke for the majority when he addressed the issue of freedom of the press to criticize governmental actions in a free society. Jackson severely

²⁴ James Parton, *Life of Andrew Jackson, Volume II* (Boston: Houghton, Mifflin and Company, 1888) 2: 308-311.

censored it during his rule. He also vented the feelings of those tired of revocation of their civil rights, especially in peacetime. On learning of this direct affront to his authority, Jackson drew up arrest orders for the writer when his identity was determined. He explained that congressional rule of war stated that in times of war non-citizens of the United States, caught as spies, were subject to court martial and punishment by death.²⁵ Jackson ordered the newspaper's editor to provide the writer's identity. Once confirmed as Louaillier, Jackson ordered him arrested on March 5. While undergoing his detention, Louaillier implored onlookers of his detention against his wishes. A local attorney, Pierre Morel, was on the spot and immediately made plans for his release. Jackson anticipated this and instructed Lieutenant Colonel Mathew Arbuckle to prepare for attempts at serving writs of habeas corpus. His suspicions of the press ran deep:

The arrest and trial of Mr. Louaillier will open to view the extent to which his publication and other plans have been carried to excite mutiny and disaffection in my army and camp. The enemy is still near us...his emissaries have for some weeks been busily engaged amongst us.²⁶

Jackson further ordered Arbuckle to arrest anyone attempting legal maneuvers for Louaillier's release. He believed that the local federal judge Dominick Hall was part of the conspiracy. Just the day before, on March 4, Jackson reminded all in a general order that anyone "found lurking as spies, in or about the fortifications or encampments of the armies of the United States...shall suffer

²⁵ Gayarre, *History of Louisiana*, 586-589.

²⁶ Bassett, *Correspondence of Andrew Jackson*, "To Lieutenant-Colonel Arbuckle, March 5, 1815," 2: 183.

death." Jackson's paranoia peaked with these incidents. He imagined anyone who disagreed with him as an enemy spy. Attorney Morel immediately went to Judge Hall's home and received from him the writ of habeas corpus ordering Louaillier's release. Morel then wrote to Jackson, informing him that Judge Hall issued the writ granting Louaillier's the next day, March 6 at 11:00 am.²⁷ Jackson immediately responded with another note to Lieutenant-Colonel Arbuckle, reflecting his perception that even United States district court justices were not immune from spying and sedition against their own country:

Having rec'd information that Domanic A. Hall has been engaged in aiding abetting and exciting mutiny within my camp, You will...arrest and confine him, and make report of the same to head Quarters. You will be vigilant. That agents of the enemy amongst us are more numerous than was first expected. Particular orders to your guards must be given to prevent escapes.²⁸

Jackson never wavered in his belief that conspiracies and deception surrounded him in New Orleans. A proclamation on March 5 confirms this:

The commanding general is responsible for the safety of this section of the union; and it shall be protected against every design of the enemy, in what manner soever he may shape his attack, whether it be made by the known and declared foe, or by the pretended and deceitful friend...The lurking traitor is now laboring to feed fresh fuel, a spirit of discontent, disobedience and mutiny, too long secretly [*sic*] fomenting.²⁹

The order to arrest Judge Hall took place quickly, and fortune put both Hall and Louaillier in the same jail cell. Jackson encouraged his officers and enlisted men to arrest anyone for provoking subversion or treasonous activity. Arrest of one

²⁷ Parton, *Life of Andrew Jackson*, 2: 312-313.

²⁸ Bassett, *Correspondence of Andrew Jackson*, "To Lieutenant-Colonel Arbuckle, March 5, 1815," 2: 183.

²⁹ Warshauer, *Andrew Jackson and Martial Law*, 282, referencing *Niles Weekly Register*, April 22, 1815.

civilian resident of the city on charges of seditious activities occurred after he openly supported Louaillier's newspaper commentary and criticized Jackson's martial law actions.³⁰

THE BUNGLED PEACE MESSAGE

On March 6, a messenger arrived from Washington after a nineteen-day trip. The rushed horse courier rode nearly nonstop, because he carried news of the peace treaty's ratification. Louisiana's remote location was important, because the travel time from the nation's capital under normal circumstances was one month. Jackson felt this isolation during his command, and it may have intensified his feelings of paranoia. This may explain his belief that spies surrounded him and that he felt himself in a foreign country. Anticipating the good news of peace for days on end, one can imagine the disappointment of Jackson and his staff when they learned the messenger mistakenly brought the wrong satchel of letters and orders. An expected letter from Secretary of War James Monroe giving official word of peace was not included. There was an authorized notification from the Postmaster General informing all postal employees along the way to provide aid to the courier in expediting the good news of peace. Nevertheless, this bit of intelligence failed to change Jackson's approach to his defensive posture. He expected, however, the reports of peace to arrive soon and realized his days maintaining martial law were numbered.³¹

³⁰ Parton, *Life of Andrew Jackson*, 2: 313.

³¹ Moser et al., *Papers of Andrew Jackson*, notes, 303; Parton, *Life of Andrew Jackson*, 2: 314-315.

With martial law still in force, Jackson proceeded with the military court martial of Louaillier on March 7. The charges against him were questionable at best and reflected Jackson's anger: exciting mutiny, general misconduct, illegal and improper conduct, disobedience of orders, writing a willful and corrupt libel and spying. The military's prosecutor suspected he had no jurisdiction and worried about the legitimacy of the charges. Finally, the military court decided on only the charges concerning illegal activity and disobedience of orders related to the case. Even these were suspect, as Louaillier was not a militia member and subject to military jurisdiction. The case proved weak and the tribunal found Louaillier not guilty after one day's proceedings.³²

Jackson was furious with the verdict and rejected it completely. He returned Louaillier to custody and offered a lengthy opinion on the verdict. His statement focused on the commanding general's authority under martial law. In his view, New Orleans was a fortified military camp with all citizens considered soldiers and subject to military codes of conduct: "Martial law, being established, applies as the commanding general believes, to all persons who remain within the sphere of its operations...it makes every man a soldier...and to make him liable for any misconduct calculated to weaken its defence..."³³ By this point Jackson was reaching for justification of Louaillier's arrest. It is difficult to imagine how a letter to the editor of a local newspaper simply questioning the

³² Marquis James, *Andrew Jackson: The Border Captain* (Indianapolis: The Bobbs-Merrill Company, 1933), 283; Warshauer, *Andrew Jackson and Martial Law*, 284.

³³ Moser et al., *Papers of Andrew Jackson*, "Opinion on Verdict of Court-Martial of Louis Louaillier, March 11-14, 1815," 3: 305-309.

reasons for banishing an entire class of people and maintaining martial law's hardships on the citizens was judged seditious.

