Filibuster Vigilantly:
The Liminal State and 19th Century U.S. Expansion

Abstract
Public policies are often implemented by harnessing private energies. This paper examines an instance of this phenomenon that contributed to 19th-century American territorial expansion, the filibuster. Filibusters—privately organized and executed invasions of other countries, launched from American soil—were banned under Neutrality Laws from 1794 on, but throughout the antebellum era they often received tacit (or, in some cases, material) support from important state actors. U.S. officials’ responses to these adventurers were not random; they were associated with realist balance-of-power calculations and the ability of national policymaking institutions to overcome gridlock. By differentially enforcing anti-filibuster laws, the American state tacitly shaped the supply these private adventures (as well as some of their outcomes), effectively using filibusters as a tool for foreign policy implementation (or keeping them from interfering with it). Using the filibuster serves as an example, this paper develops a model of “liminal” policy implementation, with private actions moderated in pursuit of public policy goals.

Keywords: American Political Development, International Relations, private actors, filibusters, pirates, policy implementation
After losing a New York gubernatorial race and mortally wounding a chief architect of the American republic, one might have expected Aaron Burr to cut his losses and fade into obscurity. Instead, this former Vice President had one last hurrah left in him. He journeyed down the Ohio River into the Western frontier, allying himself with the new governor of Louisiana along the way. With well-connected accomplices, Burr bought massive tracts of land and placed himself at the head a conspiracy to create a new empire spanning parts of Louisiana and Texas.

Burr was betrayed, and he was tried for treason. His defense, however, was not that he had no designs on conquest. Rather, he argued that he sought to raise a private force of “settlers” to invade Texas, stir up trouble, and use this manufactured unrest to wrest the territory from the Spanish; his argument was that his private militarism was a form of American patriotism. To the modern ear, such audacious goals seem more than a little bizarre; but these were different times. For the next half-century, schemes resembling Burr’s—private American citizens crossing the frontier and taking territory by force, either to turn it over to the U.S. or for their own gain—became increasingly common, and were a notorious fact of international relations in the Western Hemisphere. Aaron Burr ushered in the era of the filibuster. ¹

**Liminal Forces: Filibusters and Expansionism**

Throughout the half century before the Civil War, filibuster had a meaning different from its current legislative usage. Filibusters were private American citizens who invaded other countries, seeking adventure, material reward, or to advance some
political agenda.\textsuperscript{2} They were outlaws, and the bane of America’s neighbors. More than a nuisance, these expeditions frequently represented a genuine threat to the sovereignty of these other new states—in some cases filibusters established short-lived minor republics, and in one instance a filibuster actually became the President of an invaded nation.\textsuperscript{3}

American filibusters threatened almost every nation in the Western Hemisphere, and some in the Eastern as well. This threat stemmed less from the filibusters’ own military strength and prowess (contemporary accounts suggest that the forces immediately under their command were typically both understaffed and fairly amateur in military skill) than from what may have stood behind it: the “Empire of Liberty” embodied in the young, land-hungry United States.

Despite clear federal Neutrality laws barring these actions, Americans were enchanted by these colorful and daring characters. More perplexing than the popular response to these understandably interesting persons, however, is the reaction of the American state to their exploits. Throughout the long period of American continental expansion, the filibusters were sent mixed signals by the U.S. government. Officially outlaws, these adventurers were sometimes supported by the government, sometimes deterred or detained, sometimes ignored, and only infrequently dealt with in strict accordance with existing statutes and treaties. In nearly every case, federal officials maintained an ambiguous relationship with the practitioners of this strange cultural practice.

This paper situates filibusters and the U.S.’s responses to them as an example of a distinctive mode of policy implementation: the “liminal” state, a policy regime in which private actors’ behaviors are steered toward public officials’ goals, heightening a state’s
capacity to achieve that goal. Situated at the frontier between the U.S. and other nations, at the cusp of modernity, and the fine edge between public and private action, filibusters illustrate liminal policy pursuit in a core area of state action.

**State Capacity and Private Force: A Re-evaluation**

In classic accounts, the American state is described as exceptional, especially in its infancy, for its limited capacity (Hartz 1955, Huntington 1968). The now decades-old scholarly movement to “bring the state back in” to accounts of political development has yielded much fruit in revising our estimation of the American state as a much more powerful organization, and identifying key periods in which state power was enhanced by the growth of administrative institutions (Skocpol 1985, Skowronek 1982). These important accounts identify moments of significant state development—clarifying that the American state is neither totally anemic nor unchanged since its colonial “Tudor” origins, but that it has followed its own trajectory, distinct from the expectations of theorists of other comparable (mainly European) states. Significantly, however, accounts that focus on the growth of national bureaucracies or subnational social provision are ultimately Weberian in orientation, focusing for measures of state capacity on professionalization of bureaucrats, increased budgets, and centralization of authority. While disagreeing on some finer points, these foundational accounts generally agree in their accounts of the early American state as a “weak” organization that only later developed the capacity to pursue its goals. By most such measures of state capacity, this seems quite clearly to be the case. The early 19th century American national government
employed relatively fewer people, had less clear authority, and had direct command over fewer resources than peer institutions abroad (Skocpol 1985).

But state power entails more than quantifiable person-power or finances. A parallel scholarly conversation has shifted the analytical lens used to measure state capacity; rather than equating state power with measures of state “size,” capacity is multidimensional and multivalent (Katzenelson 2003). This re-revision hinges on the distinction between Weberian “despotic” power and the “infrastructural” power (Mann 1986). Infrastructural power is most effectively (though not at all exclusively) leveraged in the liberal state, where the goals of state and society are more closely aligned through representative institutions and in which agents of the state are themselves less separable from “social” forces. (Mann 1986; Novak 2008).

The infrastructural power perspective identifies state action not only in direct implementation but also in the management of private social energies in ways that predictably achieve the state’s goals (Frymer 2003; Lieberman 2002, 2005; Farhang 2005). By forging alliances with or creating incentives for private actors, officials may end up being surprisingly effective in achieving their goals despite limited formal or quantifiable resources. An search for moments of infrastructural power finds actors in ambiguous relationships with the state, pursuing shared goals and situated in a conceptual space “between” state and society. Scholars of American political development and policy have located these kinds of actors in many realms of policymaking and developed a suite of apt descriptors for instances of the phenomenon: the litigation state, the state “nobody knows about,” the submerged state, a government out of sight (Farhang 2010, Howard 2008, Mettler 2011, Balogh 2009). The threads connecting these accounts,
across various areas of policy, emphasize actions by state officials or laws that structure actions or attitudes by private citizens by shifting incentives or structuring the framework in which the policy is experienced and ultimately implemented by the private actor. Rather than “big state” command-and-control approaches, officials and policies shape actions with relatively subtle winks, nudges, carrots, and sticks (Mettler 2011).

These accounts typically examine what we might consider to be “auxiliary” state functions—development and regulation of market activities, social provision. It is less clear whether how such subtle, indirect policy implementation regimes fit with states’ core existential concerns of territorially self-definition and violence: in these areas, the state is almost ontologically supposed to reserve for itself both discretion over action and close control of “legitimate” violence (Weber 1919, Tilly 1975). Recent studies suggest the infrastructural conception of power can better describe the character of early modern states, especially the U.S., by attending to how official state actors interact with private actors in core state functions of expansion and order provision.

As the Westphalian system consolidated and European powers asserted their military might across the globe, the relationships between states and legitimate force-employers were quite varied. Private actors played a major role in international affairs; mercenaries, privateers, soldiers of fortune, and pirates were the norm rather than the exotic exception (Thomson 1994).

As Thomson (1994) chronicles, central states employed these actors to pursue a foreign policy they could not otherwise implement, especially in defense or pursuit of Empire. Indeed, the market for “unofficial” violence provided would-be statebuilders with resources required to create, preserve, or extend sovereignty. Only after
consolidating power and regularizing extraction to fund national armies were these private actors marginalized. Over time, the use of these actors waned; direct control over extraterritorial violence became an integral part of the modern state.

