War & the Administrative State, 1776–1900

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The American administrative state existed in real and influential form from the earliest days of the republic. As in many countries, war contributed to the development of the administrative state. This essay surveys the extensive warfare actions of the United States in the long nineteenth century, from conflicts with Indigenous peoples in the Ohio Valley through U.S. engagement in the Philippines. The essay also examines developments in the administrative state that simultaneously complemented warfare and fighting during this era: namely, preparation (including recruitment, inspection, discipline, planning, logistics, and taxation) and postconflict management (including institutional reform, nation-building and governance, and pension and benefits programs). The essay pays particular attention to questions of bureaucratic autonomy and democratic accountability within the American administrative state prior to the twentieth century.

The American administrative state operated in myriad contexts in the nineteenth century, affording the federal government a broad scope of influence that belies a national mythology of small, unobtrusive, laissez-faire governance. National administration and regulation in the long nineteenth century touched the fur trade, Native American affairs, land acquisition, land distribution, settlement patterns, infrastructure development, workplace safety and health, health care and quarantine, the tariff, a slave economy and the return by government of runaway enslaved workers, exploration and scientific research, education, religious exercise, environmental protection and conservation, steamboat boiler regulation, railroad regulation, alcohol and weapons regulations and trade restrictions, licensing programs and passports, customs enforcement and the collection of duties, the continental expansion of the federal judicial system, territorial governance, indemnification programs covering losses on the frontier, disaster relief, foreign policy, diplomacy, and war-making.

Governing structures for designing and implementing this vast array of federal activity in the nineteenth century easily meet the classic definition of the administrative state offered by political scientist Dwight Waldo, contextualized here by public administration scholar John Rohr:

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> Its hallmark is the expert agency tasked with important governing functions through loosely drawn statutes that empower unelected officials to undertake such important matters as preventing "unfair competition," granting licenses "as the public interest, convenience or necessity" will indicate, maintaining "a fair and orderly market," and so forth.
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> The administrative state is not confined to regulating industry. Its writ runs to defense contracting and procurement, military and diplomatic policy, and the institutions of mass justice that manage problems in public assistance, public housing, public education, public health, disability benefits, food stamps, and so forth.[1]

So understood, the administrative state's builders, and its critics, did not emerge solely during the New Deal or even in the Progressive Era. The American administrative state was born with the new republic, as suggested by the vast suite of policy areas in the eighteenth and nineteenth centuries subject to the blended authority of federal elected officials and unelected agents and experts, and explained in a now-massive literature stretching across academic disciplines including history, political science, public administration, and subject area research.[2]

The specific context of war is one of many examples that center the administrative state within the history and traditions of the nation's founding. The administrative state of the long nineteenth century engaged in front-end preparation for the potential fighting of wars, in matters like recruitment, training, discipline, provisioning, inspections, and construction of roads and facilities; in parallel tracks like diplomacy and economic aid to limit the need to fight; and in back-end efforts like provisions for veterans' benefits, pensions, widows' and survivors' benefits, medical care, and hospital systems, as well as the requirements of occupation and integration. The administrative mechanisms built to manage all of this were designed to be flexible and effective while also pursuing democratic accountability and fairness. Importantly, from the republic's earliest days, complex and often popular front-end and back-end administrative measures ran concurrently with fighting itself: the nation fought wars even as it prepared for future wars and tended to the ramifications of earlier conflicts.

This all suggests that James Madison may have been wrong when he wrote that "No nation can preserve its freedom in the midst of continual warfare."[3] The United States did not pursue its war goals through arms alone, though: it supplemented the use of arms with careful democratic planning, preparation, and management. Warfare across the continent and across the globe demonstrated the constant expansion of the administrative state's footprint, even as elected representatives and unelected civilian administrators and military personnel worked to integrate public will and principles of democratic accountability into the preparations, fighting, and postconflict management necessary for sustaining continual warfare. Democratic processes and participation encouraged ongoing assessment

of the state's role amid constant debate about the meanings of "public will" and "democratic accountability."