Jackson anticipated a similar verdict for Judge Hall and rather than waste time, he decided to forcibly deport him from town. He wrote him on March 11 informing him of his decision:

I have thought proper to send you beyond the limits of my encampment, to prevent you from a repetition of the improper conduct for which you have been Arrested and Confined; And to order that you remain beyond my chain of centinels, untill it is announced by proper authority that the ratification of the treaty between Great Britain and the U. States, has been made, or the enemy shall have left the Southern coast.³⁴

Hall's expulsion was brief, because on the next day, March 13, official word of the peace treaty's ratification by the United States Senate reached General Jackson. In turn, Jackson issued a proclamation of peace. He immediately ended hostilities against the British and notified their commander, revoked martial law, pardoned all those accused of military offenses and ordered the release of any incarcerated prisoners. Jackson then discharged the militia from their service and allowed them to return to their homes.³⁵

JUDGE HALL'S REVENGE ON JACKSON

Judge Hall did not forgive easily, and on returning to town made plans for his revenge against Jackson. Even more than retaliation for the personal affront of his arrest, Hall demanded enforcement of the Constitution's insistence on divisions between civil and military authority. Jackson's military revocation of

³⁴ Bassett, *Correspondence of Andrew Jackson*, "Jackson's Order to D.A. Hall, March 11, 1815," 2: 189.

³⁵ Parton, *Life of Andrew Jackson*, 2: 316.

civil liberties (enforced by Hall) could not stand. This aspect of American government grew from Thomas Jefferson and James Madison's roles in the nation's founding that had as a basis an intrinsic distrust of the military and standing armies. Yet, at the same time both presidents had no trouble in using and expanding those armies for national defense. At this point in the young nation's history, the military was still small enough to be controlled by civilian government authority.³⁶ Judge Hall had no hesitancy to do battle with Jackson, because he believed he was on superior footing to him as a direct representative of civil authority.

On March 21, he summoned Jackson to court to answer a charge of contempt for refusing to acknowledge the writ of habeas corpus in the case of Louis Louaillier. Jackson's legal team sparred with the judge regarding the legality of his jurisdiction during a period of martial law and Jackson's need to impose martial law during the wartime conditions in New Orleans. Ultimately the judge prevailed and forced Jackson to appear before him on March 27. The judge refused to hear the elaborate defense prepared by Jackson's counsel. They argued for a jury trial on the grounds that Judge Hall held prejudice against Jackson. He was judging his own case. Hall refused to see it their way and ordered Jackson to return on March 31 to respond to a number of the court's interrogatories concerning the case. Jackson reappeared as ordered. A raucous crowd of supporters greeted him, and Judge Hall appeared a bit taken aback and fearful of interference with his proceedings. Jackson assured him that "there is

³⁶ Peter D. Feaver and Richard H Kohn, editors, *Soldiers and Civilians: The Civil-Military Gap and American National Security* (Boston: MIT Press, 2001), 223-224.

no danger here, the same arm that protected from outrage this city against the invaders of the country, will shield and protect this court, or perish in the effort.”³⁷ Judge Hall then asked Jackson the nineteen questions he had for him regarding the charges of contempt against him. These questions covered the facts of the charges. One question asked if it is was true that Jackson told the marshal issuing the writ of habeas corpus for Louaillier that he had no intention of obeying Hall’s order. Another interrogatory asked Jackson to admit or deny that he initiated a court martial of Louaillier on charges “which jeopardized his life,” and that Louaillier was “at the time, a member of the Legislature of the State of Louisiana.”³⁸ Jackson refused to answer any of them. Instead, the general responded as follows:

When called upon to show cause why an attachment for contempt of this court ought not to run against me...you would not hear my defense...I appear...to receive the sentence of this court...Your honor will not misunderstand me as meaning any disrespect...but as no opportunity has been furnished me to explain...my conduct, so it is expected that censure will form no part of that punishment which your Honor may imagine it your duty to perform.³⁹

Immediately following, Judge Hall found Jackson guilty of contempt and fined him \$1,000. Jackson immediately wrote a check to the court to satisfy the magistrate. Jackson left the courtroom and received the adulation of the assembled supporters. The crowd contained supporters, mainly soldiers and the Baratarian pirates he originally despised. Among them were those willing to pay Jackson’s fine. The general generously refused the offer and instead suggested

³⁷ Parton, *Life of Andrew Jackson*, 318-320.

³⁸ Eberhard P. Deutsch, “The United States versus Major General Andrew Jackson,” *American Bar Association Journal* 60 (September, 1960): 971.

³⁹ Marquis James, *The Border Captain*, 285-286.

donating the money to those widows and orphans of his men killed during the battle.⁴⁰

Privately, Jackson had an intense hatred for Judge Hall and his vengeful activities against him. He detested the fact that Hall refused to allow a jury trial or to hear his defense in court. By not doing so he refuted his own instructions: to prove that Jackson had the right to act as he did.⁴¹ Intent on clearing his name, Jackson submitted to several newspapers the lengthy defense of his actions that Hall refused to hear. He charged Hall with conspiring through Louaillier to provoke insubordination and desertion of troops within his camp. Jackson further accused Hall with cowardice as he fled the city for Baton Rouge during the campaign and increasing fear among the population.⁴² Jackson related that Governor Claiborne informed him of widespread disillusionment among the citizenry and that he and other prominent residents including Hall endorsed the establishment of martial law. Judge Hall did not let the accusations go without a response. On April 15, he replied in the *Louisiana Gazette* that by accusing him of cowardice and mutiny Jackson simply was covering the fact that he did not respect the law and committed illegal and out of control behavior. Hall also

⁴⁰ For information see the *Niles' Weekly Register* June 3, 1815 issue that carried a first person account of the trial of Jackson; listed as *Niles' Weekly Register, From March to September, 1815, Vol. VIII* (Baltimore: Franklin Press), 245-248, <http://archive.org/stream/nilesweeklyregis08balt#page/n/5/mode/2up>.

⁴¹ Warshauer, *Andrew Jackson and the Politics of Martial Law*, 40.