The antebellum U.S. was a frontier state born uneasily near the end of this era of highly variegated force-operators. Markets for violence and the franchising of potentially violent private citizens, in concert with state goals, were the hallmarks of especially the marginal frontier regions of the young nation, as recent scholarship shows. For instance, Frymer (2016) examines how the U.S. government carefully structured the settlement of Western territories. The first wave entailed granting lands to Revolutionary veterans to settle in compact, militarily defensible communities that would be less vulnerable to reprisals by indigenous or enslaved Americans. Rather than the conventional wisdom of a diffuse, exuberant push across the nation, westward progress into and political incorporation of American land was strategically planned and powerfully incentivized by national authorities, even when it entailed the constraint of would-be settlers who wanted to go further into the West. Later, veterans of the Civil War took their violence skills out West to enter into a market for violence and contracted dispute resolution and rights enforcement, at times acting as the agents of the public and at other times of private principals (Obert 2018). Each of these core areas of statebuilding—settlement of territory and rights enforcement—was built upon a liminal foundation of public-private co-dependence. Private citizens policed the frontier, and they were encouraged to do so by public authorities in ways that were not always obvious even to those participating in the exercise.
Ironically, the United States was one of the first nations to take official steps to eliminate this market for private violence, even as a wide range of state actors encouraged these very actions. Filibusters were outlawed under the Neutrality Act of 1794, which forbade “anyone other than the U.S. central state from raising an army within the territory of the United States to attack a state with which the United States is at peace.” (Thomson 1994: 79) This law was re-enacted and expanded several times, and finalized with the Neutrality Act of 1818, which further established that violations of the Act—and filibustering was clearly a violation—would carry a penalty of up to five years in prison and a fine of $3,000 (May 2002: 7). Throughout the antebellum era, however, there does not appear to be a single case in which this penalty was imposed, even as filibusterism became widespread and individual filibusters achieved the status of national celebrity.

Filibusters, as argued below, represent another instance of this species of infrastructural power-in-action. Filibusters were ambiguous actors; not officially of the state, but their personal missions for self-aggrandizement and self-enrichment were complementary with the state’s goal of expansive Americanism. American state actors responded to context by supporting, ignoring, or forcefully opposing these adventurers—and ultimately these adventurers contributed to the very shape of the state itself. The systematic, birds-eye examination of the record of filibuster expeditions below sheds light on what factors influenced state actors’ shepherding of these private forces toward their complementary goals.

Most of the policy scholarship on these public-private policies settles on a metaphor of invisibility—the submerged or out-of-sight state. This seems appropriate for
accounts such as Mettler (2011), in which implementation is so subtle even participants have little understanding that they are taking part. But Thurston (2018) invokes “boundaries” to employ a spatial metaphor for policies that shape the behavior of highly visible but non-public actors. This conceptualization, invoking between-ness rather than invisibility, is compelling because the role of the state is less evident from the perspective of the actors being regulated (here, the filibusterers) than in third parties who are external to this implementation process (the filibustered neighboring states). In policy implementation along these lines, it is not (or not only) the invisibility of the state action that makes them distinctive, but the difficulty we have in categorizing the events in the world as either state goal-pursuit and autonomous private action. In these cases, structural nudges, tacit encouragement of behaviors, and state-built frameworks for private action may not be best understood as lurking beneath some obscuring barrier. Rather, we should think of these actions as between state and society, at the cusp where public and private action meet. Following this logic, in the next section I outline a model of liminal state activity, in which state officials regulate ostensibly private activity that furthers some state goal(s), and apply that model to the case of how the U.S. government interacted with filibusters on the 19th century American frontier.

State action in any area of policy is liminal when it involves the structuring of private action by state officials in the pursuit of an elusive or controversial goal. War, annexation, purchase, and other forms of diplomacy involve direct state action; filibustering does not, but it sometimes had the same effects as the American state grew from coastal sliver to transcontinental republican empire. It was unique among these
tools, however, because it was non-state actors who ultimately carried out the action that furthered the expansion.⁶

Filibusters themselves represent a doubly liminal phenomenon: they existed chiefly in a liminal space (the frontier zone between countries); and they occupied a liminal place in the ordering of violence in the context of the solidifying Westphalian system of sovereign states. They are not exactly piratical outlaws, but they do not literally carry the banner of the state, either.⁷ Physically, too, these adventurers were in a space between, transgressively transversing what Shell (2015) identifies as “intermediate states of matter”—unmarked and unregulated space (either frontier lands or bodies of water) beyond the obvious claims or control of the American state, where extralegal or subversive activity may be more readily practiced. Their presence in this space allowed the U.S. to strike an ambiguous pose toward them, and allowed the filibusters to engage in violent acts without fear of repercussion by their home state while probing the soft underbellies of neighboring nations. The liminality of filibusters here embodies a distinctive element of governance in a polity where the lines between government and governed are blurred, and where the porous nature of the state itself fosters the potential for surprisingly effective action—akin to what Ira Katznelson (2002) has characterized as “flexible capacity” and what Michael Mann (1986) calls “infrastructural power.” Thus, our understanding of the American state’s character must incorporate an appreciation of these liminal actors and their ambiguous relationship to the state-in-action. Filibusters represent a compelling area in which to examine such power arrangements because they sit ambiguously in a core policy realm of stateness.
Privatized policy in the liminal state: a theoretical model

To understand why the early American state would choose support these filibustering renegades, it is useful to clarify policy goals, actors, and their interaction. Figure 1 represents a simple model of a generic policy implementation process. In this model, two main groups, “state institutions” and “civil society”, participate in political action through various pathways. Depending on the constitutional arrangements in place, different institutions and pathways are more important in the ultimate implementation of a given, desired policy.

(Figure 1 about here)

In Weberian models of policy implementation, state institutions are the central actors. Official, legal representatives of state authority—bureaucrats, legislators, and executive officials at all levels of government—fall into this category. In the simplest conception, state institutions are assumed to agree that the goal in question is worth being pursued.  

“Public/civil society” includes everyone else: non-governmental organizations, private individuals, corporations, and the like. In a relatively anarchic polity with a weak state, these actors become more important, because the state has fewer resources at its disposal to constrain them. Those two groups of actors interact in a context in which state actors are seeking some outcome or policy goal. How and whether that goal is pursued depends on a variety of contextual factors: the capacity and propensity of the state to directly implement policy, the strength and preferences of various groups within society, the wider environment, and random events. The goal may originate in popular pressure, governance “expertise”, ideology, or the whim of an autocrat; this is less important than its simple existence as a goal to be pursued.
In Figure 1, the tools for implementation are indicated by several pathways. The most common conception of state implementation is direct state action; this is the Weberian ("W", in the figure) notion of top-down state-controlled implementation. While this kind of action alone will rarely ensure durably successful achievement of the state’s goal, it is the pathway over which state actors have the tightest control. Several other possibilities for pursuit of goals are conceivable. If state and non-state actors share the same goals, then the state may simply allow private actors to implement the policy themselves ("P"). This would be a market- or norms-based strategy for popular implementation. Neighborhood watches that promote public safety and small businesses that generate economic growth fall into this category.

State and society influence each other. In the model, democracy ("D") and infrastructure-building ("I") represent the ranges of actions agents or groups in each sector can take to influence the composition and preferences of the other in terms of the policy goal. For brevity’s sake I put them aside for the time being.

The linchpin of this study, and what makes filibustering interesting for an understanding of implementation, is path “L”, the liminal, quasi-regulatory function used by the state to influence the popular action pathway. In an everyday context, this pathway might include regulation of the marketplace, police-community outreach to make sure community watches do not stray into vigilantism, and categorical grant programs that encourage a certain kind of behavior among grantees. Recent research has highlighted the relationship between public regulatory agencies and private actors; what appears to be a “weak” state action, because it is indirectly applied, can have policy results that are quite strong (Lieberman 2002; Farhang 2006; Mulroy 2019). Here, L represents the way the
state interacts with filibusters, and how the behavior of these actors is influenced by the state to further the state goal of expansion.