This essay makes four arguments on these subjects. First, the United States was in a state of continual war from its founding to its involvement in the Philippines. Second, those wars and their associated front- and back-end activities were prosecuted effectively through the delegation of discretionary authority to unelected officials. Third, keeping those unelected officials accountable to democratically elected leadership has been challenging since the dawn of the republic. Finally, the active participation of unelected officials in decision-making helped maintain and even expand freedom amid continual war. Dialogue and argument within the military, and also between military officials, civilian administrators, and elected representatives – bargaining from within – created a constant churn of analysis that assessed means and ends in the context of the nation's democratic values.

The United States remained in a condition of continual war from the beginning of the American Revolution in the eighteenth century through its involvement in the Philippines at the turn of the twentieth century.[4] The United States had an active and deployed military, coordinating with militias and private entities, that fought and influenced affairs constantly from the Revolution forward.[5] Such actions included extended wars declared by Congress, extended wars not declared by Congress, policing actions, limited armed conflict, protective actions, displays of military force aimed at intimidating or impressing others, sustained efforts against an array of pirates and slavers, and internal actions against Americans that either used or threatened to use military force.

The Revolution itself was a massive undertaking by the new, developing American government, and when the Revolution ended in 1783, the United States maintained its War Department through the period of the Articles of Confederation and into the new government under the U.S. Constitution. The United States remained in military conflict, or close to it, with Native American nations in New York and especially in the Old Northwest from the 1780s through the 1810s. These included forays and skirmishes in the 1780s and General Arthur St. Clair's disastrous defeat at the hands of a Native confederacy in 1791, leading to major reforms of the U.S. military and its relationship with state militias, local militias, and volunteer forces. The regular military and a variety of militia forces would work together to put down Shays's Rebellion in 1786–1787 and the Whiskey Rebellion in 1791–1794. The Quasi-War with France of 1798–1800 would see U.S. forces engage with French naval vessels and privateers in the Caribbean and on land in the Dominican Republic.[6]

Naval battles and land invasions in the period that followed include the First Barbary War in 1801–1805; the Zebulon Pike Expedition, which invaded Spanish territory in 1806 and was captured and jailed in Mexico in 1807; and the American

gunboat engagement with Spanish and French privateers in the Gulf of Mexico from 1806 to 1810. The military engaged in West Florida in 1810 and battled for territory and control in the years that followed. U.S. forces occupied Amelia Island, controlled by Spain off the coast of Florida, in 1812; fought on Nuku Hiva in the Marquesas Islands, and built the first U.S. naval base in the Pacific there, in 1813–1814; drove British forces from Florida in 1814; fought pirates in the Caribbean throughout the era; and fought the Second Barbary War in 1815, with Captain Stephen Decatur's forces attacking Algiers and then posturing at Tunis and Tripoli to secure indemnities. U.S. forces fought Britain from 1812 to 1815 with significant action on the East Coast, in the South and West, and on the Great Lakes; engaged in the Creek War in 1813–1814; destroyed the Negro Fort in Spanish Florida in 1816; fought the First Seminole War from 1816 to 1818; landed on Amelia Island again in 1817; and deployed troops in Oregon in 1818. Engagements with Native Americans continued, including the U.S. military's effort to drive resisting Kickapoos out of Illinois country in 1819, a conflict that would persist into the Black Hawk War of 1832.

The 1820s saw naval engagements with slavers and pirates off Africa and in the Caribbean; landings at Cuba, Puerto Rico, and Greece; armed conflict with Native Americans, including the Arikara War in 1823 and conflicts with Winnebagoes near the Illinois-Wisconsin border in 1826–1827. These years also saw repeated engagements with American citizens when the military removed them from unceded Native lands, a process repeated throughout the nineteenth century. In the 1830s, U.S. armed forces engaged in the Falkland Islands, Indonesia, Argentina, and Peru, while also waging sustained conflicts against Seminoles and others in Florida, with white squatters on Creek lands in 1831, during the Black Hawk War of 1832, and through the decades-long forced exiles of Native Americans from their homelands across North America. During the largely nonviolent Aroostook War over the disputed boundaries separating Maine from the British colony of New Brunswick in 1838–1839, Maine authorized the draft of ten thousand militiamen and Congress authorized the president to raise fifty thousand troops.[7]

