In 1784 on the west side of the Appalachian Mountains in the tiny town of Jonesborough, a group of white settlers met and declared their independence. They established a state they eventually called Franklin and petitioned for admission into the new United States. When that avenue seemed closed to them, they still tried desperately to shore up their fragile new state, especially through violence against neighboring Cherokee towns. The ambitious little state of Franklin failed within about five years, but not before it had sparked new rounds of violence in the trans-Appalachian region and highlighted critical questions about sovereignty, statehood, and expansion in the young federal union.

This project/joint issue asked participants to consider the implications of writing to and from 1776. Choosing 1776 as a beginning point in the history of American political development has the effect of centering the

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narrative geographically on the east coast of North America and structurally at the level of the U.S. federal government. The major event that roots 1776 as the pivotal year is the writing and adoption of the Declaration of Independence. The origins of the war of which it was a part stretched back much farther; the actual fighting of that war preceded the document by more than a year. Beginning in 1776 puts at the center of the narrative the North American eastern seaboard communities most directly affected by British imperial reforms of the 1760s and 1770s, their protests enshrined and justified in a soaring political document that claimed to create a nation. Beginning in 1776 naturalizes independence, which had in fact yet to be won, and the American Union, which had yet to cohere as a collaboration let alone a clearly articulated or governable unit.1

Much of the recent scholarship on the war for American independence has moved away from a narrative centered on the thirteen rebellious states to tell a larger story of global conflict, placing the war within the context of an important phase of “globalization.” Collectively, these works transform the geography and the timing of the story of the American Revolution itself. They de-center the story of the war physically away from the eastern seaboard, or indeed from continental North America altogether. These narratives force a paradigm shift from bilateral disagreements between Britain and a portion of her colonists to a global picture involving a wide range of diverse actors with sometimes aligning, sometimes opposing interests. Revolutionary-era Boston, Philadelphia, and London continue to be important, but so too are New Orleans, Acadia, Havana, Little Tallassee, Onondaga, Michilimackinac, Paris, and Madrid. We are beginning to see—or, better, recover—how a small settler revolt on the periphery of a powerful empire developed into and intersected with messy and violent contests for control of the land and resources deep into the North American interior and in the Caribbean. Shots fired on a green in Lexington had implications for empires and

1. On how our narrative choices seem to render chronologies natural or “self-evident,” see Sarah Knott, “Narrating the Age of Revolution,” William and Mary Quarterly 73 (Jan. 2016), 3–36. On the difficulty in finding appropriate terms to refer to the region between the Appalachian Mountains and the Mississippi, as well as to both the natives and newcomers who lived there, see James H. Merrell, “Second Thoughts on Colonial Historians and American Indians,” William and Mary Quarterly 69 (July 2012), 451–512.
villages around the world. The refreshing global turn in the study of the American Revolution has restored actors previously shunted to the margins and insisted upon the contingency of the conflict. Works in this vein upend the anchor of a single region, space, or chronology for the American Revolution, fruitfully challenging an American nation–state teleology.²

Salutary as this recent historiographic move has been, it has left largely intact older narratives of political development that remain embedded in East Coast communities. When the story of the War of 1776 was told primarily looking out from Boston, Philadelphia, and Virginia, the narrative centered on politics. Whether a story of elite- and print-driven ideological imperative or one of proto-class tension driving increasingly widespread competition for political and social power, the story of the Revolution turned on ideological, constitutional, and practical arrangements of political power in eastern communities before, during, and especially after the war.³

Much of the new scholarship, intent on widening the scope and less interested in internal political development, has bypassed rather than revised this scholarship. Global, Atlantic, continental, and Native American perspectives have widened the lens to include actors and constituencies previously ignored, but it has been less attentive to how this


panoramic view affects how we understand the polities that comprised
the United States. That is to say, the histories that increasingly transcend
1776 as a seminal moment either to write to or from, by taking a bird’s-
eye view or by focusing on people who did not become part of the
American Union, unintentionally continue to cede the story of local,
state, and national political development to older narratives that focus on
an eastern perspective. Meanwhile, political histories of the United States
that tend to persist in vesting signal importance in 1776 and 1787 fore-
ground the American Union as constructed through the federal govern-
ment, a product of East-Coast-based politicians and interests. Important
works do insist on the centrality of white ambitions for and settlement of
the west with the origins and trajectory of the war and with the political
settlements that created the new republic. These works suggest a dialec-
tic between the colonialism of the American republic and the articulation
of its political institutions at the national and local levels. These findings
need more forcefully to be articulated amidst the globalizing trend. In
the rich vein of both traditions, then, each de-centering eastern-centric
and nation–state teleologies and upending traditional chronologies, we
must return with a critical eye to the question of how a broader, West-
oriented perspective affects the narrative of American political develop-
ment.4

This article is a case study of the choices made by residents in
the eastern Tennessee Valley, both natives and newcomers, as they at-
ttempted, not unlike their counterparts back east, to navigate political
self-determination and assert territorial claims. In highlighting the local

of the American Revolution in Virginia (Chapel Hill, NC, 1999); Patrick Griffin,
American Leviathan: Empire, Nation, and Revolutionary Frontier (New York,
2007); Alan Taylor, American Revolutions: A Continental History, 1750–1804
(New York, 2016); Andrew R. L. Cayton, The Frontier Republic: Ideology and
Politics in the Ohio Country, 1780–1825 (Kent, OH, 1986); Peter Onuf, Statehood
and Union: A History of the Northwest Ordinance (Bloomington, IN, 1987);
Stephen Aron, How the West Was Lost: The Transformation of Kentucky from
Daniel Boone to Henry Clay (Baltimore, 1996); Eric Hinderaker, Elusive Empires:
Constructing Colonialism in the Ohio Valley, 1673–1800 (Cambridge, UK, 1997);
Bethel Saler, The Settlers’ Empire: Colonialism and State Formation in America’s
breakdown, competition over, and eventually the successful elaboration of sovereignty for white settlers, this approach reorients the story of American political development away from an East-Coast-centric, top-down or federal perspective to focus instead on bottom-up, settler-driven self-determination, both locally and in a state and national context. 1776 was neither beginning- nor end-point for this region; it figured in the Tennessee Valley as the moment when white settlers had to abandon independence as the region descended into yet another round of bloodshed, not the first and far from the last. Over the next two decades white men in the region struggled to regain sovereignty. They sought and disputed amongst themselves over the best way to build institutions that answered to local constituencies and furthered their own interests: first and foremost the seizure of Cherokee land, and second the allocation of clear title to that land among themselves.

These experiments in settler sovereignty participated in rather than departed from a long colonial history in North America. They suggest that 1776 was neither a rupture nor a starting point, but instead that western settlement and state-making in the 1780s and 90s shared important continuities with Anglo colonization stretching back to the seventeenth century and forward to the end of the nineteenth: These included violent contests over and expropriation of land; justification of indigenous dispossession; demographic shift as Native populations shrank and were forced off their land and European-descended populations swelled and pressed ever outward; tensions between settler families, wealthy speculators, and the interests of the state; an emphasis on consistent legal forms as the basis of social stability and economic prosperity; debates about the structure and character of political union in a composite empire; assertions of local sovereignty against control by a central power; fragile loyalty to any particular regime; and fluid political and economic opportunism. The empire claiming authority over the region may have changed in 1776, but these features endured before, through, and beyond the United States’ assertion of independence. What was new after 1783 was that Tennessee Valley residents faced a closer, but also initially deeply unstable metropole when Britain relinquished its claims, recognized the United States, and in a gambit to drive a wedge between the new republic and its ally France, ceded to the U.S. the trans-Appalachian west. A treaty signed in Paris, however, did nothing to halt
“the Long War for the West” that had begun at least as early as the Seven Years’ War and would continue through the War of 1812.\(^5\)

The halting and fiercely contested trajectory toward local self-determination, statehood, and external recognition for white settler political entities in the Tennessee Valley exposed an important dimension of the relationship between settlers, the new state, and empire. Franklinites acted in a period of flux and uncertainty, and their actions called into question where lay the power to create new political communities, what the status of such entities would be in the new American Union, and what role they would play in the nation’s imperial ambitions. Many national authorities characterized settlers on the western fringe of settlement as unruly and ungovernable. However, the historian Patrick Wolfe has argued that “rather than something separate from or running counter to the colonial state, the murderous activities of the frontier rabble constitute[d] its principal means of expansion.” He emphasized that these “murderous activities” did not depend on “formal state institutions or functionaries,” and in short that settler colonialism operated with or without the presence of the apparatus of the state. In this characterization, empire, or at least a related process, settler colonialism, might outpace and precede the state. Founders like Thomas Jefferson and James Madison certainly worried about this outcome, and that the communities formed by that “rabble” would expand beyond and eventually refuse to give their allegiance to the United States. Through land ordinances in 1784, 1785, and 1787 federal authorities sought to find a way to assure that the state would accompany and even precede the settlers through orderly and somewhat centrally controlled land allocation, and a stadial political process that transferred autonomy only gradually to locals.\(^6\)


The men in Jonesborough organized their state, Franklin, in 1784 before two of the three vital land ordinances had been passed and with no indication that they knew (or cared) much about the first. Indeed, the proximate cause for their declaration lay in the actions of neighboring North Carolina, not the federal state. However, their actions belie the assertion that white settlers could dispense with the state or state-like entities. Without military organization, the promise of secure legal title, and some form of external recognition and support, the “frontier rabble” would remain just that. They required population mass and institutional sophistication to enact sustained, organized violence and expropriation against people like the Cherokees who, though severely buffeted by ongoing war and disease, remained formidable foes. Far from being ungovernable, white settlers actively sought institutional organization. The question was not whether there should be some form of a state, but only who could form and control it.