**Application of the Model: Filibusters and Expansion**

Does this model of policy implementation shed light on the various postures struck by the early 19th century American state toward filibusters? Figure 2 is an adaptation of the generic model to this specific area of policy. Because the international context is particularly relevant to this policy realm, I add it to the model; it serves most directly as a constraint on the courses of action available to state institutions through (b), but its effects surely pervade the model. Particularly relevant actors within the state and non-state boxes, those who show up repeatedly in the histories of the filibusters, have been included in the boxes.

**(Figure 2 about here)**

The filibuster is a particularly intriguing phenomenon through which to analyze private implementation of state goals for two reasons. First, control of violence and force are at the very heart of most definitions of the modern state. Whether it “successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order” (Weber 1919), “(controls) the principal means of coercion within a given territory” (Tilly 1975), or has “direct control of the means of internal and external violence” within “a territory demarcated by boundaries” (Giddens 1985), such an organization would generally try to exclude its citizens from the marketplace for violence, not spur them into it. Understanding why a state brings in private actors to
implement policy in this fundamental realm of policy may shed light on how states behave in other contexts and policy arenas.

Second, foreign affairs is a realm in which a state might be particularly apt to exert maximum fine-grain control over policy. The existential threats posed by the anarchic system of states should lead states to seek to implement foreign policy directly, rather than risk the greater agency loss inherent in indirect implementation through proxies. The nuance, timing, and discipline required to navigate the dangerous waters of international affairs make reliance on non-state actors a dicey proposition indeed.

Accordingly, one would expect the American state to pursue its goal of expansion directly when possible, employing pathway $W$. It did this frequently and to great success: diplomacy, war, purchase, treaty, and annexation more than tripled the size of the U.S between 1800 and 1867.\textsuperscript{11} This makes filibustering something of a puzzle: why would state actors diverge from the direct implementation path $W$ to roll the dice with the filibusters through actions in which $L$ imprecisely moderates $P$? For possible solutions, I will apply this model of implementation to the historical record. Of particular note will be the contexts in which state actors respond to filibusterism in different ways, and whether filibusters were used as a last resort (employed when more direct means were inviable), or as one tool among many (employed even when more direct action was possible, but less desirable for some reason).

Before turning to the historical record, however, three elements of the model—two fairly uncontroversial and one more contentious—must be examined.

\textbf{Expansion: A State Goal, Increasingly Contentious}
The first of these points is that the early American state was acquisitive of territory. This is a fairly uncontroversial claim; history shows it to be true. The young nation rapidly broadened the domain over which it asserted sovereignty, dramatically increasing its size, led by concerted state action. The state did not act willy-nilly in this area, however; while it was not shy about its overall growth, the young American state was careful about which territories were incorporated into the actual nation, mostly seeking sparsely populated land which it could slowly fill with white Americans.\textsuperscript{12}

While the Jeffersonian presidents (Madison and Monroe) continued their fellow Virginian’s approach to foreign policy,\textsuperscript{13} the more bellicose expression of American “Manifest Destiny” was more explicit in its claims to Providential (white) American conquest. Expansion was central to public discourse throughout the era of the Jacksonian party system and antebellum era generally.

Support for expansion had a sectional flavor, however, which sometimes made expansion difficult. The Jeffersonians and Jacksonian Democrats sought expansion, seeing increased territory first as a life-support system for their vision of a virtuous agrarian republic, an alternative to vicious urban life, and later as part of a strategy for supporting slavery in the immediate antebellum era. The Federalists and their political heirs were generally opponents of expansion, an opposition that continued even beyond the Civil War.

For the model above, suffice it to say that throughout the antebellum era, there were important state actors that sought to expand the nation’s borders—and they were quite successful by various means.

\textbf{Filibusters: A Social Phenomenon}
The second requirement for the model’s sound application to filibustering is that filibusters actually exist. Fortunately for would-be American imperialists, filibusters were in steady supply for the entire antebellum era (May 1972; May 2002; Stout 2004; Owsley and Smith 1997; Thomson 1994). Dating back to Burr’s foiled expedition, over the next five decades filibusters launched expeditions in Spanish West Florida, East Florida, the Neutral Ground west of Natchitoches, Texas/New Spain, Ontario, Quebec, Manitoba, Cuba, Coahuila, Sonora, Baja California, Nicaragua, Tabasco, the Yucatan peninsula, Ecuador, and Hawaii. Rumors of an immense filibuster to Japan proved unfounded, but federal agents did break up a plot to invade Ireland and free it from the yoke of British imperialism. The martial energies of the young nation bubbled over, and filibusterism came to be a major social phenomenon. Table 1 is a summary list of major expeditions.

(Table 1 about here)

In the young U.S., filibusters were sometimes hailed as heroes, greeted with parades when they returned and mourned when they did not. Plays were written about them, and newspapers dispatched correspondents to cover their every move. Filibusterism was seen by many West Point graduates as a serious career alternative in the decades before the Civil War (May 1994). In other circles, filibusterism was decried as little more than plunderous piracy and a dangerous violation of international agreements. However controversial such actions may have been, it is clear that filibusterism held significant support from some parts of civil society, and there was pool of potential filibusters at the ready to launch expeditions and man the guns.
State Capacity at the Frontier

The final claim that must be addressed for the model application is that the state could have enforced the Neutrality Laws and reined in filibustering if it had desired. That is, the state must have some ability to limit filibuster activity if we are to conceive of the state as a meaningful (though still limited—along path $L$, state actors encourage filibusters, but do not command them) quasi-principal in this relationship. May’s (1973) foundational account of filibustering suggests the expeditions were, at times, a social phenomenon so popular that no administration could have possibly stopped them entirely. If filibusters were so prevalent that they overwhelmed the state, then pathway $L$ is not truly in operation. Given the small military apparatus of the early American state described by Skowronek (1982) and others, this claim is intuitively plausible. Thousands of miles of frontier and a rapidly growing, well-armed population cannot be easily policed, a task made even more difficult under a regime founded upon individualist and martial ideals.

But the evidence is unclear. The state appears capable of enforcing these laws under certain circumstances, so the government’s capacity to control filibusters may have been greater than the conventional wisdom suggests. First, May (2002) notes that “it would be a mistake to assume that the state consistently enforced the Neutrality Laws,” even as he chronicles many unsuccessful efforts by some federal authorities to interdict filibusters in the 1850s. Other historians suggest that the U.S. controlled filibustering, especially early in the century, a claim made because they were so often complicit in the schemes, or at least tacit observers (eg. Thomson 1994; Owsley and Smith 1997; Stagg 2002; May 1974, Rippy 1926). Contemporary observers seem to have agreed. In the 1800s, Spanish, British, and Mexican officials conveyed a similar sense in their
diplomatic appeals to the U.S.: that filibusters were America’s dogs of war, and could be leashed if Washington so desired.

A recent revision to the conventional wisdom about the closely related policy area of land settlement also suggests that the capacity of the American state to regulate the American frontier may have been greater than previously believed. Frymer (2017) finds that American settlers did not autonomously diffuse across the continent, seeking their own fortune and finding the land that best matched their preferences. Instead, the national government, through careful surveying and strategic rationing of land, heavily structured population expansion and settlement to encourage density and racial homogeneity to support particular state aims. Similarly, Olbert’s (2018) fascinating account of the “six-shooter state” identifies a liminal market for violence in the West, in which individuals moved in and out of public and private roles fairly seamlessly, reliant less on durable official status than on their particular skills. This, too, is an example not of anarchy, but of semi-structured governance in a territory with few officials but of twinned public-private orders of violence and coercion that maintained social order (though not always strictly in line with what a robust rule of law might demand).