During the 1840s, the United States entered armed conflicts in the Fiji Islands and other island areas in the Pacific, in Mexico and California, in China, in Africa, and in Turkey – all occurring around the declared war between the United States and Mexico. Engagements with Comanches, Kiowas, Navajos, and Pueblos dotted the Southwest in the 1840s, while the Cayuse War of 1847–1850 occupied Washington Territory and the Third Seminole War occupied Florida from 1855 to 1858. Operations continued abroad into the Ottoman Empire, East Africa, Argentina, Nicaragua, Japan, China, the Fiji Islands, Uruguay, Panama, and Mexico in the 1850s, to which we can add the U.S. show of force against Mormons in Utah in 1857–1858 and conflicts with Native Americans, including the Yuma and Mojave Uprising in Arizona and California (1851); the Yakima War in Washington (1855–

1856) and the Coeur d'Alene War in Washington and Idaho (1858); and the Rogue River War in Oregon (1855–1856).

War hit home hard in the 1860s, of course, but beyond the Civil War itself, U.S. military forces engaged Native Americans in the Paiute War in Nevada, the Apache Uprising in 1861–1863, the 1862 Minnesota Uprising, the Shoshone War in Utah and Idaho (including the Bear River Massacre of 1863, likely the deadliest single action by U.S.-led forces against Native Americans), the Navajo War in New Mexico and Arizona (1863–1866), the Cheyenne-Arapaho War in Colorado and Kansas (1864–1865), Red Cloud's War (1866–1868), and the "Snake War" against Northern Paiute, Bannock, and Western Shoshone bands living along the Snake River, with fighting taking place in Oregon, Nevada, California, and Idaho (1866–1868). Add campaigns against Southern Cheyennes, Southern Arapahos, and Sioux allies on the Central Plains (1867), General Philip H. Sheridan's campaigns on the Southern Plains (1868–1869), and continued conflict with Comanches and Kiowas. Add other armed conflicts in Angola, Colombia, Nicaragua, Japan, Mexico, China, Formosa, and Uruguay.

Reconstruction saw the U.S. military engaged throughout the South. Conflicts with Native Americans in the 1870s included the Apache Wars (1871–1876), the Modoc War (1872–1873), the Red River War (1874–1875), the Black Hills War (1876–1877), the Nez Perce War (1877), the Bannock War (1878), the Sheepeater War (1879), and the Ute War (1879). Other military actions involved Colombia, Mexico, Hawaii, and a vicious 1871 engagement in Korea. Landings and displays of force to protect American interests dot the 1880s in Egypt, Panama, Korea, Haiti, Samoa, and Hawaii, and include the ongoing Indian Wars of the West, particularly Geronimo's resistance (1881–1886). U.S. forces in the 1890s engaged in Argentina, Haiti, Chile, Hawaii, Nicaragua, China, Korea, Colombia, Samoa, and Wounded Knee in South Dakota. The Pullman strike in 1894 is one of the most famous of numerous late-nineteenth-century domestic military deployments to control labor actions (Robert C. Lieberman discusses other such deployments in his contribution to this volume).[8] In 1898, the United States waged war in Spanish-controlled Cuba and Puerto Rico, and in 1899 began the long war and occupation in the Philippines.

While some of these conflicts did not see actual fighting, many did, and to understand the scope and continuous activities of the administrative state, it is difficult to untangle engagements that involved battle from those that did not. The idea of a stable core organization with established processes, leadership, and legitimacy – that could grow in numbers if necessary to respond to insurrection or invasion – unifies our understanding of the state's activation of complicated and diverse arrays of regular, irregular, militia, ad hoc, privateer, and other available forces. Supply, training, inspections, pension programs, claims adjudication, hospital services, and other aspects of regular administration continued whether the forces fought or not. Preparations were required in advance of knowing the out-

comes: the 1871 foray into Korea was not expected to descend so rapidly into a major armed conflict, but it did; the action against the Mormons in Utah was widely expected to end in sustained violence, but it did not. The United States prepared for, fought, won, and managed the consequences of four major wars by 1865, one every twenty to thirty years, even as American forces on the frontier and around the globe engaged regularly in other fighting and constantly in preparation, diplomacy, and occupation into the twentieth century.[9]