⁴² John Henry Eaton, *Life of Andrew Jackson* (Philadelphia: Samuel F. Bradford, 1824), 426.

denied any consultation on imposing martial law and certainly did not endorse it.⁴³

JACKSON'S JUSTIFICATIONS

Jackson did provide his rationale for imposing martial law in a letter to his friend and future member of his presidential cabinet, John Henry Eaton,

I very well knew the extent of my powers, and that it was far short of that which necessity and my situation required. I determined...to wipe off the stigma cast upon my country by the destruction of the capital. If New Orleans were taken, I well knew that new difficulties would arise, and every effort be made to retain it... I was well aware that calculating politicians...would condemn my course; but this was not material...If disaster did come, I expected not to survive it...if a successful defence could be made, I felt assured that my country...would...forget the means that had been employed.⁴⁴

He was determined to retaliate for the humiliation the country suffered when the British burned Washington, D.C. Additionally, he knew the strategic importance of New Orleans and that nothing short of a fight to the last man, including himself, would be required to retain the city. Jackson knew he acted in a highly questionable manner and expected exhaustive political scrutiny of his martial law declaration. However, he believed in his complete vindication in consideration of the great victory achieved. He also discussed his rationale for suspending liberties in wartime in a letter to his troops written in March of 1815:

What is more justly important than personal liberty; yet how can the civil enjoyment of this privilege be made to consist with the order, subordination and discipline of a camp? Let the sentinel be removed by subpoena from his post, let writs of habeas corpus

⁴³ Warshauer, *Andrew Jackson and Martial Law*, 287-288.

⁴⁴ Eaton, *Life of Andrew Jackson*, 428.

carry away the officers from the lines, and the enemy may conquer your country, by only employing lawyers to defend your constitution.⁴⁵

Jackson did not care what people thought of his decision to impose martial law. No one could understand the conditions he found and the grave consequences of losing the city. If they did lose, Jackson did not expect to survive. He did not worry about any negative feedback, because he would fight to his last breath trying to defeat the hated British. Jackson justified his temporary suspension of civil liberty because of its inconsistency in a military setting. He asked his men if they were willing to allow legal arguments dominate where military force was necessary to defeat their enemy.

Jackson's defense team produced an intensely detailed document that Judge Hall refused to hear during the trial. Hall stated that the defense did not pertain to the case, which was contempt for the court. In Jackson's reply, he mentioned Hall's absence from New Orleans. Apparently, Hall left for Baton Rouge in December, and he did not return until February. Jackson's supporters viewed the allusion of cowardice concerning Hall both at his trial and in Jackson's defense document as Hall's vengeful reason for finding Jackson guilty of contempt.⁴⁶ This document provides additional interesting insights into Jackson's legal justifications for imposing martial law. In it, Jackson mentioned the letters from Claiborne prior to his arrival in which he warned of the questionable loyalty of the citizens, an ineffectual legislature, foreign

⁴⁵ Moser et al., *Papers of Andrew Jackson*, "To Jean Baptiste Plauche et al, March 16, 1815," 3: 312-314.

⁴⁶ Gayarre, *History of Louisiana*, 625-626.

“emissaries” in the area, a population divided among political and national allegiance lines, some being advocates for return to foreign rule and those who were outright spies. The legislature was “politically rotten,” and their behavior negatively influenced state militia to disobey assembly orders. New Orleans was “in a very unprepared and defenceless condition...in case of sudden attack this capital would...fall an easy sacrifice.” Doubt of the loyalty of the Europeans, and others “whose partiality to the English is not less observable than their dislike to the American government,” pervaded Claiborne’s worries. He was not “at the head of a willing and united people...among them exists much jealousy, as in political sentiment as in their language and habits.” According to Claiborne, the country abounded with spies and traitors; the city had a “much greater spirit of disaffection...and...a despondency which palsies all my preparations...they see no strong regular force, around which they could rally their confidence.” Furthermore, “the garrison here at present is alarmingly weak.”⁴⁷ Jackson believed that he was about to enter a city so fractured and despondent with fear and distrust that he had no choice but to take swift and appropriate actions. Since the chief executive of the state, Governor Claiborne, did not trust his own legislature’s allegiance to the country, it did not take Jackson long to determine that military control of the city was the inevitable solution.

Jackson gave his own distorted justification for his actions. He thought it beneficial that he had no prejudices towards Louisiana. Jackson said he arrived with no acquaintances, political connections or familiarity with the languages

⁴⁷ *Niles’ Weekly Register, Vol. VIII, March to September 1815*, June 10, 1815 issue (Baltimore: The Franklin Press, 1837), 248-249.

and customs of the residents. He truly believed that his decision was impartial and done because “Our men were few, and...badly armed; our prospect of aid and supply was distant; our utter ruin, if we failed, at hand and inevitable; every thing depended on the prompt and energetic use of the means we possessed—on putting the whole force of the community into operation...No delay, no hesitation, no enquiry about rights, or all was lost.”⁴⁸ The man of action believed he had no choice: he was short of men, supplies and isolated, with no hope of further assistance facing a desperate fight for the country’s survival. His intolerance, however, of the Louisiana culture he did not understand played the largest role in his decision-making.

Jackson then discussed his justification. He fully believed his only option to control the disparate factions in the city, manage the lawmakers, root out spies and those willing to commit espionage and treasonous acts, and force everyone to work toward the goal of defeating the invaders, was to impose martial law. He was very aware that he would take away constitutional rights. Martial law would “supersede such civil powers as in their operation interfered with those he was obligated to exercise.” Jackson believed that the temporary suspension of “constitutional forms” be done for “permanent preservation of constitutional rights.” He fully thought that there was no doubt that this was the correct action: “were it better to depart for a moment, from the exercise of our dearest privileges, or have them *wrested* from us forever.”⁴⁹ Jackson thought he was right as the guardian of public safety. His justification was necessity; the

⁴⁸ Ibid., 249.

⁴⁹ Ibid., 250.

conditions and needs of the commanders charged with protecting the United States had the right to take whatever actions deemed necessary. Extraordinary circumstances meant taking extraordinary actions.

To prove his case for necessity, Jackson stated: “personal property cannot exist when every man is a soldier. Private property cannot be secured when its use is indispensable for public safety. Unlimited liberty of speech is incompatible with the discipline of a camp, and that of the press is the more dangerous still when it is made the vehicle of conveying intelligence to the enemy, or exciting to mutiny in the camp.” He then offered that maintenance of any of these rights during the campaign meant the subsequent abandonment of the country’s defense. Jackson agreed that the civil judge (Judge Hall in this case) was the protector of those rights. However, Jackson’s intent with imposition of martial law was to override the judge’s authority, “so far as it interfered with the necessary restriction of those rights, *but no further.*” Necessity was “a measure without which the country must have been conquered and the constitution lost, then it forms a justification for the act.” Jackson believed then that “necessity” justified his actions under the Constitution to save the country from “conquest and ruin.”⁵⁰

Next, he discussed how the legislative, executive and judicial branches of Louisiana exercised “necessary” powers outside of normal constitutional law during the campaign. He first related a story from a New Orleans resident that stated that while on a British vessel only recently, he learned from a

⁵⁰ Ibid.