If effective imperialism required the state, the state in this moment also required empire. The federal union depended on western land to pay off its debts, settle its growing population, and, in the minds of men like Jefferson at least, secure the foundations of democratic republicanism. Likewise, the serial white settler entities in the Tennessee Valley depended on the promise of expropriated Indian land for their very attractiveness and existence. Empire and republic were not mutually exclusive but mutually constitutive.

The question facing white colonists, speculators, and policymakers in the early republic centered on how best to facilitate the reciprocal needs of empire and state formation. The second half of the equation was exceptionally complex, because in the 1780s and 1790s state formation was happening simultaneously on at least three distinct levels: federal, the existing states, and among nascent states like Franklin and other “unorganized” or intermediate territories like Vermont, Kentucky, and the Northwest Territory. How to balance local autonomy with national sovereignty, and these in turn with the interests and interference of thirteen semi-autonomous states and a host of new communities clamoring for political recognition and inclusion? How to extend efficiently and effectively beyond the Appalachian Mountains without fracturing the union or betraying republican principles? Closely related to questions of political sovereignty, how to allocate the economic benefits of expansion among white settlers, wealthy speculators, the federal government, parent
states, and new territories? If imperial expansion required state or quasi-state organization, it became all the more critical to determine who would control state-making, but to come to a solution that would not rebuff the white settlers essential to the actual work of expropriation and colonization. The white settlers of the Tennessee Valley and the new United States wrestled with these questions in the 1780s and 1790s in the context of a fragile union and a precarious position on the continent and internationally.  

The answers that emerged through two decades of internal and external conflict in the Tennessee Valley seemed to give external entities most of the cards: Formal state-making would be controlled by the federal government, and speculators would find ways to dominate land allocation. However, white settler communities would retain local autonomy to a degree that continued to worry centrists. They continued to find ways to enact the policies they wanted and evade compliance with those they did not. In the end, east Tennesseans did create their own state. It was a far cry both in time and geography from the Declaration of Independence, but it shaped fundamentally the future of colonial expansion, state formation, and notions of the foundations of political sovereignty.

To tell this story is to start with a problem: what to call the land in question? Many different people lived in—and still more at one time or another claimed—the sliver of the trans-Appalachian west bordered by the Blue Ridge Mountains to the east and the Cumberland Mountains to the west (see Figures 1 and 2). They gave it distinct names among themselves and over time. The disputes over what to call it are central to the story. The people who lived there at the beginning of the eighteenth century referred to themselves simply as aniyvwiya, or “The Real People” and understood the region to be home. The British referred to the region as “Cherokee Country” (see Figure 3). However, Cherokee people’s allegiances centered upon their clan and village, and secondarily upon one of four distinct regions. No unitary Cherokee nation existed.

Over the course of the eighteenth century, the villages of the Real People suffered dramatic population and territorial losses. The Anglo-Cherokee War (1758–61) and smallpox epidemics in 1738 and 1759–60 reduced

7. Or south into Florida or north into Maine and Canada beyond the current bounds of U.S. control.
the Cherokee population from an estimated 22,000 at the beginning of the eighteenth century to 12,000 in 1775. Violence and disease had likewise slashed the number of towns from around fifty to around twenty, forcing villagers to abandon their towns and resettle, traumatized and angry, on a shrunken base farther from white communities. In the face of brutal warfare through the 1790s, Cherokee townspeople were forced to cede still more land. By 1794 three-fourths of the land they had once claimed had been ceded, and the Cherokees had been forced out of the northern Tennessee Valley, though they continued to hold substantial territory to the south and west.  

8. The Cherokees also called themselves “Tsalagi” or “Tsaragi.” Neighboring Choctaw and Chickasaw people called them “Chilukki,” or dog people. English
White settlers, moving into the region after 1769, came up with a succession of names for the region. In 1772, with a population of around 1,500, the white adult men formed the Watauga Association, named for the river around which their farms clustered (Figures 1 and 2). Watauga lay on land owned by Cherokee people and beyond the reach of any British colony’s effective jurisdiction (though in theory North Carolina

Figure 3: “Cherokee Country.” Cherokee people organized their communities at the clan and town level. This map shows a number of the towns, with “Chote,” one of the most important, at the center of the map. Note that this map is oriented east rather than north. Henry Timberlake, A Draught of the Cherokee Country, in Henry Timberlake, The Memoirs of Lieut. Henry Timberlake (London, 1762). TSLA Map Collection, courtesy of the Tennessee State Library and Archives.
Figure 4: Sullivan, Washington, and Greene Counties. The counties of Sullivan, Washington, and Greene (in the black box), which eventually became part of the state of Tennessee, were originally the westernmost counties of North Carolina. Samuel Lewis, *The state of Tennessee*, in Samuel Lewis, *Samuel Lewis Atlas*, 1817. Library of Congress Geography and Map Division, Washington, DC.
claimed sovereignty). When war broke out in 1776 the Wataugans petitioned neighboring North Carolina for inclusion in the new state. White settlers now called their home Washington County, one of the earliest places named for the Continental Army’s commander-in-chief. North Carolina later organized two more counties west of the Appalachian Mountains: Sullivan (1779) and Greene (1783) (Figure 4). In 1784 at least some of the white settlers elected to give the region a new name when they broke away from North Carolina, wrote a constitution, formed a new state they called Franklin, and petitioned Congress for admission into the American Union. North Carolina refused to recognize the new state and for about five years white settlers argued among themselves and with federal officials in Philadelphia over which would prevail: North Carolina or Franklin (Figure 5). By 1790, with Franklin no longer viable, North Carolina ceded to Congress its claims to western lands (by this time North Carolina had sold essentially all the available land anyway), and Congress renamed the region between the lines of latitude of North Carolina and bordered by the Appalachian Mountains and the Mississippi River, the Southwest Territory (Figure 6). Eventually, that territory was expected to form one or more states. The territorial government comprised two noncontiguous communities: the Washington District in the northeastern Tennessee Valley and a distinct settlement in the Cumberland Valley.
called the Mero District (Figure 6). In 1796 the Southwest Territory became the first U.S. territory to pass through the steps outlined in the Northwest Ordinance to achieve statehood. It was admitted to the Union as the state of Tennessee, named for a river. The new state had the boundaries originally assigned to the Southwest Territory, despite the fact that the communities of U.S. citizens so admitted were not connected and the majority of the land still belonged to the Cherokees and, west of the Tennessee River, to the Chickasaws (see Figure 7). Memories of a time when the trans-montane valley had been known as Chota or Cherokee country, Watauga or Franklin, or even the Southwest Territory began to fade.

In the brief span of twenty years, the region assumed a rapid succession of often competing names. As this brief survey suggests, it was one thing to bestow a name, quite another to have that name stick and be respected or even repeated by others in and beyond the region or the group who named it. This difficulty was faced by natives and white settlers alike as valley residents sought through the act of naming to
assert their own dominance and control. The names they chose reflected different origin stories. Calling the land the homeland of the Real People stretched back to a distant past beyond living memory but enshrined in oral culture and religious tradition. “Washington County,” on the other hand, had a definite founding date in 1776 and linked the community to a complete stranger, the newly appointed general of the Continental Army, and through him to a fledgling nation. Likewise, names positioned the valley in a relational geography. Where “Watauga” and “Tennessee” referred to local landmarks named by indigenous people, “Franklin” (or “Frankland” as it was also briefly called) connected to historic actors who never set foot in the territory and by extension to transcendent, cosmopolitan ideals. The “Southwest Territory,” by contrast, positioned the region in relation to northeasterly Philadelphia or New York, or as a section in a four-quadrant Union. Naming as a form of claiming or possessing the land, however it reflected origin stories or framed a community in relation to broader geographies, was aspirational; it did not of itself correlate to control or sovereignty.9

Whatever its members called it, a community’s security depended upon many kinds of external recognition: dense kin, social, economic, political, diplomatic, and military connections with a range of outsiders from regional neighbors to more distant trading partners. These would be the lifelines for alliances, supplies, information, and other forms of support. The diverse residents of the eastern Tennessee Valley had to gamble on the strategic alliances that would serve them best. Through their choices, valley residents made significant political choices that would shape their ability to exercise self-government.10