Wars endured. The Northwest Indian Wars lasted twenty-eight years, from Josiah Harmar's actions in the Ohio region in 1785 to the death of Tecumseh in 1813. The Seminole Wars lasted forty-one years, from 1817 to 1858, while wars with the Sioux lasted thirty-six years, from 1854 to 1890. Participants' experiences with these conflicts were continuous, as the United States engaged in North America but also regularly in Asia, the Caribbean, South America, Central America, and the Pacific. People's lives and careers overlapped specific conflicts, tying together what sometimes can look like discrete, isolated events: John Wool fought as a young man in the War of 1812, supervised aspects of Cherokee and Creek removal as a colonel in the 1830s, led at the Battle of Buena Vista in the Mexican War, oversaw the Rogue River War in Oregon (while trying to stop William Walker's Mexican filibusters from his posting in California in the 1850s), and commanded at Fortress Monroe and in New York City during the Civil War. Future presidents James Monroe, William Henry Harrison, Andrew Jackson, and endless other prominent American leaders in politics and the military served long careers fired in armed conflict with Indigenous peoples and with European, Central American, or other nations. Abraham Lincoln served in the Black Hawk War before he became a wartime president, and even though he derided his participation as fighting with mosquitoes, he was deployed along with seven thousand other regular, militia, and allied Native forces. Ulysses S. Grant fought in the Mexican War, served on the West Coast in the 1850s, and then led Union forces in the Civil War before becoming president and overseeing military action during Reconstruction and on the frontier. Nelson A. Miles fought in the Civil War, featured prominently in the Indian Wars, commanded the military occupation of Chicago during labor unrest in 1894, and then led the American invasion force into Puerto Rico in 1898.

Military families also help link events into the context of continual war. Joshua Humphreys, the "Father of the American Navy," served the government in the 1790s; his son Samuel served as chief naval constructor of the United States under President John Quincy Adams, and his grandson Andrew served as a military engineer in the Civil War and became part of President Grant's Isthmian Canal Commission. Arthur MacArthur Jr. fought for the Union at Chattanooga in 1863 as an eighteen-year-old lieutenant. He would spend forty years in the army, including time as commander of American forces in the Philippines beginning in May 1900. MacArthur's eldest son Arthur MacArthur III would serve many years

in the Navy, becoming a captain and being awarded a Navy Cross during World War I; his youngest son Douglas, born on an army post in Arkansas in 1880, would enter West Point with Ulysses S. Grant III in 1899 and ultimately achieve the rank of General of the Army, serving in top positions during World War II and the Korean War. Thousands of American soldiers and members of military families saw service in the Indian Wars and then in Puerto Rico or the Philippines. In an earlier day, thousands fought in the Civil War after serving in armed conflicts with British, Mexican, or Native forces.[10]

Importantly, only a handful of these conflicts were ever formally declared wars by Congress, even as the state regularly raised and maintained troops, approved appropriations, and deferred to executive decision-making within the War Department and other agencies. It was more than a century of constant warfare and administration.

This state of continual war was prosecuted effectively by an administrative state built on bureaucratic autonomy and discretionary authority. Agencies have autonomy when they can plan and implement policies independently, especially when those plans and policies are opposed by elected leaders. Autonomy comes from expertise and often from networking across agencies and government departments. From the beginning, the War Department not only planned but also implemented policies, as seen in Secretary of War Henry Knox's reports and recommendations, which shaped early policy in the Old Northwest and the South after the Revolution. Throughout the nineteenth century, the War Department and its specialized experts influenced policy through initiative, expertise, and networking, with Congress regularly requesting and deferring to the information and analysis put forward by the agency's leaders and operatives.[11]

Discretionary authority in the field characterized the military's actions throughout this period. Field commanders exercised discretion, of course, in choosing battlefields, directing troops, and securing provisions and logistics.[12] But efforts that ran parallel to fighting necessitated the exercise of vast discretionary authority, too. Diplomacy and other measures sought to avoid violence, but administering such efforts was a complicated and ever-changing endeavor that often saw federal, state, and private agents working or competing with military officers.[13] Occupation policies were often forged on the ground. During the U.S. occupation of Mexico, for example, John Wool crafted policies to tax Mexican citizens, restrict dances and horse racing, and essentially run regional areas based on his own, sometimes disputed, interpretations of War Department policies.[14] U.S. forces in the Reconstruction-era South constantly faced choices about how to handle immediate crises and ease ongoing tension. Managing the Indian reservation system perpetuated discretionary authority in administration as the army and civilian reservation superintendents tried to control occupation and ongo-

ing conflict in dozens of unique contexts. Civilian governor William Howard Taft worked to marginalize MacArthur and the military in the Philippines and replace war with sweeping, creative nation-building.