Theoretically, if filibusters overwhelmed a limited state genuinely seeking to constrain them, we should expect to see plenty of state attempts, perhaps of mixed success, to contain the adventurers. These efforts might appear in the historical record as unsuccessful chases, losses in confrontations or attempted arrests, and trials for violation of federal law if a filibuster came back to the U.S., as many did; or in other ways. We should expect the effort to be consistent or at least random; if limited capacity explains
the pattern of state-filibuster interactions, these efforts should not follow a pattern attributable to explanations driven by something other than resource scarcity.

Systematic attention to the contexts of particular filibusters, analyzed below, suggests that authorities were effective when they wanted to be, and less so at other times. This was especially true when powerful foreign powers were involved. Most filibusters traveled by boat (where they might be intercepted by the fairly robust American navy), most had fewer men than the local garrison, and there is scant record of filibusters resisting coercive force employed by American troops.\textsuperscript{17} More broadly, while the American military generally had few personnel in the antebellum era, it was characterized by what Katznelson (2002) describes as “flexible capacity”—it expanded and demobilized quickly, but retained enough force to achieve military goals. Peripheral matters like patrolling the borders were consistent priorities. Enforcing neutrality laws against outgoing filibusters was important only in certain contexts, and when the military, prompted by their civilian superiors, made a concerted effort to stop particular expeditions, they were remarkably successful. This pattern suggests that something other than the resource constraints of a limited state explains the relationship between state and filibuster.

Along with capacity, the intent of state actors is important to this analysis. Enforcement of neutrality laws against filibusters was often a matter of will, not capacity. Robust, consistent attempts by the state to stem the tide of filibusterism, even if ultimately impotent, would indicate that these piratical characters were not much loved by the state in the capital or the provinces. However, there is much evidence that filibusters were not simply (or not only) “the underworld of manifest destiny” (May
2002). Rather, they were often its vanguard, especially before the 1850s. The question, then, is less one of if American authorities could enforce neutrality laws, but when and under what circumstances they chose to, and when they tacitly enabled these quasi-piratical adventurers as executors of American foreign policy.

**Federal Response: The Possibilities and Implications**

In an analysis of the U.S. authorities’ use of filibusters as a tool of foreign policy, the key data are the filibusters, the responses taken by these authorities to filibuster activities, and the different contexts—mostly geographic and political—in which these events occurred. The United States government could have responded to each filibuster in two basic ways: they could enforce the Neutrality Acts, or not. Non-enforcement could entail actively supporting filibusters or passively turning a blind eye to their exploits. At the same time, any actions they took could be made openly or in secret. Some possible state actions are listed in Table 2 below.

*(Table 2 about here)*

Enforcement of neutrality laws, signifying opposition to filibusterism generally or to particular filibusters, could take several forms: public statements discouraging the adventurers’ expeditions, arrests of the filibusters before they arrived at their foreign destination (either while they were recruiting, before they were fully underway, or while they were en route, a realistic possibility especially in instances of seaborne expeditions), cooperation with foreign states in quelling the extralegal activities, or some consequences for the filibusters upon their return—vigorous prosecution under existing laws would be the most obvious course of action. More clandestine possibilities for opposing filibusters
exist as well, and evidence suggests some filibusters may have been extrajudically sanctioned by the state, as in the disappearance of General George Mathews after his return from Florida in 1811 (Owsley and Smith 1997).

Ostensibly, public actions would carry demonstration weight as well. While a clandestine act might undermine or aid a given filibuster’s mission, open actions like encouragement or vigorous law enforcement would provide a signal to other would-be filibusters about whether or not to launch their own expeditions. Thus the most robust enforcement would be vigorous, active, and public to serve most effectively as a deterrent to filibusters. At times, the U.S. did take such action, using national army or naval to interdict filibusters or bring them back to U.S. territory. Vigorous prosecution under the Neutrality Laws or forceful cooperation with other governments to curb filibusters were vanishingly rare, however (May 2002, Ch. 5).

While opposing the filibusters would have been consistent with Neutrality Laws, treaty obligations, diplomatic appeals from other powers, and the emerging norm of the state as the sole legitimate source of extraterritorial violence (Thomson 1994), this tack was not always chosen. Indeed, many have argued that at times such opposition to filibusters was the exception rather than the rule (May 1973; Stout 2002; Tucker and Hendrickson 1992; Owsley and Smith 1997). Possible actions taken in support of filibustering run a similar gamut. Public pronouncements in favor of such activities, which would encourage expeditions; military support in the form of manpower, matierel, or money, which would support extant adventures; and post hoc support or recognition for those who had taken part, which would reward filibusters (and thereby encourage
more to do the same). Again, officials at the federal level engaged in all of these activities (especially declarations of support) at various points and in various contexts.  

Support for filibusters could also be registered more passively: by simply standing by and not enforcing the laws against them. This was the tactic adopted by the federal government in many instances. This strategy represents a middle way between fully living up to commitments and outright encouragement of extralegal international violence, but in light of treaty obligations and attendant domestic law, inaction can be interpreted as support for filibusterism. Given the energy of the expeditionaries, this choice would (and did) have the foreseeable effect of fostering filibusters; government silence in the face of a predictable social activity may be interpreted as tacit complicity in that activity.

Cutting across those dispositions are the two possible forms of state action: overt and covert (Again, see Table 2). This is of importance for two reasons. First, many of the filibusters themselves were shady characters, protective of their motives and plans and suspicious of outsiders (May 2002). Much of their dealings, as well as the government’s reactions to them, were conducted in secret, and only revealed through historians’ exploration of private correspondences and diaries. Second, the historical record reveals that the overt and covert actions taken by state officials were not always consistent. Where open words and covert engagement conflict, there is room for interesting exploration. If filibusters were publicly condemned, privately encouraged, and then no real action was taken (as was quite often the case), this would support the notion that the state was trying to steer this area of policy: using private actors to implement particular elements of an expansionist foreign policy, even as they placated other
international actors with promises to stop the adventurers at the border. Expressions of public opprobrium (even if cynically and half-believed) toward the practice might have a side effect of somewhat limiting their numbers—especially if we consider how public statements in support might unleash an actually uncontrollable floodgate of expeditions.

It is crucial to note that the existing historical record shows that even within the context of a single filibuster expedition, American state officials often acted in conflicting ways, sending mixed signals to both foreign powers and filibusters alike. Over decades, all of these federal postures were undertaken, in various combinations at different times, in different places, and even with regard to the same filibuster. Thus it is often quite difficult to disentangle exactly what prompted the use of which strategy and when.

To illustrate the state’s ability to influence the behavior, frequency, and success of filibusters, I use a case history drawn from secondary sources below to outline an instance in which American state officials undertook many of these various modes of action with regard to filibusters: the 1811 Mathews expedition into Florida and its aftermath. I then return to the full list of filibusters from Table 1 and identify one constraint on American foreign policy, the external threat of the British Empire, that seemed to spur a changed approach to the liminal path to expansion, in which the U.S. tended to rein in the filibusters.

**Florida: Completing the Louisiana (Mis-)Purchase**

The first important use of the filibuster as a means of acquiring territory took place in Florida during the 1810s, as the U.S. tried to wrest the region from the waning
Spanish empire. Over the course of the decade, American authorities employed many tactics—diplomacy, offers of purchase, claims of previous purchase, filibusters, and ultimately direct military action—at different moments and in different combinations before finally gaining Florida in the Adams-Onis Treaty of 1819.

Treating Florida as a case within which there are multiple observations of U.S. state authorities--especially Presidents and State Department officials--responding in various ways to filibusters, we can gain insights into the contexts in which these actors chose to foster private action or in which they discouraged these rogue agents. In this narrative, two main factors play a role: realist international concerns, principally stemming from the threat presented by Britain; and domestic controversy, mostly sectional in origin even at this early date, but also within the dominant Democratic Republican coalition.