The Real People or Cherokees struggled over the course of the eighteenth century to navigate a path and forge alliances that would ensure their sovereignty. This effort was not bilateral, waged only vis-à-vis

invaders from the east, but multi-directional, looking out from Cherokee country to face Creeks, Choctaws, Shawnees, Spanish, French, and English, among many others. Like all indigenous communities, the Cherokees suffered from devastating bouts of epidemic disease. In 1738 smallpox ripped through the towns, killing perhaps half the population; again in 1759 smallpox returned for two years. War was an even more constant reality. In 1715 the Cherokees engaged in a war with the Creeks that would last forty years. In 1755 Cherokee leaders, including Attakullakulla ("Little Carpenter"), who had in 1730 traveled to England with a delegation of Cherokees to meet King George II, engineered a military and trading alliance with the British in the Seven Years' War. In 1759 that alliance faltered and by 1760, in the midst of a smallpox epidemic, the Anglo-Cherokee War began. Despite initial Cherokee successes, the tide turned and the British twice invaded their land, burning towns, destroying crops, and reducing the Cherokee population to its lowest point yet. In the wake of the devastation of the Anglo-Cherokee War, which ended in 1761, and the second smallpox epidemic, Attakullakulla and others concluded that Cherokees could no longer engage in offensive war, but needed to maintain alliance with the British, fend off devastating raids from the Shawnees to the north, and, most importantly, rebuild.11

When white strangers from the east began arriving near Overhill Cherokee towns around 1769 with the apparent intention of settling permanently, the Real People ordered them off the land. The strangers "begged as their crops were then on the ground that they might be allowed to reap them and that they would certainly remove the Spring following." When the spring came and the strangers did not in fact leave, Attakullakulla and other Cherokee leaders had to make a decision. They negotiated a deal whereby the strangers could remain and lease the land in return for annual payment in guns, blankets, rum, and other goods. From the perspective of Attakullakulla and other many other Cherokees, the decision to lease land to white neighbors made for sound strategy: It avoided violence; generated a steady source of income and necessary trade goods; maintained a degree of control over both the land and the

11. Attakullakulla "was nicknamed The Little Carpenter because he could join the parts of a treaty as deftly as a carpenter joined wood." See Max Dixon, The Wataaugans: Tennessee in the Eighteenth Century (Johnson City, TN, 1989), 1. Tortora, Carolina in Crisis; Boulware, Deconstructing the Cherokee Nation; Russell Thornton, The Cherokees: A Population History (Lincoln, NE, 1990), 19–46.
people on it because the lease could be revoked; and by the same token it allowed Cherokees to apportion only some land, land that was not central to their core activities, to the outsiders. English people on the east coast of North America referred contemptuously to this area as the “backcountry,” and to some degree it was a “backcountry” to the Cherokees as well, though for them on the eastern rather than the western fringe. Geography dictated Attakullakulla and other leaders’ decision. Their homeland could not be moved, but it might be buffered; they decided to lease a sliver of non-essential land to preserve peace, protect their towns and hunting grounds, and exercise control over the white settlers.12

Not all Cherokees agreed with this strategy. After decades of war, disease, and loss, the people were badly divided about how best to protect their land and their sovereignty. Internal disagreement simmered, particularly between the older, more cautious generation represented by men like Attakullakulla and a younger generation represented by men like his own son, Chincanacina (“Dragging Canoe”), who were infuriated by what they saw as excessive conciliation. Then in 1775, one month before militiamen and Redcoats would meet on a green in Lexington, Massachusetts, a land speculator from North Carolina named Richard Henderson perpetrated one of the more infamous land frauds in American history when he claimed to purchase 27,000 square miles of Cherokee territory including much of what is now middle Tennessee and most of southern Kentucky, for trade goods and £2,000. No matter that the deal was illegal under British law, no matter that Attakullakulla and the other Cherokee signatories claimed they had been deceived; Henderson’s illicit purchase caused a lasting rupture among the Real People with Chincanacina calling furiously for blood. The Cherokees entered 1776 badly fractured, suffering from devastating population losses, facing

threats both from east and north, and worryingly dependent on European goods just at a time when the deer were overhunted and neighboring native nations offered increased economic competition.  

When a delegation of Indians from the north, including representatives of Mohawks, Ottowas, Nantucas, Shawnees, and Delawares, came to propose a pan-Indian alliance in concert with the British against the rebelling Americans, many Cherokees embraced it as an attractive option. Through coordinated attacks, Native peoples might roll back the illegal incursions of white squatters, reclaim land, protect their sovereignty, and end the humiliating abandonment of traditional lands perpetrated by elder statesmen who Chincanacina and his allies perceived as weak. The British representative urged caution and patience, warning that for now the British would be unable to support any offensive, while many Cherokees themselves worried that violence would only undermine their already precarious position. Chincanacina and other younger warriors like him disregarded these fears and publicly accepted the visiting Indians’ wampum belts, painted their skin with black paint, and prepared for war.

The warriors’ actions built upon almost two decades of frustration and highlighted the transformations occurring in Cherokee social and political culture. Historically, Cherokee governance balanced between the elder peace chiefs and the younger war chiefs. The ascendancy of Chincanacina and other young warriors and their contempt for the elder peace chiefs like Attakullakulla eradicated the ancient and productive


14. Henry Stuart to John Stuart, Aug. 25, 1776, CSRNC. The British held back on supplying or coordinating Native peoples in the South in the early years of the war. They focused initially on New England and, moreover, had a delicate balancing act in the South. The British were not invested in the problem of white settlers taking Cherokee land, and they had no interest in antagonizing back-country residents into the arms of the rebels. For a discussion of the British failure to support or coordinate with native allies in the Southwest and its effects on British strategy, see James H. O’Donnell, III, *Southern Indians in the American Revolution* (Knoxville, TN, 1973) and DuVal, *Independence Lost*. 
tension between warriors and diplomats. "The principal Indians did not at all approve of the behaviour of the young fellows . . . venturing out without the consent of the Nation," observed the British liaison. "They met on purpose to testify to us their displeasure." Cherokee people did not formally issue declarations or craft new constitutions, but by 1776 their political infrastructure had nonetheless shifted considerably when young warriors acted without and in defiance of elder peace chiefs' support.15

Just to the east, their new neighbors on the Watauga River observed these developments with concern. Unlike the Real People, this community was quite newly formed, dating back only to 1769. Where precisely the newcomers had come from is unclear, but probably many came from Virginia and perhaps North Carolina—some perhaps had participated in the North Carolina Regulator movement. The majority were probably of English descent, but the leaders who would shortly emerge represented a diverse range: Scotch Irish, French Huguenot, Welsh, Scotch Highlander, and English.16

Wherever they had started, these white families trekked over the


16. The Regulator movement was a protest movement between 1766 and 1772 among western residents of North Carolina enraged over abuse of power, ineffective backcountry institutions, and blunted economic opportunities. The precise connection between the Regulators and settlement west of the Appalachian Mountains is unclear. Some settlers may have had connections and others may have felt in sympathy with the North Carolina Regulators. It is impossible, however, to prove or disprove a direct link between the North Carolina Regulators and later western separatism, especially in the state of Franklin. However, the demands for internal improvements and increased political voice overlapped considerably. Kevin T. Barksdale, The Lost State of Franklin: America’s First Secession (Lexington, KY, 2009), 45; Dixon, The Wataugans, 6–7. On the North Carolina Regulators, see A. Roger Ekirch, “Poor Carolina”: Politics and Society in Colonial North Carolina, 1729–1776 (Chapel Hill, NC, 1981); and Marjoleine Kars, Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina (Chapel Hill, NC, 2002). The North Carolina Regulator movement was distinct from the Regulator movement in South Carolina. For the latter, see Rachel Klein, “Frontier Planters and the American Revolution: The South Carolina Backcountry, 1775–1782,” in An Uncivil War: The Southern Backcountry During the American Revolution, ed. Ronald Hoffman, Thad Tate, and Peter Albert (Charlottesville, VA, 1985), 37–69. Dixon, The Wataugans, 4–5.
Appalachian Mountains in search of opportunity. If they were confident that Britons had claim to this land, won dearly in the recent Seven Years’ War, they were also uncertain which colonial government might hold jurisdiction. Indeed, there was unsettling talk that the British metropole might decide to govern the land out of distant Quebec or, worse, leave the territory as a buffer state for Native Americans. As early as 1770 white residents had acted collectively to protect “the labour bestowed on their plantations,” by negotiating with Cherokees to lease land for ten years, a necessity because by the terms of the Proclamation of 1763 barring white settlement west of the Appalachians they could not legally buy it. Jacob Brown, a trader, moved with his family to a small parcel of land on the Nolichucky River in 1771, hoping it would one day be part of Virginia. In the meantime Brown faced a dilemma. He purchased his land from another white settler, and later bought other tracts from local Cherokees, “the antient and undoubted owners.” But how could he prove his purchase and safeguard his land? Settlers like Brown staked their claims with their own bodies and those of their family members, even though (and maybe because) in doing so they had gone beyond the reach of any clear authority. Brown and his neighbors wanted clear legal forms that would protect their property, consistent with what they had known back east, and if they could not get it from an existing government, they would have to organize one of their own.\footnote{17. Petition of Watauga People to be Annexed to North Carolina, 1776, in Ramsey, *Annals of Tennessee*, 134–38; Petition from Jacob Brown concerning the annexation of the Watauga Settlement to North Carolina, 1776, *CSRNC*; John Murray, Earl of Dunmore to the Earl of Dartmouth, May 16, 1774, in Mary French Caldwell, *Tennessee: The Dangerous Example: Watauga to 1849* (Nashville, TN, 1974), 29; Talk by Raven of Chota to Henry Stuart, May 2, 1776, *CSRNC*.}