quartermaster that British commanders received daily reports from willing citizens on troop strength and positions, fortifications and artillery positions. Furthermore, the British officer said commanders “could at any hour procure any information necessary to promote his majesty’s interest.” Jackson went on to inform the judge that time and resources should be expended on finding, apprehending and trying them rather than judging the man whose measures were instituted to prevent such treasonous activity. State government activities such as instituting embargoes of goods (regulating commerce, within the federal government’s purview) exiling citizens simply because they were suspected of posing a threat and releasing prisoners and forced closure of the courts happened by “necessity.” He asked the court how these acts differed in principle from his own. In closing, he stated that he established the necessity of declaring martial law, and that abuse or extension of that power was no longer than necessary.⁵¹

Jackson sought to show the court that his imposition of martial law made every citizen a soldier, including the legislature and judicial system. Military laws, therefore, replaced civil laws normally enjoyed by civilians. The provision of “necessity” was the basis for all of his actions. He believed that the Constitution provided for the temporary suspension of civil authority in cases where direct threats were evident against the country. In the case of New Orleans, he found a city with disparate political and cultural divisions, unable to work towards a united plan for defense of the most important waterway to the

⁵¹ Ibid., 253; Moser et al., *Papers of Andrew Jackson*, “To the United States District Court, Louisiana, March 27, 1815,” 3: 322-336.

interior of the country. He knew he took drastic actions in declaring martial law. He completely believed the “necessity” of the place and time made them correct and justified. Jackson never wavered in this belief for the rest of his life.

Judge Hall continued the battle with Jackson and published his response to Jackson in mid-April. It was common during the period for those whose honor was attacked to resort to responses printed in pamphlets, broadsides or newspapers. This honor code required that men in higher social and political ranks defend and promote their reputations. Regardless of the level of disagreement, men were expected to act as gentlemen.⁵² He attacked Jackson for diverting attention from the fact that while performing the duties as judge for the United States, the general imprisoned him, disrespected the court and obstructed justice. Although he praised Jackson as a conqueror and defender of the country, he could not reconcile the hero with the man who “beat down the law and its unprotected minister, the judge.” Hall spent the majority of his reply assailing Jackson’s personal attacks on him. He categorically denied consultation on the propriety of or his subsequent approval of martial law.⁵³

JACKSON ANSWERS THE PRESIDENT

General Jackson remained in New Orleans until April 6 and spent the majority of his time settling military accounts with citizens over claims for

⁵² Matthew Rainbow Hale, “Taking it Personally,” review of *Affairs of Honor: National Politics in the New Republic*, by Joanne B. Freeman, *Common-Place*, Sponsored by the American Antiquarian Society and the University of Connecticut, Vol. 2, No. 3 (April 2002), accessed March 23, 2015, <http://www.common-place.org/vol-02/no-03/reviews/hale.shtml>.

⁵³ *Niles’ Weekly Register, Volume 8*, “A Note to General Jackson’s Answer, from the *Louisiana Gazette*, April 15, 1815,” June 17, 1815, 272-274.

damages and loss of property. In one revealing letter he wrote to a friend yet unknown, he described his reasons for delaying his departure as dealing with “disappointed traitors and tories, who are much chagrined [*sic*] because the country has been saved from the Lyons grasp...the Governor’s feebleness...he is a perfect old woman...hiding himself from the Balls & Rockets of the enemy instead of encouraging the men upon the lines...with Claiborne [as head of state] [Louisiana] will always be filled with faction—he will abandon principle, and attach himself to [T]ories and Traitors...the Governor is the moving machine behind the curtain...Judge Hall has become [a] tool and puppet.”⁵⁴ Jackson’s scorn of Claiborne continued, and he concluded the letter with the threat to have the corrupt legislature and leadership including Claiborne and Hall investigated by Congress.

Jackson expected contact and inquiry from the Madison administration regarding the martial law question, doubtless because having not told them before imposing it, they surely would have heard of it. He requested and received a letter from Commodore David Patterson, the naval commander at New Orleans to provide backing of his actions and vouching for the approval the city leaders gave to martial law’s introduction. Jackson received a letter from new Secretary of War Alexander Dallas, in which he informed Jackson of news President Madison received concerning his actions against Judge Hall. He claimed these actions required “immediate attention, not only to in vindication of the just authority of the laws, but to rescue your own conduct from all

⁵⁴ Moser et al., *Papers of Andrew Jackson*, “To Unknown, cMarch 31, 1815,” 3: 337-338.

unmerited reproach.” Madison wanted answers in a report and presumed that “every extraordinary exertion of military authority has ceased.” Jackson judged this as an affront to his honor and an official disapproval of his actions.⁵⁵ He was surprised at the letter’s tone and anticipated that President Madison would approve his actions *ex post facto*. Through Dallas, Madison questioned Jackson’s assertions that the situation in New Orleans warranted imposition of martial law. Nevertheless, Madison did not outwardly reprimand Jackson. On the other hand, possibly Madison concluded Louisiana was a special situation. It was a new state unfamiliar with republican rule and a largely French population of varied allegiances. It is conceivable to think that Madison believed Louisiana was a special circumstance requiring different rules.

Jackson was eager to meet with Madison and defend himself. He made plans to go to Washington later that fall. In July, Secretary Dallas sent another letter to Jackson reiterating concern over his use of martial law in New Orleans, yet they knew his motives were nothing but nationalistic and noble. Dallas noted that President Madison would prefer to let the matter drop, but he questioned the effect of his silence and a precedent set by Jackson would cause misunderstanding.⁵⁶ It was clear in this letter that Madison never heard directly from Jackson that he had imposed martial law. He also noted that the administration solicited statements from other public officers regarding the facts of the situation. Madison agreed with his assertion of “necessity” as justification

⁵⁵ *Ibid.*, “Alexander J. Dallas to Andrew Jackson, April 12, 1815,” 3: 344-345.

⁵⁶ *Ibid.*, “Alexander J. Dallas to Andrew Jackson, July 1, 1815,” 3: 375.

for the measures taken but reminded Jackson of the regulation of military power within the Constitution.

President James Madison had a problem. What made New Orleans different from a burning United States capital, where no suspension of civil rights or imposition of martial law occurred? Madison himself was still unpopular with Federalists, the opposition party popular with many in the Northeast, who believed he unnecessarily instigated the war. On the other hand, many Americans felt an overwhelming sense of pride and unification over defeating the British. Would castigating the supreme hero of that war, whom many called the savior of the country, be political suicide? He had to choose between upholding the sanctity of civil law, of which, as author of the United States Constitution, he was the nation's foremost authority, or simply sweeping the issue under the rug for leaders to deal with later. He chose to forego any further "critical examination" of the issue at that time.