The state took on numerous other tasks related to preparing a fighting force and keeping it busy in the absence of conflict. Recruiting and supply efforts throughout the long nineteenth century were collaborative works of improvisational art.[15] When not fighting, post commanders and subordinate officers such as commissary officers, doctors, and cooks made innumerable decisions without strict oversight. Historian Michael Tate and political scientists David Ericson and William Adler have documented the extensive administrative discretion involved in the military's contributions to economic development, education, health care, and infrastructure projects. Tate documents, for example, military personnel involved in geographic exploration, science, and artistic work; providing aid to emigrants; promoting transportation and commerce; serving as frontier lawmen; running a vast and broadly dispersed contracting and supply system; serving as agriculturalists, meteorologists, doctors, religious figures, teachers, librarians, and journalists for frontier communities; engaging in crisis relief; advocating for the rights of Indigenous people and freedmen; and engaging as local entrepreneurs and investors after leaving the military.[16]

These actions necessitated discretionary decision-making on a daily, even hourly basis. Tate writes, for example, that *posse comitatus* services (the use of the military for civilian law enforcement) "were carried out at the discretion of local commanders who apparently did not need to secure presidential or War Department authorization."[17] Historian Roger Bailey notes that naval officers addressed filibusters through many tactics, including shows of force, media messaging, and negotiation exercised with broad discretion: "Between the struggles of long-distance communication and the political benefits of offloading responsibility for controversial decisions," he writes, "it was simply more desirable for the administration to leave decision-making primarily in the hands of its agents."[18] Primary sources like Richard Irving Dodge's journals of the Powder River Expedition of 1876–1877 reveal particular examples of these kinds of decisions, as do close historical studies such as Florette Henri's classic examination of Indian affairs negotiator Benjamin Hawkins and William Goetzmann's seminal works on the Army Corps of Topographical Engineers.[19]

Back-end support services like hospitals, asylums, medical systems, pension programs, and land bounty programs were also run by administrators with broad discretion over how to apply generalized rules to specific circumstances. This was true even when Congress took an active role, as in the adjudication of pension claims, a constantly evolving kaleidoscope of laws and agency rules that, while generally driven by generous efforts to allow pension benefits to flow, often witnessed contentious relations among applicants, members of Congress, judges,

and officials at the War and Treasury Departments. Pensions and appeals from different wars and for diverse populations, arriving amid evolving discussions of citizenship and community, made the general goal of taking care of veterans a swiftly moving target as politics and situations developed.[20]

Context after context illustrates critically important decisions made by unelected administrators, sometimes in concert with elected officials in Congress but oftentimes operating without careful congressional oversight and in open defiance of congressional will. And how could it have been otherwise, given the scope of the nineteenth-century American state? Military inspection systems needed to be designed, implemented, and adjusted, often on the fly and covering a variety of unique contexts in different regions and eras. Construction materials, equipment, and designs filled the gaps in loosely written legislation with unique and site-specific solutions, while provisioning and logistics varied by region and economy. The military needed to obtain powder, weapons, ammunition, horses, feed, food, tents, spurs, blankets, medicines, and uniforms, sometimes for regular soldiers or militiamen, other times for Indigenous populations being forced West or for new settler communities dealing with outbreaks of infectious disease. Federal military officers had the ability to stop and arrest trespassers, remove people traveling without passports, and seize goods. They worked in law enforcement capacities, often in coordination with civilian officials, to serve the needs of frontier populations. They protected timber stands, policed routes of travel and trade, responded to environmental crises, and inhibited or prohibited filibusters – including stopping ships from leaving port and seizing ships and matériel. Wartime battles needed to be won, and occupations needed to be effective.

Discretionary leeway for field agents to accomplish these things was a hallmark of American administration in the nineteenth century. Bound by shared missions, field officers and subordinate personnel enjoyed great freedom to make their own decisions about how to achieve public ends, in what turned out to be a terrifically effective scheme.