In 1772 the white settler population, numbering around 1,500 people, formed the Watauga Association to provide governance, adjudicate land affairs, and establish a militia. The white men of the community elected a committee of thirteen representatives. These representatives in turn selected from their number five members who constituted a magistrate court that operated “by the consent of every individual” and replicated the county-level institutions that transacted most business in England’s southeastern colonies. The court served not only as the judiciary but as the main organ of “public business,” providing for widows and orphans,
organizing a company of riflemen to defend the settlement, and recording land deeds and wills. Jacob Brown was one of the residents to take advantage, recording his land purchases. 18

Lord Dunmore, the governor of Virginia, worried about the association. He warned his superiors that the Wataugans had appointed magistrates and framed laws. They had, in short, formed “an inconsiderable, yet a separate State.” He fretted that Watauga might soon be “detrimental to the peace and security of the other colonies,” because of its rogue and illegal Indian dealings. More worrisome, this “inconsiderable” state, by its very existence set a “dangerous example to the people of America, of forming governments distinct from and independent of his majesty’s authority.” 19

Though Lord Dunmore may have seen it as “dangerous,” Wataugans set up their Association not as some deeply held political statement about local sovereignty, but instead as a pragmatic step to provide for government, dispossession of Native people, access to land, and secure land title. The Association worked to increase the settlement’s boundaries; it claimed in 1775 to have paid the Cherokees goods equaling £2,000 sterling in exchange for a substantial tract of land. The British government dismissed this land deal as illegal, and many Cherokee people rejected it as fictitious. The Cherokees insisted they had would lease the land in return for annual payments, but had never given them a deed to the land: “If they have any paper of this kind,” a Cherokee speaker declared, “it is of their own making, for we have never given them any, as it was contrary to our thoughts.” 20

The men and women of Watauga perched outside any existing colony

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and beyond the reach of imperial authorities. Geography shaped the political decisions of a community anxious for British legal and social structures but on the far side of the Proclamation Line demarcating licit political community. Too far for either outside help or coercion, the Watauga Association was self-created by white settlers’ own desires and efforts. The policies they adopted did not align with British metropolitan interests at that moment and flew in the face of Cherokee claims, but looming war overshadowed any efforts at peaceful mediation. 21

The event that finally brought Wataugans into a larger political fold was their own choice confronted with escalating violence. Thus, in 1776 Wataugans decided out of necessity to end their independence. About 600 miles southwest of the Philadelphia chambers where be-wigged men spoke on behalf of a nation they declared not only to be sovereign but “united,” the remote, illegal, and exposed Watauga Association, founded just four years before, decided it could not stand alone in a brewing civil war. The threat was not abstract. British officials demanded that Wataugans swear loyalty and promise to serve in the King’s name or else suffer “inevitable ruin to themselves and families” from Cherokee attacks which the British would no longer restrain and might even encourage. Deadly attacks that summer proved such threats far from idle. The raids perpetrated by Chincanacina and his confederates may have been the deciding factor: Seeking an alliance, Wataugans turned not to Britain but to a jurisdiction to which they had never before shown the least interest in belonging: North Carolina. The choice at alliance and of which ally reflected Wataugans’ insistence on their right to self-determination and their judgment that North Carolina and the new United States would better serve their interests than Britain. 22

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21. On the limited utility of coercion from the metropole, see Andrew Shankman, “Toward a Social History of Federalism: The State and Capitalism to and from the American Revolution,” in this issue.

22. The settlers were clear that they would have preferred Virginia and had originally chosen the site because they thought it fell within that colony’s lines. “But to their great disappointment,” when the boundary line was surveyed, they fell just south of it. Virginia, alone of the southern colonies-cum-states, integrated its western counties into its political, economic, and legal machinery, according fairly equal legislative representation and providing the courts, roads, and military defense that western residents demanded. If Virginia’s western counties represented a much more transient and tenuous version of their seaboard counterparts, they did at least build upon a strong institutional template, have a voice in the
The relationship between North Carolina and its newest western county, now called Washington County, would be fraught, filled with contradictory words and actions in regard to settlers’ sovereignty and self-government. On one hand, North Carolina legitimated the settlers’ institutions by keeping in place and relying upon both local officials and the old Watauga committee infrastructure. Surviving records from Washington County’s first court demonstrate how rooted was that institution in local custom and a dense web of neighbors who knew one another well. Such moves seemed in keeping with the heady rhetoric of self-determination of the moment. The representatives from Washington County arrived just in time to participate in deliberations for a new state constitution, adopted December 18. They would have heard the instructions of fellow delegates from Orange and Mecklenburg Counties, which asserted that “supreme power” lay with the people, while their delegates held only “derived inferior power” and could not alter, supersede, or abrogate the power of the people. The first line of the new North Carolina Declaration of Rights confirmed this principle: “all political power is vested in and derived from the people only.” The admission of the Wataugans and reliance on their existing civic institutions seemed to underscore this commitment to the principle that the people act for themselves.23


However, for all its earlier language of political power vested in the people, the North Carolina Declaration of Rights also asserted its “right and property” to all western lands within the lines of latitude originally set out in the charter from King Charles II. A grant from a long-dead monarch against whose successor North Carolina was now in rebellion yet conveyed absolute ownership over land actually occupied by Cherokees, Chickasaws, and other native peoples with long historical claims—and now also perched upon by white settlers who, unlike Native Americans, theoretically shared the same legal standing as other North Carolinians. The North Carolina state constitution did not recognize Native American territorial rights, conceding only access to hunting grounds as secured through treaties. The constitution did recognize that future governments “westward of this State” might one day exist—never explicitly stated but assumed to be set up by Anglophone white settlers—but only “by consent of the [North Carolina] Legislature.”

In the case of western settlement, the soaring rhetoric of sovereignty was reversed. Out west, the people, elsewhere deemed to have the “supreme power,” would in fact be beholden to an eastern legislature which alone could determine the terms of future western independent political sovereignty. Wataugans, now Washingtonians, may have chosen and been welcomed to join North Carolina, but it was far from clear that they could exercise the same right and choose to leave. The parallel tracks of self-determination in state formation (the federal union’s, North Carolina’s, or any future western state’s) and the demand to consolidate and profit off of western empire contradicted one another, creating a


dualism at the heart of the young republic/empire. How state formation and empire could reinforce one another without disintegrating the other was at this point far from clear.

Washington County residents quickly chafed at North Carolina governance. Though the state did supply initial military aid, it also usurped local authority over land deals, and not at all how white county residents wished. State officials disregarded “the pretended purchases under which the Watauga and Nolachucky people claim the whole district of Washington” and instead negotiated new treaties. Gallingly, these treaties were predicated not upon helping white settlers perfect their land claims, but rather the reverse: keeping them off of Indian land. Neither was North Carolina acting to protect Native claims, but rather to secure the land to its own control. By 1783 the state was rapidly selling its western lands to refill state coffers depleted by the Revolutionary war and so took measures to “prevent lawless intrusions” by Washington County residents. Adding insult to injury, the legislature passed a law imposing a uniform tax on all land in the state, despite the fact that western lands held only a quarter of the value of land farther east. Residents of Washington County and the newly formed Sullivan and Greene Counties protested. Among themselves they grumbled at the inequity in their alliance with North Carolina, and some began to plan for a day when that could dissolve the political bands that connected them to a distant capital uninterested in their welfare.25