Dallas did issue in his letter a mild rebuke of Jackson's actions. He stated that a commander may have "high and necessary powers; but all his powers are compatible with the rights of citizens, and the independence of judicial authority." Dallas went on to claim that if a commander suspended habeas corpus, restricted press freedom, applied military punishments to civilians and overruled judicial authority, he could not "resort to the established law of the land, for the means of vindication." In other words, Madison's administration acknowledged Jackson's principle of necessity, could not condemn his actions, but because of the special nature of the situation did not approve of an attempt

at justification through application of established law. Jackson did go to Washington in November seeking to meet with Madison and Dallas. According to John Reid, a friend of Jackson and present at the meeting, Dallas confirmed that the president and department heads “neither required nor wished any further explanation.” Therefore, the matter ended for the time being with Andrew Jackson believing in his vindication.⁵⁷

After the victory, most New Orleanians viewed Jackson as the savior of their city and country. Those affected by martial law’s effects saw him as a tyrant and hijacker of their civil rights. Outside Louisiana, Andrew Jackson became a wildly famous figure and among the most popular men in America. Americans believed themselves as truly independent and an emerging player on the world stage. The government’s decision to not pursue any actions against him for his instituting martial law coincided with the national mood. America was hugely relieved to end this war. Celebrations broke out wherever Jackson ventured. Citizens concentrated on the uplifting concluding act of smashing the British, orchestrated by Jackson, to an otherwise ill timed, poorly contested and depressing war. Jackson’s acclaim reached heights never seen again in American history. This adulation lasted until his death.

Jackson saw the historical importance of his actions in New Orleans. He wrote to a friend shortly after the battle that the “morning of the 8th of January...will be ever recollected by the British nation, and always hailed by

⁵⁷ Ibid.; Ibid, “To John Coffee, December 4, 1815,” 3: 394-395; 395n.

every true American.”⁵⁸ Jackson’s victory ushered in a new era of westward expansion for the United States. Had he not prevailed at New Orleans, Britain certainly would gain control of the Mississippi River, disregard the Louisiana Purchase and forestall any future growth westward. Jackson’s heroic status continued unabated, as he became the symbol for new American resilience and independence. A friend told him what many clearly saw that “with the proper management of your friends that you might be elected to the highest Office in the American Government.” Eventually political handlers enticed Jackson towards presidential politics.⁵⁹

⁵⁸ Robert V. Remini, *Andrew Jackson: The Course of American Empire, 1767-1821* (New York: Harper & Row Publishers, 1977), 296-297.

⁵⁹ Marquis James, *The Border Captain*, 292; John Buchanan, *Jackson’s Way: Andrew Jackson and the People of the Western Waters* (New York: John Wiley & Sons, 2001), 363-365; Bassett, *Correspondence of Andrew Jackson*, “Colonel Andrew Hynes to Jackson, October 24, 1815,” 2: 218.

Conclusion

Andrew Jackson absolutely believed that in order to defend New Orleans against the threat of the oncoming British invasion he needed to assume broad military control of the region. He entirely suspended civil authority, made himself the supreme leader of a newly defined military district and placed all citizens under the authority of military commands and military justice. Jackson was not alone in his support for such drastic action, as many prominent U.S. legislators, businessmen, judges, and social movers believed martial law was the only way to control New Orleans and prepare it for battle against the British.

In early December of 1814, Jackson arrived to find a city with its citizens' confidence in terrible shape. Some people anticipated a likely defeat by the British. Other people were on the verge of panic. Still others did not care and were indecisive concerning their loyalties in the situation. Jackson received a great deal of preparatory intelligence about the conditions in Louisiana. He learned of the ineffective and indecisive legislature whom some believed, including the state's governor, would not think twice about turning the city over to the British to escape damage, looting and killing of the citizenry.

Jackson also recognized the cultural and ethnic difficulties within the district. French was the primary language spoken, French customs predominated and the atmosphere was thick with distrust. The native creole population of Spanish, French and other European ethnic groups had only recently come out from under colonial rule from afar. The local residents did not trust the Americans who had ruled them during Louisiana's territorial period

before statehood, which had been newly obtained in April 1812. Furthermore, the influx of Anglo-Americans into Louisiana seeking their fortunes brought different attitudes and aggressive methods of conducting business that left many established creoles lost in the whirlwind left in their wake. Jackson declared martial law to address the diminishing civilian determination and force the population to realize the magnitude of what they were about to confront. The full force of the British military, having recently defeated Napoleon in Europe, was now on its way to Louisiana. There was no coordinated defensive plan for the city before Jackson arrived. New Orleans and Louisiana were the centers of western commerce in the United States and the region's defense was vital to the nation's security. In the eyes of Andrew Jackson, his responsibility was nothing short of stopping the apocalypse from taking place.

Andrew Jackson was a man of action with a terrible temper and seemed to be in constant battle with other people or principles. Many of his foes feared his angry outbursts. One author described this fear: "Observers likened him to a volcano, and only the most intrepid or relentlessly curious cared to see it erupt...His close associates all had stories of his blood-curdling oaths, his summoning of the Almighty to loose His wrath upon some miscreant, typically followed by his own vow to hang the villain or blow him to perdition."¹ He fought numerous duels during his lifetime protecting either his or others' honor. During an 1806 confrontation, he killed a man for insulting his wife Rachel.² He had a

¹ H.W. Brands, *Andrew Jackson: His Life and Times* (New York: Anchor Books Division of Random House, 2006), 297.

² *Ibid.*, x.

strong unshakable belief in protecting the homeland and his friends. More importantly, he unyieldingly felt preserving republican government and the United States must be his foremost obligation.

Andrew Jackson's dramatic step of imposing martial law can be viewed in two ways: His enforcement of martial law at New Orleans was the reckless response of a despot who simply wanted to impose himself as a domineering, power hungry military oppressor. On the other hand, one might argue that Jackson took justifiable action suitable to control the countless cultural, political, and social problems he encountered; that if not controlled could have prevented him from fulfilling his orders to defend the city at all costs. A review of the circumstances is in order.