The purchase of French Louisiana--an expanse of land stretching from the Mississippi River to the Rocky Mountains and encompassing the Great Plains that would become the breadbasket of the world, for about $23 million in 1803--has been lauded as a shrewd diplomatic coup struck by Jefferson. Taking advantage of cash-strapped France’s temporary ownership of the land (it had been Spain’s until Napoleon’s Iberian campaign interrupted Spanish self-rule that decade), the U.S. nearly doubled its size for a bargain.

At the time, however, Jefferson was not entirely pleased with the outcome. He would have preferred everything not included in Louisiana—namely, the Spanish Floridas, which at that point stretched in a strip along the Gulf of Mexico from the Mississippi delta to Pensacola and all of what is now the state of Florida (Owsley and Smith 1997; See Figure 3). 21 While the Louisiana territory was a relative unknown, there
were several small urban trading centers in Florida and its coastal position was strategically desirable, but Spain still held nominal sovereignty over the area.

(Figure 3 about here)

In keeping with the doctrine of conquest without war, the Jeffersonian presidents were frequently in negotiations for the transfer of the Floridas from Spain to the U.S. Filibusters were unofficial conquerors, however; a tool recognized by both sides as strategically important, and these private armies played a major role in the eventual incorporation of Florida into the U.S. The precise actions taken by American state officials played in these adventures are ambiguous, but their sum effect was to lay the groundwork for the basic pattern of publicly-sanctioned, privately-enacted American expansion until the Mexican War.

The Floridas under Spanish rule were particularly vulnerable. They were the periphery of Spain’s Western Hemisphere holdings and only minimally garrisoned. The first American foray into Florida was by a small group of settler-adventurers who captured Baton Rouge, declared the area independent of Spain, and immediately sought (and were granted) annexation by the U.S. The U.S. justified the acquisition on the contentious grounds that it was originally a part of the Louisiana Purchase (Owsley and Smith 1997: 63).

Spurred by this event, filibusters prepared an expedition into West Florida. This group was broken up by local and federal officials, however, because it threatened ongoing negotiations for the peaceful transfer of the area and because of protestations from Congressmen who preferred diplomacy to filibustering (Owsley 64). A month later, Congress passed a secret bill authorizing Madison to acquire Florida under either of two
conditions: if the local authorities ceded it to the U.S., or if a nation *other* than Spain asserted sovereignty there. This represented a compromise between Congressional camps seeking Florida by filibuster, those who wanted Florida but wished to avoid war, and those who did not want the territory at all.

With this authorization in hand, Madison gave secret instructions to General George Mathews, former Governor of Georgia, to lead a private force into Florida in an attempt to overthrow the leaders there—a roundabout way of getting “local authorities” to accede to American control. Mathew’s small force, made up primarily of Georgian volunteers, called itself the Patriot Army and entered Florida in 1811, strengthening its ranks with American settlers along the way. The force won several skirmishes, controlling much of the northern part of Florida including coastal Amelia Island, and laid siege to the colonial capital, St. Augustine. U.S. naval forces blockaded the town, at the behest of the Secretary of the Navy.

With the siege in place for over a year, the Patriots claimed to be the local authorities and requested annexation by the U.S., following the example of the Baton Rouge conquest the previous year. At some point, however, the policy in Washington reversed. The navy was withdrawn; Madison disavowed any knowledge of the affair, and denied having instructed Mathews, who was left in the lurch (Owsley and Smith 1997: 71).

Owsley and Smith (1997) argue that geopolitics and domestic controversy interceded against the filibuster in East Florida. First, the Napoleonic Wars were about to jump the Atlantic, and Spain was now a British ally. The Americans were relatively
comfortable aggravating Spain on the edges of her empire, but avoided open confrontation with the more powerful British.

The second factor against the filibusters stemmed from domestic American politics (Thomson 1994; Owsley and Smith 1997). Though Madison’s Republicans held a majority in both houses, annexation of Florida twice failed in the Senate—again, debate and voting reflected the three positions articulated before the filibusters began their operation—acquisition by any means, acquisition by diplomacy only, and anti-expansion. Madison found his hands tied on the verge of acquiring Florida; he ordered the federal troops withdrawn. Though the filibuster-instigated “revolution” continued for another year before fizzling, nominal Spanish control continued. Mathews returned to Georgia to meet with officials and mysteriously disappeared in Augusta, never to be seen publicly again.

After the Treaty of Ghent, however, the British disengaged from the region, and the weakened Spanish authorities could do little to re-establish order in the wake of the Patriot rebellion. Within five years, another group, led by the Scottish-Venezuelan soldier of fortune Gregor MacGregor, had taken Amelia Island, near present-day Jacksonville. Running low on men and supplies, MacGregor left to recruit in the Bahamas and never made it back. His successor as “governor” of the settlement there raised a Mexican flag, and at this point the U.S. did step in decisively—finally openly invoking the secret bill of 1811 which authorized the president to take Eastern Florida if another power attempted to supplant the Spanish—and taking Amelia Island permanently in 1817. While the U.S. state did not sponsor this filibuster, it did watch it unfold, and ultimately profited from its outcome, a “wait and see” posture that fits well with liminal implementation.
At the same time that MacGregor was unwittingly playing his part in American expansion in the East, General Andrew Jackson continued what would be a long career as an aggressive nationalist. Virtual anarchy in West Florida prompted the general to bring a brigade of Tennessee volunteers and assorted militia into the region. He crossed into Florida and sacked Pensacola, an act that may have spurred the signing of the Adams-Onís Treaty in early 1821, which formalized the transfer of the Floridas to U.S. control. Though Jackson’s actions were decisively successful, won him fame and not a little popularity, this was actually a startling (then and in retrospect) example of military autonomy—he had no orders to launch this invasion, and Thomson (1994) goes so far as to list him in a roster of filibusters following in the tradition of Mathews. Tellingly, administration higher-ups condemned the attack publicly, denying their own culpability, but never punished Jackson or removed troops from Florida.

The story of Florida’s entry into the Union involves filibusters in many roles: secret agents of high-level policymakers; instigators of foreseeable trouble, to be mopped up by American troops; controversial threats to consensus in Congress; and unnecessary complications to delicate foreign policy situations. When filibusters promised to further the administration’s goals, they were encouraged. When they threatened those goals, they were reined in or disavowed and Neutrality Laws were invoked—but under those Neutrality Laws all filibusters should have been arrested regardless of geopolitical context. Instead, federal authorities chose their actions according to the context with the shared public-private goal of expansion in mind, as depicted in the model above.

Florida is a good place to start, not only because it established a pattern that later filibusters would emulate, but also because it helps shed light on some of the concerns
policymakers considered in deciding what strategy to follow with regard to their unofficial allies in expansion. Within the narrative, there are several sets of circumstances associated with changed behavior by U.S. authorities toward the filibuster. These are roughly described in the following recreations of Table 2, applied to Floridian chronology.

(Tables 2a-2d about here)

There were dozens of forays by American adventurers into foreign territory over the rest of the 19th century. These observations from within the Florida case help explain the pattern of when U.S. officials used later filibusters as a tool of expansion and when they shut them down. The first thing to note is that geopolitical realist concerns continue to play a role. Particularly when the British complain or are involved, American authorities almost uniformly respond to these diplomatic queries, in order to avoid conflict with Britain.

This pattern is shown in the lighter shading in Table 1. Forays into British territory—the invasions and skirmishes along the Canadian border involving such groups as the Canadian Refugee Relief Association, the Freres Chasseurs, and Patriot Hunters in the late 1830s (May 2002, Thomson 1994); James Dickson’s ill-fated (and ill-directed) voyage to Mexico by way of Manitoba and the Rocky Mountains, in which almost all of the adventurers disappeared or froze to death (Nute 1923); an alleged 1856 plot to liberate Ireland broken up in Ohio; and the Post-Civil War Fenian Brotherhood expedition near Buffalo, and some later filibusters that threatened British Honduras (May 2002)—met with active, typically quite successful attempts by U.S. authorities to interdict, intercept, or scuttle the filibuster. These assertive actions to intercede when
British interests were at risk by the adventurers reveal not only that federal authorities could stop filibusters if they wanted to, but also one of the conditions in which the American state would take action to do so—when unpredictable filibusters would create major risks for American security. This is the clearest pattern; it emerges in Florida and remains consistent.\textsuperscript{24} Involvement of the British appears to be a sufficient cause to enforce the neutrality laws against filibusters.