If white settlers bemoaned their subordinate political position in the alliance with North Carolina, their Cherokee neighbors discovered the devastating cost of isolation. Belligerent Cherokees in temporary alliance with Shawnees and other nations wasted no time attacking the Wataugans in 1776. They turned then on Virginia but suffered a defeat. Now

residents of the southern states responded in kind, vowing “to carry fire and Sword into the very bowels of [Cherokee] country and sink them so low that they may never be able again to rise and disturb the peace of their Neighbours.” Indian allies deserted the Cherokee towns, and the British had already warned they had not the means to intervene at this time. Meanwhile, amidst calls for total extermination, Virginia, North Carolina, South Carolina, and Georgia mustered six thousand troops who engaged on a campaign of total war against the Cherokee towns. It was rapid and successful. Within weeks Cherokee people had abandoned their communities in the Lower, Middle, and Valley Towns, seeking refuge in the Overhill Towns, which, however, offered no respite as Virginia militiamen waited for them. At least four towns were burned to the ground.26

Now the political independence of Cherokee towns and regions, instead of allowing them to be nimble in the face of an uncommonly destructive war, made them vulnerable by giving white belligerents a pretext to target hostile and neutral towns without distinction. By 1777 the ferocity of the war gave the elder peace chiefs more authority within their own communities to negotiate for peace. In two treaties in 1777 the Lower Cherokees ceded most of their land within the boundaries claimed by South Carolina, while Attakullakulla and the Overhill Cherokees ceded lands east of the Blue Ridge Mountains and a passage through the Cumberland Gap to Kentucky, altogether five million acres. It was Attakullakulla’s last measure on behalf of peace for his people; he died not long after. He and other Cherokee negotiators hoped for peace but they, no more than the younger warriors with whom they disagreed, failed to achieve broad consensus among all Cherokee peoples. Chinca-nacina, along with refugees from the four demolished towns and others who believed peace talks to be fruitless, moved farther west to found new towns on Chickamauga Creek from which they continued their armed

26. John Page to Cornelius Harnett, Aug. 1, 1776, Henry Stuart to John Stuart, Aug. 25, 1776, North Carolina Council of Safety to Griffith Rutherford, Aug. 23, 1776, CSRNC. In the midst of the campaign, the North Carolina Council of Safety cautioned the General Griffith Rutherford in command of North Carolina troops to “restrain the Soldiery, from destroying the women and Children, (should any of them fall into your hands) and that all prisoners taken by you be sent to this State.” North Carolina Council of Safety to Griffith Rutherford, September 11, 1776. Calloway, The American Revolution in Indian Country, 197–98.
resistance until 1791. White belligerents refused to distinguish between Indian peoples and consistently retaliated against Cherokee towns for Chickamauga incursions. Every time they did so, more people gave up on the peaceful strategy advocated by elders and fled west to swell the ranks of the Chickamauga Cherokees.27

The outbreak of civil war in 1776 precipitated difficult decisions for both the Wataugans and the Cherokees. Each community sought strategic alliances to ensure their safety: The Wataugans chose North Carolina and the new American Union while a significant and active faction of Cherokees opted for pan-Indian alliance under the umbrella of British support. In both cases these choices had the effect of limiting local autonomy—for the Wataugans because now they were a subordinate part of North Carolina; for the Cherokees because divisions within their own political community became justification for violence and further dispossession from the land. The formal end of war in 1783 between Britain and the United States opened new possibilities for white settlers. It made little difference to the struggle of Cherokee people to defend their own land and sovereignty; their war for independence was ongoing.

In 1784 the white settlers of western North Carolina embarked once again on a project of civic ambition and self-determination. Since 1776, the settlement had grown to warrant three counties in the Tennessee Valley: Washington, Sullivan, and Greene. Meanwhile in 1780 white settlers founded a new settlement farther west called the Cumberland settlement in what is now Middle Tennessee (Figure 6). The Tennessee Valley residents declared independence from North Carolina and went about setting up their own state. The gathering of representatives in the roughly hewn town of Jonesboro, laid out only five years earlier, made their connection to the principles of the United States Declaration of 1776 explicit. One member dramatically drew “from his pocket a volume containing the Declaration of Independence by the colonies in 1776 . . .

and attempted to show that a number of the reasons they had for declaring independence, applied to the counties here represented." The delegates proclaimed “that we have a just and undeniable right” to hold a convention, create an independent state, set up a separate government, and even to accept other western communities into their new polity, particularly they noted hopefully “any continuous part of Virginia.” And so the state of Franklin was born.28

The proximate event that spurred the Franklinites’ move was North Carolina’s 1784 cession to Congress of its lands west of the Appalachian Mountains, twenty-nine million acres in all. The territory would remain under North Carolina’s jurisdiction until it could eventually be admitted to the Union as one or more sovereign and equal states. “Eventually” was the part of the plan that remained hazy. Legislators representing the territory’s western counties voted for the Cession Act. Once it had been passed, they gleefully declared that they had been “abandoned” by North Carolina and had no alternative but to set up their own government. The settlers had long complained at the inadequate services and military protection on the far side of the Appalachian Mountains. Now with North Carolina’s cession they claimed they were “compelled” out of

“necessity and self-preservation” to organize their own government. North Carolina, caught by surprise, opposed the new state from the beginning.29

Franklin’s new leaders sought to demonstrate their ability to answer local concerns and thereby create their right to govern. In its first legislative session in 1785 Franklin’s Assembly carved a total of seven counties out of what had been three, ensuring smaller and hopefully more responsive governing units. They chose John Sevier, a local, wealthy, and popular lawyer with military experience in the American Revolution, as the first governor. The Assembly set up a court system in each county and, answering a long-time grievance, a superior court, immediately appointing judges, magistrates, and other officers. No longer would residents have to journey back over the mountains to take care of legal matters but could instead find full redress closer to home. Franklin officials seized court records from and the newly constructed Washington County courthouse itself, projecting authority and stability through control of the vital records of the community and of the handsome, imposing building. (Judges still loyal to North Carolina, on the other hand, had to hold court for three years in private homes.) Moreover, the Franklin assemblymen established a militia and provided for the first academy in the area. Sensitive to local conditions, the Assembly mandated that taxes need not be paid in specie, but could be paid in animal pelts, linen, beeswax, tobacco, or “good distilled rye whiskey” among other local commodities. Finally, a Franklin delegation led by Governor Sevier met in June 1785 with a small delegation of Overhill Cherokees representing six towns and

29. The Cession language on the establishment of new political units stated merely that a state or states “shall be laid out and formed” and have “the same right of sovereignty as other States,” but offered no clear articulation of what that process would entail. North Carolina stipulated only that no law be made by Congress to emancipate slaves and that the North Carolina bill of rights would continue to pertain in the ceded territory “subject to such alterations as may be made by the inhabitants at large or a majority of them.” “An Act Ceding to the Congress of the United States Certain Western Lands,” 1784, Minutes of the North Carolina House of Commons, Apr. 19–June 3, 1784, CSRNC. On Congressional western policy and Hugh Williamson’s involvement in it in 1784 and 1785, see Onuf, “Liberty, Development, and Union,” 179–213. Ramsey, Annals of Tennessee, 287, 288–90.
negotiated the Treaty of Dumplin Creek. The terms of this treaty were later disputed, but the Franklin delegation claimed that in it the Cherokees had ceded all the lands south of the Holston and French Broad Rivers, a cession of thousands of acres. Afterward the few Cherokee representatives who had been present protested it had been no more than a tentative agreement, but the leaders of Franklin asserted it was binding.\footnote{30}

The barely concealed eagerness of Franklin’s leaders for “the disposal of the Indian country” led contemporaries and historians alike to dismiss the entire experiment in sovereignty as little more than the self-interested gambit of a chaotic, land-hungry rabble and a few shrewd land-jobbers egging them on. But land was not the only issue. Most of the white residents of the Tennessee Valley were small farmers long frustrated by the lack of defense, local courts, land offices, roads, and other services. They demanded territorial expansion and an aggressive Indian policy, but the key to the contingent loyalty of Tennessee Valley’s white inhabitants lay decisively in the state’s (either state’s) ability to provide services and the infrastructure of the state. Expansion made no sense without accompanying institutions to undergird secure land titles, roads to connect farms and towns, and defense to protect white settlers from Indian attacks.

The inhabitants of Franklin did not break away from North Carolina because they were anti-authoritarian and rejected government; they broke away because they wanted stronger, more responsive government. Two sets of intertwined motives, then, led to the founding of Franklin. One was local and opportunistic: the push to reassert self-control and address the gaps in North Carolina governance, providing for a strong and activist (at least in Indian policy) state. The other motive appealed to all land-hungry white settlers but was particularly important to wealthy Tennessee Valley men: to wrest away from eastern elite speculators control over western land allocation and instead to control it themselves. The two motives went hand-in-hand; they were not separable. And if

easterners hypocritically condemned the self-interestedness of the land-grabbing, the impulse for strong, responsive local government undergirded nearly two hundred years of English colonial experience. 31

When white Tennessee Valley residents asserted their prerogative over the allocation of Indian land, they created two problems for different powerful eastern interests. First, an independent state impinged on the ability of the state of North Carolina and its economic elites to profit off of western land. Where Franklinites wanted both land and government, North Carolina-based speculators hungered for land without bothering much about local institutions for the white settlers living on that land. They could settle for an empire that had not yet been filled in by the state.