Jackson's analysis of the conditions he found in New Orleans ultimately led him to believe he had no choice but to impose martial law. To begin with, the political environment in Louisiana was dubious. The governor and legislature had major conflicts with each other that ran back a number of years. Neither branch of government trusted the other. Jackson received numerous missives from Governor Claiborne before his arrival that painted a frightening picture: the populace had questionable loyalties and uncertain reliance if the situation required full commitment. After all, Jackson stated that creole men were more likely to prefer dancing to fighting.³ His distrust of French culture, mainly from a lack of understanding, exacerbated his biases against the native population allowing wild ideas of seditious behavior to pervade his thinking. This

³ Tom Kanon, *Tennesseans at War, 1812-1815: Andrew Jackson, the Creek War, and the Battle of New Orleans* (Tuscaloosa: University of Alabama Press, 2014), 135.

information played into Jackson's suspicions allowing him to believe that "hordes of spies and British emissaries lurked in the city."⁴ Based on the information he received from Louisiana's governor and local politicians, Jackson pragmatically supposed that the citizens of New Orleans had questionable allegiance to the United States and were therefore untrustworthy.

The disdain was mutual. Andrew Jackson and the French creoles of New Orleans did not trust one another. Jackson's snub of leading creole Bernard Marigny's offer of his home as military headquarters did not portend a good working relationship. In fairness to Jackson, he chose the residence of a local physician, willing and able to treat the general's multiple physical ailments. Nevertheless, he did not inform Marigny of that fact.⁵ Jackson's choice of staff members also failed to endear him to the creoles. His actions, seen as anti-French, disturbed the French side of the legislature, because the men chosen generally opposed their positions. Jackson's choice of men he knew, however, was ultimately important for the campaign. Again, the predominant language in New Orleans was French of which Jackson knew little. At least one aide New Orleanian, Edward Livingston, whose wife was French creole, was bilingual, and that proved advantageous in communicating with the city.⁶ Many of the French

⁴ John Spencer Bassett, *Correspondence of Andrew Jackson*, Volume II, May 1, 1814 to December 31, 1819, "To Secretary Monroe, February 13, 1815" (Washington, D.C.: Carnegie Institute of Washington, 1927), 164-170.

⁵ Harold D. Moser et al., *Papers of Andrew Jackson*, "Jackson to Robert Hays, February 17, 1815" (Knoxville: University of Tennessee Press, 1991) 3: 280-281.

⁶ Robert V. Remini, *Andrew Jackson and the Course of American Empire, 1767-1821* (New York: Harper & Row, 1977), 249-250.

creole residents of New Orleans blamed his advisors for many of Jackson's decisions that negatively affected them.⁷

Jackson also agitated the French population during the confusion due to the shutdown of the state legislature. Further claims of anti-French bias arose as he banished to interior Louisiana those Frenchmen who attempted to claim citizenship from the French consul in order to escape their continued forced enrollment in the state militia following the campaign. Jackson's obsessive dedication to his orders and duty forced him to keep New Orleans as a military encampment with him in absolute control. This he would do until he received formal word from President Madison's people of the ratification of the rumored peace treaty. The paradox of these actions is that he believed suspension of civil liberties would ultimately protect the foundation of those rights. To explain the actions against the Frenchmen in New Orleans it is necessary to know that Jackson authorized the execution of six militiamen on February 21, 1815 following conviction for mutiny the previous autumn. These were Tennesseans, his own boys from Jackson's home state; this incident demonstrates his will to maintain discipline in his ranks. Since Jackson had the temerity to execute Americans for violating his laws, it would not bother him to arrest some trouble making Frenchmen.

Andrew Jackson felt the need to impose martial law in part because he believed "foreigners" surrounded and outnumbered him. French creoles were predominant in the population mix, but Spaniards and blacks also outnumbered

⁷ Charles Gayarre, *History of Louisiana* (New York: W.J. Widdleton, 1866), 600.

Anglo Americans. His hostility towards the Spanish, whom he considered deceitful, had played a major part in his November 7, 1814 attack on Pensacola, Florida. It was in Pensacola that the Spanish territorial governor offered refuge to both British troops and hostile Indians. Like their French counterparts, those claiming Spanish ancestry requested papers from their consul to excuse themselves from militia duty. However, little is known how Jackson reacted to them.⁸

The Louisiana Purchase added to the United States a culturally divergent, widely dissimilar population, unlike anywhere else in the union. If the location were changed, would the outcome have been different? Jackson most likely would react in the same manner, because his tremendous sense of duty and adherence to discipline and order surpassed all else. His reaction would be no different had he been in Pittsburgh, Charleston, or New York if the same environment of distrust, ineffectual leadership and political intrigue existed. What happened in New Orleans with Andrew Jackson's dictatorial takeover reflected the feelings of most Americans when considering Louisiana. Distrust of foreigners fostered by repeated warnings, poisoned Jackson's opinion of the residents: "We have more to dread from Spies, and traitors, than from open enemies...Vigilance and Energy is only wanting and all is safe."⁹ Newspapers, on learning of New Orleans' plight under martial law, fully denounced Jackson for

⁸ Gayarre, *History of Louisiana*, 372-373; Andrew Warshauer, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties and Partisanship* (Knoxville: University of Tennessee Press, 2006), 32-33.

⁹ Moser, *Papers of Andrew Jackson*, "Jackson to W.C.C. Claiborne, August 30, 1814," 3: 236.

his abuse of their civil liberties. At the same time, they expressed possible justification for his actions: "One thing we know, that the state of society there (foreigners composing nearly the majority of the people) is very different from anything we see here, and may require very different methods of government."¹⁰

The conflict of cultures played a major role in the creole aristocracy's disdain for "Americans." The hardscrabble backwoodsmen from Kentucky and Tennessee were ill-mannered, foul-mouthed drunkards who constantly fought. Although, quickly dispelled, the image New Orleans' elites had of Jackson was just another Indian fighting brawler.¹¹ Expectations in Louisiana that the guerrilla style tactics successfully used against the Creeks would prove useless in conventional battlefield situation against the British. Jackson most likely learned of the questioning of his capabilities. His response surely was his normal resentment, distrust, and suspicion of that group.

Jackson's conflict with Judge Hall was also more a clash of wills than of jurisprudence. Born in Great Britain and in his mind deserving Jackson's suspicion on that fact alone, Hall was a threat to his authority. When Hall dragged him into court to face contempt charges after his crowning, as the savior of the country, Jackson was duly penitent. Judge Hall remarked: "The only question was whether the Law should bend to the General, or the General to the

¹⁰ Hezekiah Niles, *Niles' Weekly Register, From March to September 1815*, "April 22, 1815" (Baltimore: The Franklin Press, 1815) 8: 123.

¹¹ Winston Groom, *Patriotic Fire: Andrew Jackson and Jean Lafitte at the Battle of New Orleans* (New York: Vintage Books, 2006), 90-93.