The second observation from the case is that sectional and political conflict matter, but in less predictable ways. Depending on the context and the content of the conflict, state actors may choose to encourage filibusters (as a clandestine alternative to war, which has a higher political and material cost), to stop them (to increase the possibility of some relevant state-driven action taking place), or to take wildly unpredictable steps, as Jackson did in 1819. A deeper analysis of the effects of sectional conflict, and how they might complicate or intersect with realist considerations, is an area for future research. What is clear is that in the antebellum era, it was Southerners who saw filibusters as a possible way to defend slavery by expand national territory into areas where the institution was still in use. Gridlocked national institutions would not sanction expansion through more conventional pathways. After the Civil War, however, private actions were almost uniformly stopped by the national authorities, even when the sectional threat of expanded slave territory had been removed. In the new context of less gridlocked national policymaking, the direct policy implementation path could be employed more reliably, without having to encourage or employ indirect implementation strategies.
Finally, because filibusters (and private actors generally) are one tool among many that may be employed by state actors, they may be used in concert with other approaches, or quashed if they jeopardize some momentarily preferable option. Hence, when sale of Florida was initially under negotiation, authorities stopped a filibuster into West Florida. Later, Andrew Jackson’s foray made the weakness of the Spanish position crystal clear, and may have actually spurred negotiations along. A theory of action in particular circumstances must account for the different effects of the same tool employed in different strategic contexts.

Discussion
This study approaches filibusters from the perspective of articulating a model of liminal, public-private policy implementation. While traditional conceptions of the state focus on formal avenues of policy pursuit, the infrastructural revision has explored alternative pathways through which states act, even in the core areas of state-making and coercive force. By manipulating the behavior of filibusters and responding to these actors in different ways depending on contexts, state officials were able to pursue the controversial, difficult, and potentially dangerous goal of territorial expansion successfully. This indirect implementation—creating a framework for private actors to self-consciously pursue public goals, and then manipulating this field of action—is defined as the liminal state, marked by public-private hybridity yet fitting neatly in neither category. Filibusters were obviously not the only tool used by expansionist policymakers (nor was every filibuster an approved and unwitting implementer of public policy) but they were an important one.
The pattern of interventions in filibusters also suggest conditions in which state actors may be more likely to employ the liminal implementation route and when they will choose other tools to achieve their aims. First, when unpredictable private actors endanger some higher priority goal or interfere with the state’s employment of another means of implementation, officials may be more likely to constrain the liminal actors in order to limit agency loss. This was the case when filibusters attacked the powerful British, or when their adventures interfered with promising ongoing diplomatic negotiations.

Second, domestic controversy may prompt state actors to turn to private actors, as opposed to directly implementing policy themselves. Direct action often takes concerted, united state effort, and this is not always possible or desirable. Filibusters were a relic of a disappearing era, a hybrid of pirate and privateer acting on the margins of the international system. It is unsurprising that those wary of centralized political authority—first Jefferson and his political successors, then southerners generally—looked to filibusters to pursue their goals, rather than their centralizing opponents. In the immediate antebellum era, when sectional strife ran hot and expansion was a more contentious goal, filibustering became more common. Southerners and their allies within the state encouraged (to varying degrees and at different moments) filibusters who sought to extend slavery to Cuba, Mexico, and perhaps Central America (May 1973). Local officials were particularly noteworthy for not enforcing Neutrality Laws in this context, but national authorities, especially in the executive branch, were also unlikely to follow the letter of the law, effectively allowing filibusterism to run rampant. The employment of private actors in this controversial policy may have also provided political cover for
these state actors, who could then have it both ways—lauding the adventurers in certain contexts, condemning them in others but maintaining that the phenomenon was beyond their control. Nor is it surprising that filibusters were more effectively marginalized after the Civil War, as the U.S. took on more of the trappings of the modern state and as the centralizing, despotic-power coalition assumed political dominance and took the reins of the institutions charged with regulating filibusterism.

Filibusterism is an exotic piece of history. However, liminal institutions like the filibuster are at the heart of current studies of state capacity. While the American state has long been conceived of as “weak,” revisionists have made a convincing case that “lean” is a better descriptor (Mulroy 2019). By focusing on building infrastructural (as opposed to despotic) power to leverage civil society, the liminal state often does more with “less.” The filibusters reveal that the Americans were able to capture much of a continent through force while maintaining an official policy of peaceful expansion. Filibusters were not exactly of the state, but their adventures in a controversial and perilous area of policy were liminally regulated by the state—enabled, deniably ignored, or quashed as appropriate to the immediate political context.

Theorists of state capacity who focus on private actors implementing a state goal often identify key points of contact—limen—between civil society and the state. Because of the interpenetration of state and society in such an arrangement, the two spheres come to resemble each other and the line of demarcation between them is blurred. Other liminal points of contact—the party, the legal profession, some interest groups—similarly exist in this ambiguous political space, both public and private, making policy work. Understanding filibusters as an instance of the American state’s “positive capacity of the
state to ‘penetrate civil society’ and implement policy throughout a given territory,’” one can agree with Novak’s (2008) claim that the scope of the American state’s infrastructural power has always been extensive.

Filibusterism calls attention to the gritty experiences of those involved in the state-building process. As Padgett and Ansell (1993, p.1259) argue in their examination of the earliest moves toward modern state formation, to understand the state “one must penetrate beneath the veneer of formal institutions, groups, and goals…Ambiguity and heterogeneity are the raw materials of which powerful states and persons are constructed.” The filibusters and their quasi-sponsors in Washington bear witness to this perspective.
References


Rolle, Andrew. 1951. “Futile Filibustering in Baja California, 1888-1890” Pacific Historical Review. 2(20):159-166


Figure 1. Generic Policy implementation model

Figure 2. Expansionist Policy, 19th Century USA
Figure 3, Spanish Florida in the 1700s.