Second, Franklin’s independence threatened not just North Carolina interests but the American Union itself. Congress had a serious practical problem because the North Carolina General Assembly in the fall of 1784, just months after it had ceded the land, did the unthinkable: It revoked its land cession, undercutting Franklin’s justification for existence. Franklin dispatched a representative to Congress to present its case, hoping that if Congress “rightly” understood how matters stood, it would back the sovereign right of settlers to determine statehood for themselves. However, Congress, which after all contained a number of states that were themselves worried about breakaway communities, ultimately allowed North Carolina to rescind its cession, foreclosing recognition of the state of Franklin. The trans-Appalachian west would remain for the time being part of North Carolina and open for sale. Congress did recommend that North Carolina reconsider the repeal of its Cession Act (i.e., cede the land again), but would not (or, more baldly, could not) force the issue or intervene between an existing state and western separatists. 32

31. Here it is significant that their Virginia and Kentucky counterparts did not choose the radical break that Franklinites attempted, even as they too clamored for land and Indian removal. They had recourse to political means that made such a drastic route less appealing. For a time it appeared that these western territories would collaborate and possibly even form a single state. See for example, “Abridgment of Politics in the Western Country, March 1785,” Maryland Journal (Baltimore), Oct. 11, 1785.

Congress had no template for admitting new states and was in the midst of considering the matter in 1784–85 when Franklin and North Carolina argued their cases. The project of settler-dominated sovereignty in Franklin raised the pressing question of how the nation was to grow, under whose authority, and with what ramifications. Now that the Franklinites had thrown down the gauntlet, the federal government had a knot of problems, one in which “parent” states like North Carolina had a vested interest: how to treat, and ideally absorb and profit from, polities and territories claimed by the U.S. but not yet organized as states? Under what circumstances could individuals have a relationship with Congress? Could free, white men have a relationship with Congress if they were not a member of a current state in the American Union? Could citizens of a state leave it or break off from it, form a government on their own, and seek recognition? North Carolina had standing in Congress for these debates; Franklin did not. Should it? These were procedural questions that went to the very heart of the basis for governance in the American Union. Did the people of Franklin have the right to set up a state? 33

In the face of North Carolina revoking its land cession and Congress’s

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33. Franklin was not the only entity raising compelling questions about the future of polities and territories claimed by the U.S. but not yet organized as states. Vermont had been making its case for admission as an equal state since 1777, dabbled with giving its allegiance to neighboring Canada instead, and eventually forced recognition because no other state’s institutions could compete with the apparatus set up by determined Vermonters on their own behalf. Residents in Virginia’s west-most counties of Kentucky began petitioning Virginia for independence in 1784. After Virginia’s legislature acquiesced in 1788, the path was clear for Kentucky to petition Congress. Vermont and Kentucky were admitted to the Union in 1791 and 1792, respectively. See Peter S. Onuf, “State-Making in Revolutionary America: Vermont as a Case Study,” *Journal of American History* 67 (Mar. 1981), 797–815; Joan Wells Coward, *Kentucky in the New Republic: The Process of Constitution Making* (Lexington, KY, 1979); Aron, *How the West Was Lost.*
tacit acquiescence, Franklin’s promoters faced steep hurdles toward building a functional state. The October repeal preceded Franklin’s formal declaration of independence in December and eradicated from the beginning the unity of purpose that had briefly animated elites in the Tennessee Valley. A significant minority who supported independence while in ceded territory reneged when North Carolina reasserted its claims to the Tennessee Valley. Rather than building a strong, coherent state, men and women of the region descended into a low-grade civil war. Here, North Carolina’s governor after 1785 exercised significant political acumen. Instead of blustering angrily against Franklin as his predecessor had done, Governor Richard Caswell beefed up services in the region, bringing many Franklinites back into the fold by offering them North Carolina commissions. Shortly, two parallel sets of governing institutions operated in the same place—two courts, two annual elections, two tax collectors, and most importantly two sets of armed partisans harrying after one another and pressuring locals to recognize only their preferred government.34

Franklin’s leaders scrambled to strengthen the one asset they had with locals: a strong state. To this end, Franklin’s militia became central to the project of self-created sovereignty for two reasons. First, the state needed to prove itself responsive to the needs of its constituents who had long complained of neglect from federal and North Carolina authorities. Governor Sevier warned that the citizens of his state chafed at being “unnoticed by Congress” and having their “interest . . . neglected.” If Franklin’s leaders wanted to win support from such settlers, they needed a strong military presence to answer their constituents’ calls for defense and for more land. The militia served a second critical purpose, however. Given its total reliance on its citizens for legitimacy, one of the new state’s most pressing needs was to build institutional strength and trust. Military service mustered neighbors together, incorporated them in a hierarchy of command, and gave them a voice and a stake in the new state. Through the militia, Franklin’s leadership sought to knit a dense civil fabric in which defense and widespread male militia service together integrated local families and elicited faith and loyalty—that is to say,

fostered legitimacy. In order to survive, Franklin needed a strong militia and it needed to be seen to act.\footnote{John Sevier to President of Congress, Nov. 2, 1787, Misc Letters to Congress, 1775–1789, Continental Congress–Papers, Folder 3, Vol. S (21): 481–84.}

Sevier set out in 1788 with the militia on a campaign of violence against the Cherokees as a maneuver to shore up his own power and bolster his unstable state. He marched with around 150 “footmen” to put Cherokee towns to the torch. Soon one observer graphically reported the Franklinites had “killed a number of [Cherokees] in their Corn fields & burnt one of their principal Towns [Cawatie].” Then militiamen murdered fourteen peaceful Cherokees who had surrendered to them, including Corn Tassel, Old Abraham, and Hanging Maw, the most forceful chiefs among the Cherokees advocating for peace with white settlers. These murders plunged the region into violence that threatened to overflow from eastern Tennessee to North Carolina, Virginia, Kentucky, South Carolina, Georgia, the Ohio Valley, and Creek Country.\footnote{The Cherokee towns were in a difficult position in terms of responding to the state of Franklin. On the one hand, the governor of North Carolina warned them against treating with Franklin but at the same time he cut off vital trade supplies to Cherokee communities. Despite this warning, a small delegation met with Franklin representatives in 1785 and apparently agreed to the disputed Treaty of Dumplin Creek, which allegedly ceded all the lands south of the Holston and French Broad Rivers. Later in the same year, however, more than 900 Cherokees met with the U.S. government and negotiated the Treaty of Hopewell, a slap in the face to Franklin pretensions. Governor Alexander Martin to Old Tassel of Chota, 1785 in Ramsey, \textit{Annals of Tennessee}, 306–307. Letter from the Franklin [state] General Assembly to Alexander Martin, Feb. 22, 1785, \textit{CSRNC}; Treaty between Franklin [state] and the Cherokee Nation, June 10, 1785, Talks between Franklin [state] and the Cherokee Nation, July 31–Aug. 3, 1786, \textit{CSRNC}. Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lach'n McIntosh to Henry Lee (President of Congress), Dec. 2, 1785 and Papers of Indian Commissioners, Nov. 1785, \textit{American State Papers: Indian Affairs}, Class II (Washington, 1832), 1: 38–39, 40–44. Joseph Martin to Governor Richard Caswell, Sept. 19, 1785, Tennessee Documentary History, 1796–1850, Tennessee Documentary History Project Website, University of Tennessee Libraries, accessed April 19, 2014, http://diglib.lib.utk.edu/cgi/t/text/text-idx?c = tdh;cc = tdh;sid = e46c47177554f59eb2c8281ee60a3a86;q1 = John%20Sevier;rgn = main;tpl = home.tpl. Andrew Pickens to Richard Winn, June 30, 1788. Joseph Martin to Henry Knox, July 10, 1788, George Maxwell to Joseph Martin, July 9, 1788 (copy), Letters from Major General Henry Knox, Continental Congress–Papers, Folder 3, 409–410. Depositions from Greene Co. in Defense of John Sevier, Concerning Murder}
Sevier’s desperate ploy was motivated by the reality that by this point, the state of Franklin was all but defunct. The timing was not coincidental. The new federal Constitution, drafted in 1787, sounded the death-knell of Franklin’s prospects in the American Union. The newly drafted federal Constitution included a provision that new states could not be created out of older ones without the latter’s consent. This section reinforced North Carolina’s claim to the Tennessee Valley and made it impossible for Franklin to receive federal recognition. Sevier had set out on a campaign of violence to mobilize the one institutional resource he still had to hand, but his gamble failed. His actions reinforced to federal authorities why local control was so dangerous. The murderous actions of Franklinites failed to establish a strong state, imperiled the region, and undermined the fragile new nation’s attempts to be taken seriously on a global stage.37