It is important to note that the "administrative state" encompasses more than just the bureaucracy. The definition offered at the beginning of this essay presumes a legislative power and democratically elected officials as core components of the American administrative state, in which the bureaucracy and its unelected agents interact with elected representatives on a regular basis. Public will is pursued through the actions of elected representatives, on the one hand, and through unelected agents, on the other, who wield delegated power while remaining accountable to democratic will. Properly understood, the American administrative state also includes elected and unelected officials and agents at state and local levels, at least to the extent that the design and distribution of benefits and services, and the pursuit of national aims, have often been blended through-

out the complex system of American federalism. Debates over the meanings of "public will" and "democratic accountability" have created tensions within the administrative state from the beginning.[21]

James Madison warned about the pernicious effects of continual war in 1795. Less than twenty years later, as president, he lamented the challenges that war and the administrative state posed to democratic accountability. In an 1814 letter to Secretary of War John Armstrong, Madison complained of out-of-control discretionary actions at the War Department and tried to clarify how the system was designed to work:

> I find that I owe it to my own responsibility, as well as to other considerations, to make some remarks on the relations in which the Head of the Department stands to the President, and to lay down some rules for conducting the business of the Department, which are dictated by the nature of those relations. In general the Secretary of War, like the Heads of the other Depts. as well by express statute as by the structure of the constitution, acts under the authority & subject to the decisions & instructions of the President; with the exception of cases where the law may vest special & independent powers in the head of the Department.[22]

Madison then tried to identify which activities needed the president's involvement and which did not:

> From the great number & variety of subjects, however, embraced by that Department and the subordinate & routine character of a great portion of them, it cannot be either necessary or convenient that proceedings relative to every subject should receive a previous & positive sanction of the Executive. In cases of that minor sort it is requisite only that they be subsequently communicated as far and as soon as a knowledge of them can be useful or satisfactory.
>
> In cases of a higher character and importance, involving necessarily, and in the public understanding, a just responsibility of the President, the acts of the Department ought to be either prescribed by him, or preceded by his sanction.
>
> It is not easy to define in theory the cases falling within these different classes, or in practice to discriminate them with uniform exactness. But substantial observance of the distinction is not difficult, and will be facilitated by the confidence between the Executive & the Head of the Department.

Madison went on to convey his dissatisfaction with how Armstrong had been distinguishing between routine administrative tasks and matters of a higher character that required presidential involvement:

> This distinction has not been sufficiently kept in view.

> I need not repeat the notice heretofore taken of the measure consolidating certain regiments; a measure highly important under more than one aspect; and which was adopted & executed without the knowledge or sanction of the President; nor was it subsequently made known to him otherwise than through the publication of the act in the newspapers.
>
> The like may be said of certain rules & regulations, particularly a Body of them for the Hospital & Medical Depts. of which the law expressly required the approbation of the President, and which comprise a rule to be observed by the P. himself in future appointments. The first knowledge of these latter regulations was derived from the newspapers.

Madison followed these examples with others, calling attention to instructions about plans and operations, responses to messages meant for the president, and an order prohibiting duels and specifying dismissal from the service for violators, which Madison noted, "pledged an exercise of one of the most responsible of the Executive functions, that of summarily dismissing from military offices without the intervention of the Military Tribunal provided by law." Madison ended the letter by attempting to clarify what must be communicated to the president, including orders establishing general or permanent regulations, changes in the boundaries of military districts, orders for Courts Martial, dismissals, acceptances of resignations, requisitions and receptions of militia into the service and pay of the United States, and instructions relating to treaties with Native Americans.

Even so, Madison's letter closes with an acknowledgment of the impossibility of clarifying all of this: "These rules may omit cases falling within, and embrace cases not entirely within, the reason of them. Experience, therefore, may improve the rules." Madison's effort to restore presidential control over administration at the War Department came at the height of the War of 1812. British forces burned Washington, D.C., eight days after he wrote to Armstrong, and Armstrong resigned four days after that.