Table 1. Notable filibusters, 1800-1911

<table>
<thead>
<tr>
<th>Leader</th>
<th>Destination</th>
<th>Year</th>
<th>Federal Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burr</td>
<td>Texas/Louisiana</td>
<td>1804</td>
<td>Arrest, fail to convict</td>
</tr>
<tr>
<td>Unknown</td>
<td>Baton Rouge</td>
<td>1810</td>
<td>Nothing</td>
</tr>
<tr>
<td>Mathews</td>
<td>Florida</td>
<td>1811</td>
<td>Support, withdraw</td>
</tr>
<tr>
<td>de Lara and Magee</td>
<td>Texas</td>
<td>1811</td>
<td>Nothing</td>
</tr>
<tr>
<td>MacGregor</td>
<td>Florida</td>
<td>1817</td>
<td>Nothing</td>
</tr>
<tr>
<td>Long</td>
<td>Galveston</td>
<td>1819</td>
<td>Nothing</td>
</tr>
<tr>
<td>Austin, others</td>
<td>Texas</td>
<td>1821-36</td>
<td>Nothing</td>
</tr>
<tr>
<td>Dickson</td>
<td>Canada, or Mexico</td>
<td>1836</td>
<td>Interdiction at Detroit, official bribed, party released.</td>
</tr>
<tr>
<td>“Patriots”</td>
<td>Canada</td>
<td>1837</td>
<td>Interdict</td>
</tr>
<tr>
<td>Sentmanat</td>
<td>Tabasco</td>
<td>1844</td>
<td>Nothing</td>
</tr>
<tr>
<td>Brannan</td>
<td>Hawaii</td>
<td>1851</td>
<td>Nothing</td>
</tr>
<tr>
<td>Narciso Lopez</td>
<td>Cuba</td>
<td>1851</td>
<td>Nothing</td>
</tr>
<tr>
<td>Carvajal</td>
<td>Mexico</td>
<td>1851-3</td>
<td>Mixed</td>
</tr>
<tr>
<td>Walker</td>
<td>Baja California</td>
<td>1852-4</td>
<td>Mixed</td>
</tr>
<tr>
<td>Zerman</td>
<td>Baja California</td>
<td>1855</td>
<td>No action, some encouragement</td>
</tr>
<tr>
<td>Walker</td>
<td>Nicaragua</td>
<td>1855-7</td>
<td>Nothing, escorted home, allowed interdiction by British</td>
</tr>
<tr>
<td>Kinney</td>
<td>Nicaragua</td>
<td>1855</td>
<td>Nothing, escorted home</td>
</tr>
<tr>
<td>Crabbe</td>
<td>Sonora</td>
<td>1856</td>
<td>Nothing</td>
</tr>
<tr>
<td>McNelly and Kells</td>
<td>Mexico</td>
<td>1870</td>
<td>Foiled</td>
</tr>
<tr>
<td>Lerdo De Tejada</td>
<td>Sonora</td>
<td>1870</td>
<td>Nothing</td>
</tr>
<tr>
<td>Dalrymple</td>
<td>Mexico</td>
<td>1880</td>
<td>Interdiction</td>
</tr>
<tr>
<td>Colonel Mulkey</td>
<td>Mexico</td>
<td>1888</td>
<td>Foiled before departure</td>
</tr>
<tr>
<td>Flores-Magon brothers</td>
<td>Baja California</td>
<td>1911</td>
<td>Interdiction</td>
</tr>
</tbody>
</table>

Sources: May 2002, Smith and Owsley 1997, Stout 2004. Observations shaded in Red if the filibuster’s goal threatened British interests or territory. Shaded in Blue if filibuster took place after Civil War.
Table 2. Actions that would reflect different intentions in implementing (d): regulating filibusters

<table>
<thead>
<tr>
<th>Attitude Toward Neutrality Laws</th>
<th>Not Enforce</th>
<th>Enforce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actions taken</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Overt</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active</td>
<td>Federal troops support filibuster military operations</td>
<td>Federal authorities do nothing to interdict/arrest filibusters before or during expedition</td>
</tr>
<tr>
<td></td>
<td>Officials praise filibusters</td>
<td>Filibusters travel freely within U.S. <em>after</em> publicized filibusters</td>
</tr>
<tr>
<td></td>
<td>U.S. Annexes filibustered territory</td>
<td>Filibusters arrested and tried after expeditions fail</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Officials condemn filibusters</td>
</tr>
<tr>
<td>Passive</td>
<td>Federal authorities do nothing to interdict/arrest filibusters before or during expedition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Filibusters travel freely within U.S. <em>after</em> publicized filibusters</td>
<td></td>
</tr>
<tr>
<td><strong>Covert</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active</td>
<td>Officials secretly encourage filibusters before or during expeditions</td>
<td>Authorities take secret action against filibusters: assassination, sabotage, espionage, threats.</td>
</tr>
<tr>
<td></td>
<td>Federal authorities give secret material support to filibusters (without participating)</td>
<td></td>
</tr>
</tbody>
</table>
Table 2a: Florida 1810: Sectional Conflict in Congress, Purchase of Florida Pending

<table>
<thead>
<tr>
<th></th>
<th>Not Enforce</th>
<th>Enforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Active</td>
<td>Passive</td>
</tr>
<tr>
<td>Overt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covert</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Outcome: Diplomacy fails; status quo

Table 2b: Florida 1811: Before Spanish allied with British, Domestic conflict eased

<table>
<thead>
<tr>
<th></th>
<th>Not Enforce</th>
<th>Enforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Active</td>
<td>Passive</td>
</tr>
<tr>
<td>Overt</td>
<td></td>
<td>Navy supports Mathews</td>
</tr>
<tr>
<td>Covert</td>
<td></td>
<td>Madison/Monroe give Mathews instructions</td>
</tr>
</tbody>
</table>

Outcome: Mathews’s Filibuster army controls much of East Florida, including Amelia Island; St. Augustine under siege

Table 2c: Florida 1812: British War Looms, Domestic conflict over annexation re-emerges

<table>
<thead>
<tr>
<th></th>
<th>Not Enforce</th>
<th>Enforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Active</td>
<td>Passive</td>
</tr>
<tr>
<td>Overt</td>
<td></td>
<td>Navy leaves, but do not attempt to stop filibuster</td>
</tr>
<tr>
<td>Covert</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Outcome: Filibuster weakens without U.S. Naval support, Mathews replaced, reversion to status quo during War.

Table 2d: Florida 1817: British disengaged, Sectional conflict present

<table>
<thead>
<tr>
<th></th>
<th>Not Enforce</th>
<th>Enforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Active</td>
<td>Passive</td>
</tr>
<tr>
<td>Overt</td>
<td></td>
<td>Jackson invades with American citizens to “bring order”</td>
</tr>
<tr>
<td>Covert</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Outcome: Floridas annexed by U.S.
Liminal violence occupies an ambiguous place in the ordering of authority. When an actor exists in a liminal space, s/he moves outside quotidian existence and is characterized for a time as conceptually ambiguous. The same may be said of filibusters, who were outside the rule of law and who nonetheless played an important role in American and Western Hemisphere politics for half a century. Their liminal violence occupies an ambiguous place in the ordering of authority.

In reality, of course, “the state” is not monolithic, but consists of multiple actors and collectivities with interests that may coincide or conflict depending on circumstances. This is especially true of the American state, with its “Tudor” institutions characterized by fragmented authority and a lack of functional differentiation (Huntington 1968). The plurality of interests and institutional barriers to action within “the state” may be a chief inhibitor of direct policy implementation, a goal pursuit strategy for which consensus over goals and concerted action may be required. Such division within the state may push policy implementation down one of the other less direct pathways. Later in the antebellum era, this reality became particularly important as filibustering became one issue among many in pervasive sectional strife (May 1973).

Both the Weberian/despotific and infrastructural accounts of power share some notion of state autonomy: the state as an institutionalized corporation develops interests that are not merely a function of social pressures from beneath. This sets both of these state-centric approaches apart from pluralist or other models of state action more common before the state was brought back in.

The law also forbade foreign military recruiters from recruiting and commissioning soldiers in American territory. This measure against mercenarism may have been the main focus of the law, though filibustering was an important target as well. The U.S. was the first nation to enact a neutrality law of this kind, and virtually all European and American nations created similar laws over the course of the next century.

A wide variety of state actors appear in the history of filibustering, as either supporters or opponents of the adventurers. Officials in the Executive Branch were the actors most directly responsible for dealing with filibusters and enforcing Neutrality Laws.

Liminality herein refers to Turner’s (1969, but see also Van Gennep 1909) concept of between-ness. When an actor exists in a liminal space, s/he moves outside quotidian existence and is characterized for a time as conceptually ambiguous. The same may be said of filibusters, who were outside the rule of law and outside the system of states, and whose aims were typically disavowed by the American authorities, but who nonetheless played an important role in American and Western Hemisphere politics for half a century. Their liminal violence occupies an ambiguous place in the ordering of authority.

In reality, of course, “the state” is not monolithic, but consists of multiple actors and collectivities with interests that may coincide or conflict depending on circumstances. This is especially true of the American state, with its “Tudor” institutions characterized by fragmented authority and a lack of functional differentiation (Huntington 1968). The plurality of interests and institutional barriers to action within “the state” may be a chief inhibitor of direct policy implementation, a goal pursuit strategy for which consensus over goals and concerted action may be required. Such division within the state may push policy implementation down one of the other less direct pathways. Later in the antebellum era, this reality became particularly important as filibustering became one issue among many in pervasive sectional strife (May 1973).