A decisive actor in Franklin’s fall turned out to be North Carolina. If the reach of the central government suffered limitations that only amplified the farther it reached into the interior, North Carolina stood much closer and had powerful incentives in the millions of acres of Indian land at stake. It operated most successfully when it adopted cooptation rather than coercion. After a few initial months of bluster, North Carolina worked to get enough local constituencies (re)invested in North Carolina to forego the promise of statehood through Franklin, and worked simultaneously to block Congressional support or recognition. Only after North Carolina had re-established its control and sold off all the western lands to the benefit of its elites did it revisit the question of ceding the land permanently to the United States government. The 1789 Cession of North Carolina’s “unreserved” lands west of the Appalachian Mountains to the Mississippi River carefully protected North Carolina speculators’ claims to land west of the Appalachian Mountains and carved out a

of Certain Indians, Oct. 25, 1788, Petitions Rejected or not Acted Upon Folder, GASR Nov.–Dec. 1799, Box 1, North Carolina State Archives, Raleigh, NC. (I am indebted to Greg Ablavsky for generously sharing his photos and transcription of this source with me.)

significant military reservation the state could use to pay off its debt to Revolutionary War soldiers.\textsuperscript{38}

By now the federal government had a more defined idea of how new states ought to be created. Between 1784 and 1787 western policymakers moved away from an original commitment to early territorial statehood and came to believe that institutional structure would first need to be imposed upon western territories; only eventually and through that framework could settlers claim political sovereignty, statehood, and equality in the American Union. Deep concern about the civil capacities of squatters, assumed to revert into barbarism as they moved into the frontier wilderness—an impression exacerbated by Franklin’s aggressive Indian policies—dampened initial enthusiasm for settlers managing their own affairs. In the same month that Congress allowed North Carolina to take back its ceded western lands, it passed the Ordinance of 1785, which organized Virginia’s ceded lands in the Northwest Territory into a grid pattern and introduced a mechanism by which to sell land, both meant to encourage orderly and compact settlement. In 1787, in the midst of the convention to draft a new constitution, the Confederation Congress in New York passed the Land Ordinance of 1787. The Northwest Ordinance, as it was more commonly known, organized the ceded lands into the Northwest Territory, appointed a governor, secretary, and three judges who between them had broad governing powers. Only after the territory could prove it had five thousand free adult men would it be eligible to form a representative assembly. When the free population exceeded 60,000 people and they had written a republican constitution, the territory could apply for statehood. Slavery was barred from the new territory.\textsuperscript{39}

The Northwest Ordinance, passed as Franklin was in decline, benefited from the example of the self-directed experiment in the Tennessee

\textsuperscript{2017.} On U.S. concerns about its global diplomatic position, see Gould, \textit{Among the Powers of the Earth}.


\textsuperscript{39.} \textit{An Ordinance for the Government of the Western Territory} (New York, 1787). Onuf, \textit{Statehood and Union}. 
Valley and ironically would first be deployed upon it. On May 26, 1790 Congress created “the Territory South of the River Ohio,” more often called the Southwest Territory, and extended to it all the provisions of the Northwest Ordinance except—critically—those barring slavery. In 1790 the white settlers in the region embarked in another experiment in government, but this time it would not be an act of self-directed settler sovereignty but of federal oversight, even apprenticeship.40

The provisions of the Northwest Ordinance seemed to impose an orderly political process upon the fragmented Tennessee Valley. The federally appointed governor and legislature that convened after 1793 did not have to prove or create their own legitimacy as the governor and institutions of Franklin had struggled to do, but rested on a defined process provided for them from afar by the federal government. More importantly, elites believed the territory-soon-to-be-state, acting this time with the recognition of the newly reorganized United States, was likely to serve their interests. Political life quickly attained a new level of stability, which in turn fostered confidence in the process among the rapidly growing population.

However, territorial government evolved only slowly because of deliberate interference by its appointed officials, specifically the governor. Federal authorities had reasoned that governing “those people who had most of them been separated from the State for some Years, [and] have been torn by Factions and very disorderly” would require “some address.” They therefore appointed as governor William Blount, a North Carolina Federalist and avid speculator, reasoning that his investment in trans-Appalachian land would mean “he must be the more deeply interested in the Peace and Prosperity of the new Government.” Blount articulated his priorities clearly, and they had little to do with settler sovereignty and instead much to do with securing his and his family’s

40. “An Act for the Government of the Territory South of the River Ohio,” May 26, 1790, Territorial Papers of the United States, 4: 18–19. Virginia, which ceded all its lands north of the Ohio River in 1785, never ceded any land south of it, so Kentucky was never part of the Southwest Territory, only the ceded land from North Carolina. For Kentucky’s own unique path to statehood, see Coward, Kentucky in the New Republic. The actual implementation of the ordinance was a little rocky at first because “A single copy could not be found in North Carolina.” William Blount to Daniel Smith, Sept. 6, 1790, “Papers of Gen. Daniel Smith,” American Historical Magazine 6 (July 1901), 218–19.
land investments. “My Western Lands had become so great an object to me,” he admitted, “that it had become absolutely necessary that I should go to the Western Country, to secure them and perhaps my Presence might have enhanced there [sic] Value.” His priority was to see the federal government enforce land treaties that served the interests of speculators like himself and his family. Even after the 1791 census confirmed that the Southwest Territory had the required five thousand free, white, adult men to trigger a representative assembly, Blount dragged his heels for two full years before allowing elections and convening the first assembly in 1793.41

Meanwhile, Blount pursued aggressive policies against neighboring Indian peoples, borrowing a tactic deployed by Franklin leaders to enhance state legitimacy and at the same time forward his own speculative interests. Within two years of his appointment, Blount had managed to involve the Southwest Territory in another round of war with the Cherokees and Creeks. In 1794 Blount and his officials were under investigation for the destruction of two Lower Cherokee towns, where, by the military commander’s own admission, “the slaughter was great,” and observers reported that most of the victims were women and children. Blount took care to paint the measure as self-defense but also claimed he had never ordered the attack. Federal officials remained suspicious of his motives and agenda. “The complexion of some of the Transactions in the South western territory appears unfavorable to the public interests,” Secretary of War, Timothy Pickering observed in 1795. He reminded Blount that “Congress alone are competent to decide upon an offensive war, and congress have not thought fit to authorize it.” He ordered Blount to comport himself as an officer of the United States and not to pursue his own or local interests at the expense

of national ones. White residents of the Southwest Territory, meanwhile, seethed at the “almost daily sufferings of the [white] people . . . by the hands of the Creeks and Cherokees of the Lower towns” with inadequate redress from central authorities.\(^{42}\)

Territorial status and federal oversight brought stability, but ordinary residents resented political institutions still unresponsive to their demands, specifically the desire to harness empire to the ends of their community. Settlers continued to call for aggressive Indian policy and rapid land acquisition. However the federal government devoted its resources instead to the draining and expensive task of conquering the Northwest Territory and counseled cautious diplomacy and a defensive posture only with the Indians in the Southwest. To the consternation of those eyeing Cherokee land, the U.S. government positioned a mere seventy-five federal troops in the Southwest. By contrast, as a measure of where their priorities lay, the Northwest Territory hosted nearly three thousand soldiers. The reason was simple. Before the 1789 Cession, North Carolina had sold almost all the 7.5 million acres it claimed between the Appalachian Mountains and the Mississippi River. Where the federal government could gain desperately needed funds from selling the unclaimed land in the Northwest Territory, it would reap little from the Southwest Territory. The federal state was relying on its empire. Land already allocated to speculators was of no more use to federalists than land held by Native Americans. But where Natives might be forced off the land, landholders with legal title were impervious. North Carolina’s land policies had the unintended consequence of eradicating federal support for further campaigns in the region.\(^{43}\)

Southwest Territory voters concluded that they needed statehood to compel federal military allocations and support. Key interests in the Southwest Territory that had until this point been at odds with one another came at last into alignment, propelling quickly and surprisingly a drive once again for statehood. In 1795 Governor Blount stopped


dragging his heels and ordered the Southwest Territory’s representatives in Philadelphia to sound out the likelihood of admission as a state. They found it to be lukewarm at best. With a contentious presidential election likely in 1796, Federalists did not want a new state in the Electoral College that was likely to throw its support to Thomas Jefferson. Despite an earlier allegiance to the Federalists, Blount refused to be deterred. He called for a territorial census and plebiscite in the fall of 1795, which found that the territory had more than the required 60,000 free residents (along with more than 10,000 enslaved people). Upon that basis, Blount called for a constitutional convention for a state to be called Tennessee, after the river that ran through the heart of the state. The rapidity of this drive spoke to the unity of purpose at last achieved between Blount and the residents in the Tennessee Valley—a unity that did not extend to the residents farther west in what had been known as the Cumberland settlement and was now called the Mero District. 