Law.”¹² Hall quickly found Jackson guilty and fined him \$1,000. Hall felt that as the presiding federal judge, he was “the Law,” and reminded Jackson that civil authority trumped military rule in the end. This result rankled Jackson for the remainder of his life. As his fame grew and he entered national politics, Jackson could not escape the martial law issue and his label as a military chieftain. His political opponents warned that Jackson was nothing more than a military brute, willing to subvert civil liberties at a moment’s notice, and dangerous for the country.¹³

The argument for and against Andrew Jackson’s decision to impose martial law in New Orleans has continued for two hundred years. This study showed Jackson’s reasons for doing so were cultural, political, and military. We examined the issues of constitutionality or necessity. Even those people who argued against martial law’s constitutionality agreed that Jackson thought it was necessary. In fact, the concept of violating civil liberties in order to save those same liberties as stated by Jackson were echoed in his farewell address to troops: “...laws must sometimes be silent when necessity speaks.”¹⁴ Andrew Jackson fought this additional battle of New Orleans with the same ferocity he displayed against the British invaders. His overwhelming sense of duty and patriotism pervaded all his actions. It is extremely telling that on receiving the

¹² Abraham D. Sofaer, “Emergency Power and the Hero of New Orleans,” *Cardozo Law Review* 2, No. 2 (Winter, 1982): 248.

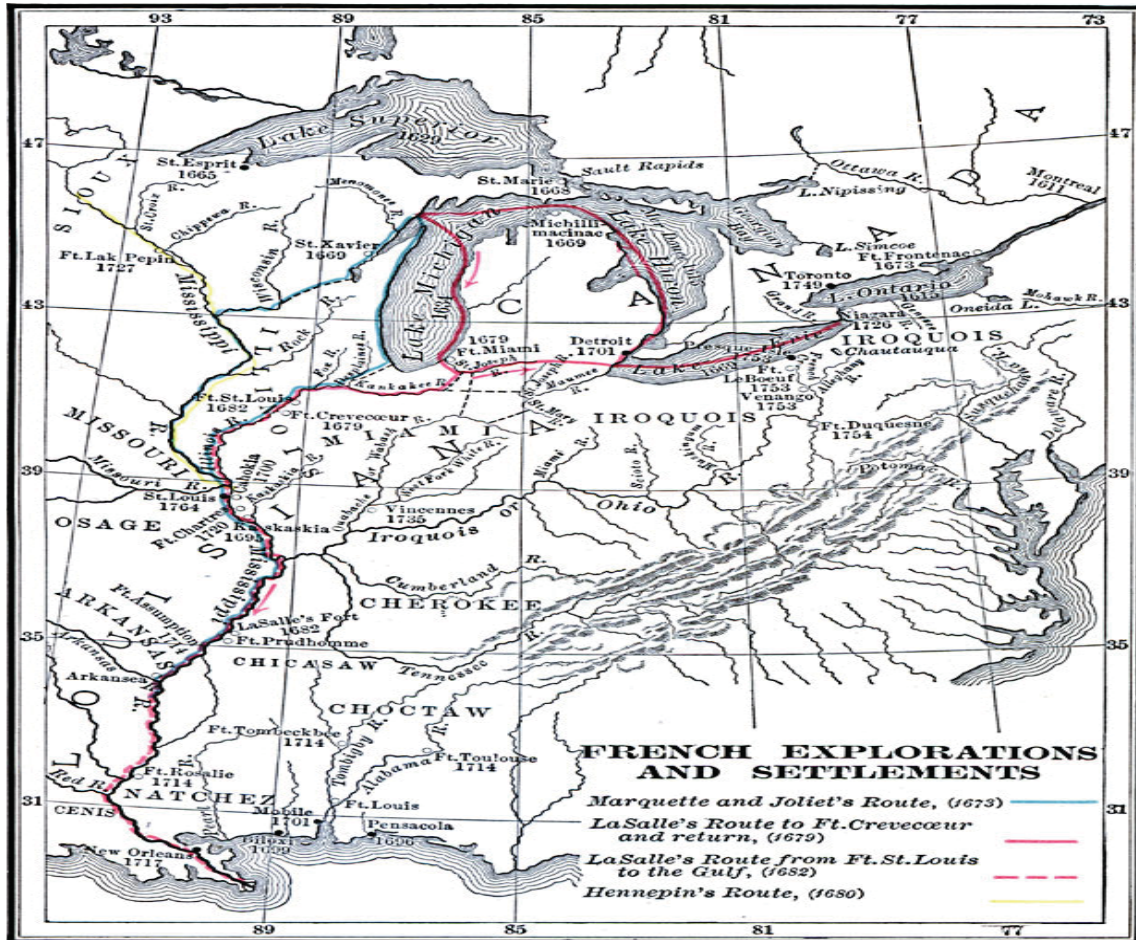
¹³ Warshauer, *Andrew Jackson and the Politics of National Law*, 49-50.

¹⁴ Latour, Arsene Lacarriere and Gene A. Smith, ed. *Historical Memoir of the War in West Florida and Louisiana in 1814-1815 with an Atlas; Expanded Edition with an Introduction by Gene A. Smith*, “General’s Answer to City Battalion of Uniform Companies, March 15, 1815” (Gainesville: The Historic New Orleans Collection and University Press of Florida, 1999), 286.

official word from Washington of ratification of the peace treaty, he immediately relinquished his military control and returned civil authority to New Orleans. This was not the action of a despotic tyrant. It simply proved that in the case of that city at that time and place in history, he was right.

Appendix

Map 1 --



Source: <http://www.etc.usf.edu/maps/pages/700/784/784.htm>.