These pathways may involve complex trips through other goals, and require an intermediate web of implementation actors themselves; I conceive of them simply here. Elections, the media, social movements, and violent revolution are obvious examples of society affecting the state’s preferences and capacities. Pluralist accounts (and basically all other species of democratic theory) put tremendous stock in this mechanism for popular control of policy implementation. Indeed, D may go a long way toward determining the state’s policy goal in question (though this is not required for the model). Conversely, state actors shape civil society’s composition and preferences (Path I) in myriad significant ways: changing individuals’ identities and increasing their capacity for certain kinds of action (Weber 1976); appeals by autonomous bureaucrats to interest groups (Carpenter 2001); bureaucratic reordering of communities and individuals to increase some produced factor (Scott 2001); changing their understanding of their own bodies and lives to shape behaviors to be more compatible with state goals (Foucault 1990); and tinkering with immigration policies to alter the membership of the body politic (Zolberg 2007). In democratic or liberal states, D and I are likely to be mutually constitutive.

With one notable exception: because later events are affected by what came before, any state action W or L may have an effect on the preferences and composition of civil society itself, indirectly having an effect on D and P. For instance, the state’s reaction to an early filibusters may foster or deter future filibusters.

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1 This account of Burr’s filibuster conspiracy is from Stout (2002); accounts of the conspiracy and trial are available in Buckner (2001).
2 The term derives from the Dutch vibuiter, cognate of “free booter,” and into the Spanish filibusto (Beer 2016, p. 26). Though in contemporary accounts filibusters are often equated with pirates, pirates were typically not motivated by nationalism or possessive aspirations. Filibustering was largely a distinctively American institution, though other American nations also had them (May 2002, Thomson 1994). By midcentury, the phenomenon had become so prevalent that newspaper editors began referring to virtually any dastardly deed as a filibuster. In the legislative context, the name stuck. In this study, the term is employed to include all non-state invaders of foreign lands departing from the United States, following conventions of the scholarly conversation—but see May (2002) for a dissent.
3 William Walker became president/dictator of Nicaragua after an 1856 invasion and held office until ousted two years later.
4 Both the Weberian/despotific and infrastructural accounts of power share some notion of state autonomy: the state as an institutionalized corporation develops interests that are not merely a function of social pressures from beneath. This sets both of these state-centric approaches apart from pluralist or other models of state action more common before the state was brought back in.
5 The law also forbade foreign military recruiters from recruiting and commissioning soldiers in American territory. This measure against mercenarism may have been the main focus of the law, though filibustering was an important target as well. The U.S. was the first nation to enact a neutrality law of this kind, and virtually all European and American nations created similar laws over the course of the next century.
6 A wide variety of state actors appear in the history of filibustering, as either supporters or opponents of the adventurers. Officials in the Executive Branch were the actors most directly responsible for dealing with filibusters and enforcing Neutrality Laws.
7 Liminality herein refers to Turner’s (1969, but see also Van Gennep 1909) concept of between-ness. When an actor exists in a liminal space, s/he moves outside quotidian existence and is characterized for a time as conceptually ambiguous. The same may be said of filibusters, who were outside the rule of law and outside the system of states, and whose aims were typically disavowed by the American authorities, but who nonetheless played an important role in American and Western Hemisphere politics for half a century. Their liminal violence occupies an ambiguous place in the ordering of authority.
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10 With one notable exception: because later events are affected by what came before, any state action W or L may have an effect on the preferences and composition of civil society itself, indirectly having an effect on D and P. For instance, the state’s reaction to an early filibusters may foster or deter future filibusters.
Filibusters preceded acquisitions in at least Florida, Texas, Mexico Territory, the Gadsden Purchase, and Hawaii.

See Frymer (2017) for an account of the careful state involvement in territorial acquisition and political incorporation during the 1800s.

Jefferson articulated a view of the U.S. as a “continent (which) must be viewed as the nest from which all America, North and South, is to be peopled” (Owsley and Smith 2002: 16); Madison famously argued in favor of large republics, and the presidential act with which Monroe is most associated was to boldly claim that American power was to be pre-eminent in the Western Hemisphere, despite the balance of power at the time, which tilted rather heavily in Britain’s favor. The continuity of this Jeffersonian vision can also be seen in their succession in office and shared personal backgrounds. Thus scholars of expansionism have identified these three Jeffersonian administrations as an era in which executive policy was basically continuous (Adams 1889; Owsley 2004; Tucker and Hendrickson 1992).

Or perhaps because of these state actors, especially in later years, as Presidents’ initial responses to filibusterism may have fostered the popularity of the institution.

These are the expeditions for which there is a record in the academic historical literature, and thus provides a baseline description of filibusters’ targets.

May’s account also narrows the range of actions to be considered filibusters, in his definition explicitly emphasizing “the importance of the adjective private, and argu[ing] that expeditions proceeding with either the explicit or implicit permission of their governments…fail the test of privacy.” He also rules out instances in which Americans abroad stirred up unrest in order to draw in American authority, as in Baton Rouge and Florida. Defining away the possibility of tacit liminal implementation does not quite affect the theoretical question at play, but rather removes it to a more capacious label for these actors that includes both the 1850s adventurers and those from earlier times-- for a reader convinced by May’s point, a more capacious but less poetic alternative such as unofficial conveyor of extraterritorial violence. Ultimately, May’s range of actions that fit the category of “filibuster” seems narrower than that employed by other historians of the subject, and focused almost entirely on the hurly-burly actions of the 1850s—not without reason, as this was clearly the filibuster heyday. These definitional constraints may help May focus on his preferred objects of analysis, but they also obscure the key point here: that the wellspring of filibusterism was at least in part an effect of earlier treatment of similar actors in earlier times.

May (2002, Ch. 5) suggests that by the mid- to late-1850s this sometimes occurred in desolate areas of the U.S.-Mexico border.

Officials at the state and local level, especially in the Southern frontier, appear to have been even more supportive of filibustering than national officials, at times undermining national officials’ post-filibuster prosecutions (May 2002).

Non-action is neither overt or covert; it is nothing. However, non-action was interpreted by contemporary targets of filibuster as tantamount to support for the activities, and in my analysis I tend to interpret it as such.

The history of filibusters has seen a resurrection in the past three decades, first with the foundational work of Robert May (1973), who emphasized the adventurers’ role in antebellum sectional conflict. More recent comprehensive works have studied filibusters in other regions (May 2002; Stout 2002) and eras (Owsley 1997; Stout 2002; Tucker and Hendrickson 1992), providing a thick catalog of filibuster case histories which I employ as a dataset here. Older works (eg. Rippy 1926; Nute 1923; Rolle 1951) also supplement this catalog.

Owsley has the most detailed account of the history of Florida’s incorporation into the U.S., and I rely heavily on that account for this narrative. May (2004) and Thomson (1994) largely concur in their descriptions, though in less detail.

Spain relied on alliances with local indigenous groups and diplomacy for defense of Florida. American diplomats had entered into negotiations to purchase Western Florida, and at one point the territory had actually been offered for sale, but the offer was rescinded before the Americans could accept—apparently because a momentary filibuster threat was eased (Cox 1918, cited in Owsley and Smith 1997).

Jackson’s 1817 invasion was almost immediately followed by a letter from the Spanish minister in Washington, Don Luis de Onís, to Secretary of State John Quincy Adams, in which Onís offered Florida in exchange for a few conditions, including American recognition of Spanish rule over Texas—and that the U.S. enforce its neutrality laws, preventing filibusters and privateers from attacking Spanish lands. (Owsley and Smith 1997)
The only exception to this rule was a naval captain who shelled a British position in Honduras in
covering a filibuster retreat. That captain was chastened and relieved of command, however, in distinct
contrast to how other military officers who supported filibusters in Mexican or Spanish territory were
treated by their superiors. (May 2002)

Thomson (1994) tentatively classifies filibusters a unique type of actor. Their liminal relationship with
the state keeps them from fitting neatly within either of those categories.