Madison's complaints were just the tip of the iceberg. Complaints and challenges to administrative policymaking and decisions by the military in the nineteenth century flowed through a porous administrative state at every turn, a great sieve of participatory democracy, wherein individuals and collective interests seized upon innumerable avenues to seek redress of their grievances from elected officials and from unelected administrators. Opportunities included direct lobbying and cooperation; the use of state or tribal officials to counterbalance, challenge, or influence administrative action; application of rules and hearings; formal appeals; litigation to alter policy or challenge decisions; litigation to hold government personnel personally accountable, especially prior to widespread civil service protections; and efforts at policy reform at the bureaucratic level or through the elected branches of government. Participation in these avenues included

groups and individual interests even among Native populations, Filipino populations, and semi-sovereign entities like tribal nations. Nobody had to sit back and take whatever military officers and administrators did; formal and informal challenges were characteristic of the administrative state from its earliest days.[23]

Institutions also refused to cede final authority to the executive in a century-long battle of constitutional checks and balances. Following St. Clair's disastrous defeat during the Northwest Indian War in 1791, Congress quickly grew into its oversight responsibilities with a full-blown investigation. In later institutional battles, Congress challenged executive branch control and investigated deployments, purchasing patterns, and battlefield decisions: the use of dogs in the Seminole Wars, Custer's defeat by combined Native forces in 1876, and the use of torture and waterboarding in the Philippines, to name a few examples. Congressional investigations sometimes led to cooperative interbranch efforts in reform, such as evolution in the makeup of the military after St. Clair's defeat. Executive branch activity was subject to judicial oversight, as well, especially as the nineteenth century progressed. Courts oversaw administration and policy decisions in a long series of litigation efforts designed to either reign in, expand, or resolve disputes about administrative power. Such efforts include the Cherokee cases at the Supreme Court and numerous land dispute cases heard by lower federal and state courts, along with questions surrounding military regulations and the Constitution's application in faraway lands.[24]

In the end, however, administration remained primarily an executive function. Congressional legislation, judicial decisions, and private action could constrain, check, and balance executive action in many instances – but even these instances represent a small fraction of the thousands of decisions made every day in the nineteenth century by administrators and field agents exercising spontaneous discretion in unique circumstances. Those officers always had the real ability to abide by, dismiss, or adjust what laws, judicial decisions, higher regulations, local rules, or their peers demanded of them. Field officers would decide for themselves whether a local child could enroll in a post school, whether an expectant mother would receive medical attention from army doctors (and if she would need to pay for those services), whether a local incident required the incarceration of an individual or a more serious action against a community, or whether an ambush demanded an immediate counterattack.[25] Moreover, institutional challenges sparked institutional pushback to protect executive authority. President George Washington developed the concept of executive privilege to check Congress's St. Clair investigation, and administrators like Henry Knox, John Armstrong, and a long run of secretaries of war sought to maintain effective autonomy over military actions through internal regulations. President Andrew Jackson effectively undercut the Supreme Court's landmark decision in favor of Native sovereignty, *Worcester v. Georgia* (1832). President Ulysses S. Grant and later presidents responded to Congress's 1871 measure

formally ending treatymaking with Native nations by continuing to control most U.S.-Indian negotiations through new executive measures, such as reservations through executive order.[26]

In his influential 1982 book *Building a New American State*, political scientist Stephen Skowronek wrote of the nineteenth century, "The President had never risen far above the status of a clerk during the heyday of party competition." He also argued that "the path that had been traveled in the development of early American government did not anticipate the need for a strong national administrative arm." Skowronek continued, "The success of the early American state came to depend on the working rules of behavior provided by courts and parties [which] coordinated action from the bottom to the top of this radically deconcentrated governmental scheme." This framework of a "state of courts and parties" in the nineteenth century is widely accepted but profoundly misleading. It relegates the independent executive authority of the nineteenth-century American administrative state to the sidelines when, for more than a century, the nation's military service members and its civilian public administrators were designing and implementing policies, establishing rules for behavior, making adaptations and adjustments, and deciding for themselves how (and whether) to apply congressional laws and judicial rulings in specific, contested, real-world circumstances.[27]

With vast discretionary authority exercised by the administrative state's officials, and despite steep challenges to holding unelected administrators democratically accountable, the American administrative state effectively extracted resources, coerced populations, and exerted control over its territory, all while avoiding the fatal blows to liberty that Madison had predicted for a nation at continual war. But how?