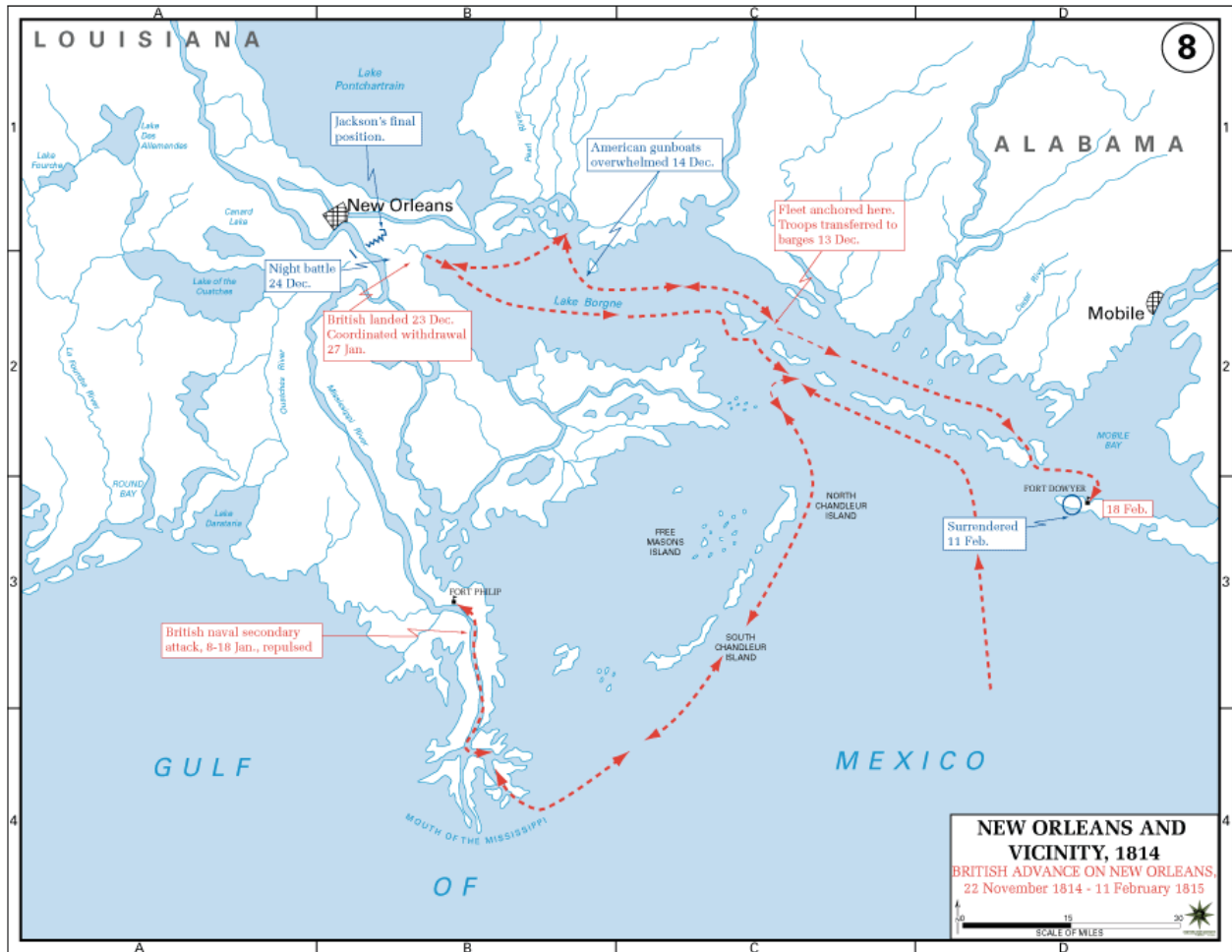
Map 2 has been removed due to copyright.

Map 3 -



Source: <http://www.etc.usf.edu/maps/pages/6600/6649/6649.htm>.

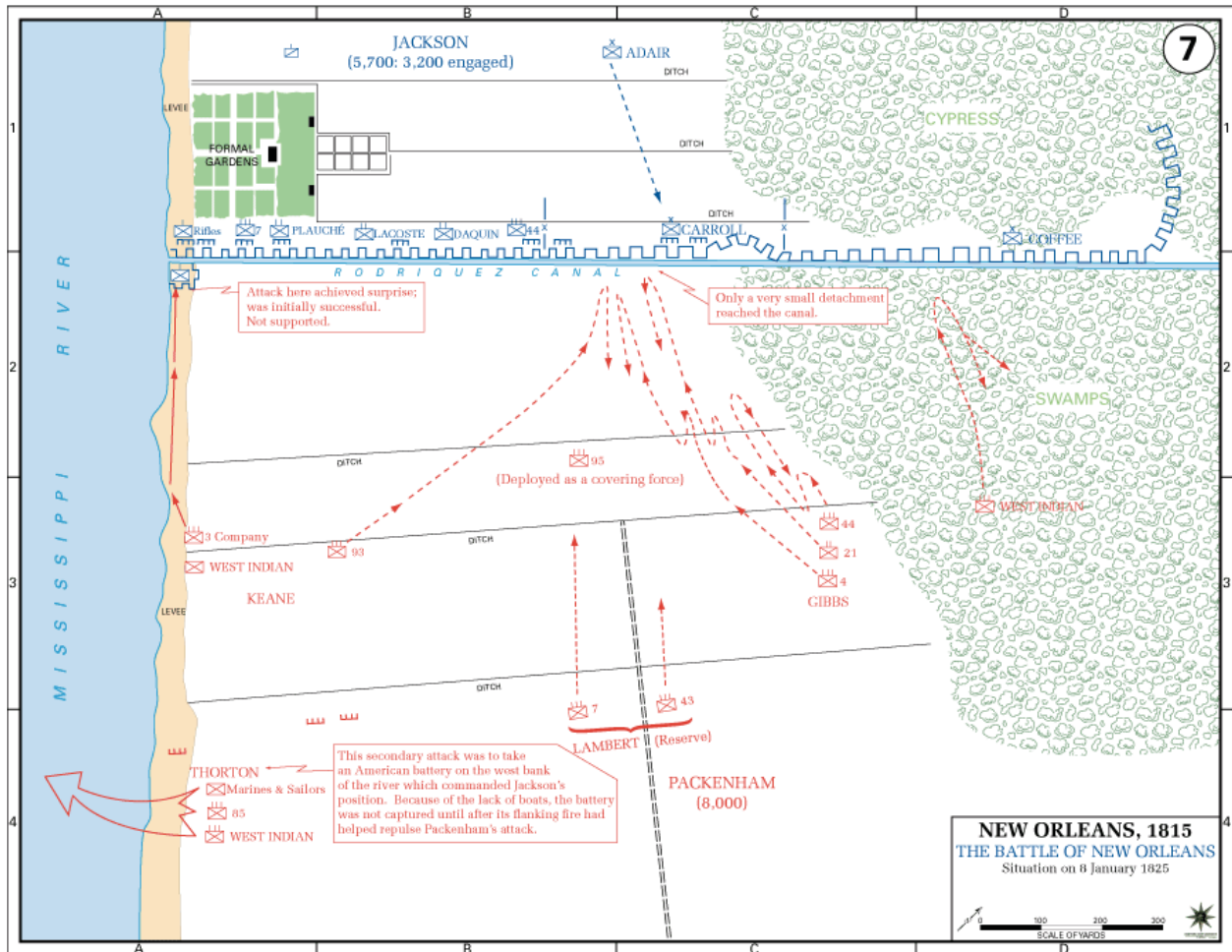
Map 4 -



Source:

<http://www.usma.edu/history/SiteAssets/SitePages/War%20of%201812/BritishAdvanceNewOrleans.gif>

Map 5 -



Source:

<http://www.usma.edu/history/SiteAssets/SitePages/War%20of%201812/NewOrleansBattle.gif>

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