The path Tennesseans followed toward statehood, though within the letter of the procedure outlined by the Northwest Ordinance, was far more self-directed than many national policymakers had intended. With their newfound united purpose, Blount and the white residents of Tennessee with the collusion or blessing of speculators circumvented Congress and the Northwest Ordinance once again to seize initiative in asserting local sovereignty. Rather than allow Congress to determine its geographical boundaries or conduct a census to see if the territory had a sufficient free population to qualify for statehood, Tennesseans forged ahead entirely on their own authority, claiming existing territorial boundaries would serve as the new state boundaries (by no means a self-evident assertion), and conducting their own census. Upon this basis, Tennesseans had elected delegates to a constitutional convention, drawn up a constitution, and held an election under that constitution. The

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state’s first General Assembly met under the auspices of the new constitution and selected representatives to the U.S. Congress all before the federal legislature was even made aware or had had a chance to consider whether to admit Tennessee.

Congress debated the meaning and ramifications of this self-initiated and unguided constitution-writing. Wrapped up in the debate was the question of what precedent this process would set for the admission of future states, for Tennessee was the first territory to become a state. Many congressmen across sectional lines bristled at Tennessee’s path toward statehood. One Massachusetts congressman fumed to his colleagues that this “Territory claims, without your agency and without your consent, to be admitted as a State of the Union.” This could not be! A South Carolina ally was adamant: “Congress was alone competent to form the Territory into one or more States.” James Madison, however, dismissed concerns that in conducting its own census and determining its own boundaries Tennessee arrogated too much authority to itself. Two points only concerned Madison: first, whether Tennessee had the population to justify admission; second, that without statehood “the inhabitants of that district of country were at present in a degraded situation” because subject to laws and officials they did not choose and deprived of Congressional representation. “Congress,” Madison concluded, “ought to lean towards a decision which should give equal rights to every part of the American people.” Ultimately opponents’ warnings of excessive self-control by the territory-cum-state fell short, and Tennessee was admitted to the Union by a vote of 43 to 30. Though Congress would assert more control over the admission of subsequent states, the “Tennessee Plan” remained an available precedent to pressure Congress into admitting states, drawn upon rarely but most recently by Alaska.

In one final irony, white residents of the east Tennessee Valley who had advocated for their own self-determination used the occasion of statehood to deny the same to other white residents farther west than themselves. When North Carolina had ceded its territory to the Mississippi River, it had mandated it be created into one or more states; there was no reason to assume that the entire territory between the latitudes established by North Carolina would become one state. The political communities in East and Middle Tennessee were not contiguous (Figure 7). They were connected only by a dangerous, ill-defined, poorly kept road through Cherokee territory. Moreover, they had distinct political histories. The Mero District, as the middle counties were called, had not joined the Franklin separatist movement. Instead, a brief and simultaneous association called the Clarksville Compact had briefly asserted self-government in the absence of any other clear authority. In 1796 the eastern district had sufficient population to apply for statehood without Mero. Meanwhile, the inhabitants west of the Cumberland Plateau emphatically did not want to be part of Tennessee; indeed, four-fifths of the western electorate rejected statehood in 1795 in the hopes that by delaying, the Mero District could achieve its own independence from the more easterly Washington District. In the nineteenth century, with the cotton boom, East Tennessee would cede economic and political dominance to Middle and West Tennessee, but in 1795–96 the citizens of the Washington District, led in no small part by the interests of land speculators like William Blount, imposed their political will on others farther west, re-creating the subservience Franklin promoters had themselves complained of just a decade before. 46

In the twenty years since the Watauga Association had applied for

admission into North Carolina, the axis of decision-making had shifted. Geography had dominated the possibilities for Watauga before 1776. The Association had been able to act as it wished because it was small, far away, and both British and eastern elites were at that moment preoccupied with other matters. It did not (yet) threaten (sufficiently) enough outside interests to provoke intervention. It would seem the Mero District occupied a similar niche in 1796. It too was small and lay even farther from the eastern capitol—well beyond the reach of effective federal coercive power. But by 1796 the political geography had shifted. Being small and far away became a liability. Philadelphia might be far, but the Washington District and North Carolina were not. Indeed, interested elites in those places were well-positioned to intercept and intervene, blocking Mero voices for self-government from finding a receptive audience in federal circles, just as North Carolina had once blocked Franklin. Policymakers might at one time have theoretically accepted multiple states being carved out between the western border of North Carolina and the Mississippi River, but by 1796 the federal government had an interest in extending law and order over the region. Congress acceded to the demand to make one big state, even though it meant imposing an external political process on the people of Mero. The ongoing struggle over settler sovereignty and statehood in the Old Southwest had shifted farther west but continued to be shaped by the tangled imperatives of federal government, existing state or political communities like the Washington District, and local white settler populations, each intent on harnessing expansion to their own sometimes aligning, sometimes competing ends.

Settler-driven expansion did not precede the state; it required the state. Settler communities understood this as well, if not better, than anyone else. Whether forming compacts and associations or declaring states, white settlers in what one day became Tennessee sought ways to organize politically, legally, and militarily to make good their ambitions for land and the dispossession of the indigenous people already on it. Congressmen in the national capital may have considered state formation to be something necessary to impose upon unruly backwoods men and women, but in the Tennessee Valley their efforts were bringing up the rear. White settlers proved quite capable of drafting their own forms of
government closely aligned with their own needs and the documents and practices of their sister states. What they could not control were the powerful interests aligned against their efforts by North Carolina speculators—or, in the case of Mero, by Washington District boosters—nor could they engineer admission by the United States Congress where as individuals rather than recognized states they did not have standing.

The major question was not whether expansion required the apparatus of the state but who had the authority to found and control such states. Eastern Tennessee white settlers sought to enact that power themselves, but their attempts in the 1770s and 1780s were brittle. Watauga was a small community shortly overwhelmed by a continental war. Franklin boasted a larger population but lacked the time to build institutions that could knit together a community and withstand pressure from neighboring North Carolina. Unlike the eastern seaboard white settler communities, which had between four and seventeen decades to build stable provincial governments capable of sustained resistance to Britain, Watauga and Franklin had only a few years. They never enjoyed enough time to foster internal legitimacy. Without the key ingredient of local unity and strength, settlers’ claims that they could found their own states were relatively easily overwhelmed. Federal policymakers assumed the need and their own right and ability to dictate stages of political development to settler communities. The land ordinances succeeded as a template because they offered a relatively quick and secure path to admission to the union and because local attempts had failed so dismally. The question of whether citizens retained the sovereign right to determine their own political arrangements, free from outside interference, became at best academic. In practice they did not. Formal law mandated federal supervision and control.47

The chaotic and violent career of what became Tennessee set a precedent for all future communities newly settled by Anglo American settlers: They, like Tennesseans, must submit to a period of federally supervised political apprenticeship. In Tennessee the relative peace and stability that arrived with territorial status in 1790 and the rapid achievement of

47. Territories could write their own state constitutions, “Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles.” This provision suggested these documents were subject to Congressional oversight approval. An Ordinance for the Government of the Western Territory (New York, 1787).
statehood in 1796 seemed to confirm the strength of the processes mandated by Congress. Where the Tennessee story diverged from the better-known trajectory of the states carved out of the Northwest Territory was that it went through the process first, but more importantly that it was never the object of significant federal attention because, unlike in the Northwest, it did not have vast, unencumbered land the federal government could sell (indigenous claims being equally disregarded in both places). For both reasons, the process unfolded in the Southwest Territory in a less controlled fashion than would be true elsewhere.

Though Tennesseans submitted to territorial status, they made a mockery of Congressional pretensions to control the transition to statehood. Once enough constituencies had aligned in Tennessee in 1796 they hijacked the process to advance statehood without the veneer of federal supervision. The new state constitution had to align within the broad parameters set by the Northwest Ordinance, but the timing and the reasons behind statehood manifested powerful local autonomy that would in future only be amplified by recognition and admission into the union.

The puzzle of why the state of Franklin failed by 1789 and the state of Tennessee succeeded a mere seven years later speaks to a rapidly evolving—but by no means complete—response to a significant problem: How to braid together the sometimes competing, sometimes aligning demands of local sovereignty, federal state-building, and expanding empire, while at the same time answering and managing the potent interests of wealthy speculators who sought to profit off of the west but were less concerned about long-term political fitness? The rogue experiment of Franklin worried national political authorities and speculators alike, who, for their own reasons, feared the loss of political and economic control over territory. The rejection of all claims by Franklin, return of sovereignty to North Carolina, imposition of territorial status, and promise of eventual acceptance as a state into an equal partnership in the union satisfied the objectives of nationalists and profit-seeking speculators. White settlers in the Tennessee Valley, stymied in their attempts at locally controlled sovereignty, accepted the constraints placed upon them by forces beyond their control. Within those constraints, however, and particularly after the interests of local sovereignty and empire began to align more closely with those of powerful speculators, white settlers continued strongly to insist upon and carve out mechanisms for self-determination that controverted the spirit if not the letter of the law. In this way, Tennesseans ultimately did find a way to create their own state.