In his *Political Observations*, Madison, whose warning presaged later academic analysis of the relationship of war to the state, wrote that continual war represented a threat to free societies because it was the foundation of many other dangerous forces:

> Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds, are added to those of subduing the force, of the people.[28]

Charles Tilly and other social scientists later expanded on how "war makes states," while scholars like Ira Katznelson and Max Edling have documented the vast taxing authority of the United States and the connection of effective resource

extraction to the pursuit of U.S. wars.[29] In works on nineteenth-century governance, Brian Balogh and Gautham Rao have observed how the American state worked purposefully to reduce its visibility and minimize its intrusiveness so as to facilitate the effective extraction of resources and imposition of its control.[30] Meanwhile, Yuval Feinstein and Andreas Wimmer have examined how bargaining between the state and its members influences a state's ability to extract resources, and scholars like Paul Starr have explored relationships between war, democratic values, and legitimacy.[31] Scholars focused on the imperial presidency and executive power have worried, like Madison, about the implications of continual warfare on a system designed to separate and share powers.[32]

Feinstein and Wimmer note that "to understand state-building beyond the war mechanism, other factors highlighted in the historical literature need to be taken into account, such as the nature of bureaucratic organizations on which state builders can rely or the political coalitions that support them."[33] Heeding that suggestion, one lynchpin that can help us understand war and the American administrative state in the nineteenth century is the idea of the administrator as representative citizen. Public administration scholars H. George Frederickson and Ralph Clark Chandler write, "The public administrator's task is to take unapologetic leadership in making American public institutions more reflective of the communal values of justice and equity that are our heritage."[34] This as much as anything helps us understand how a nation in continual war was able to avoid Madison's dire prediction. A simple and easily understood mission often channeled the decisions of soldiers and administrators in the field and focused contested decision-making on shared purposes. Achieving independence, establishing and expanding control over territory, defeating or removing Native populations, acquiring land, protecting and promoting commerce, interdicting slave smuggling, subduing the Confederacy, and expanding westward all unified personnel behind easily understood strategic goals.

At the same time, U.S. military personnel often reflected a broad and complicated vision of democratic values and freedom. Robert C. Lieberman's essay in this issue of *Dædalus* highlights the post–Civil War Reconstruction era as an extended period during which the military promoted the expansion of liberal democracy; similar actions are peppered throughout other eras in which the military is too often seen as simply a repressive force.[35] Even as the military expropriated Indigenous peoples, supported slavery, and cracked down on labor actions, it was simultaneously a leading force in protecting the rights of Native Americans, enslaved people, people of color, workers, and immigrant populations. It was often detailed to protect these populations against mistreatment, and field officers frequently made decisions to protect those populations within their discretionary authority. The military worked to protect Native populations from exploitation by private contractors and timber thieves; police treaty boundaries and remove

encroaching whites from Native lands; protect Chinese populations from the anger of nearby white populations; and help dispense health care to West Coast immigrant populations. Through the Navy, it also interdicted slave ships and supported the development of repatriation projects for freeborn people of color and emancipated slaves to African countries such as Liberia. These actions often incurred the wrath of white populations, creating the kinds of friction that put military officers and administrators at risk of private litigation or other retribution. Simultaneous to the military's contributions to empire and settlement, it was an engine of expanding liberal values and rights for individuals and groups.[36]

American administration is democracy in action. Administrators checked and balanced each other amid debate about missions, values, and implementation. Civilian leaders and military personnel clashed regularly and openly over the purpose of their missions and over which course of action would best serve the mission, resulting in ongoing debate informing specific choices. Generals Charles Scott and James Wilkinson questioned St. Clair's leadership, concerned about his preference for carefully targeted retaliation against specific Native forces instead of more indiscriminate violence. Colonel George Croghan of the Inspector General's Office criticized Colonel Josiah Snelling for having soldiers process hay and collect firewood instead of undergoing more military training. Colonel John Wool bristled at having his proposals to use force during Cherokee Removal challenged by Acting Secretary of War Carey Harris; but later, in California, Wool resisted the demands of territorial governor Isaac Stevens for direct military action in support of violent aggression by volunteers in the Washington Territory against Native communities. Colonel William S. Harney's unexpectedly nonpartisan stance in Bleeding Kansas emboldened free-state forces and irritated proslavery President James Buchanan and Secretary of War John Floyd. Disagreement and debate filtered through the military's myriad operations: medical personnel sometimes vaccinated Native populations to facilitate removal, but they also vaccinated Native populations to protect them from the horrors of smallpox. Army surgeon Walter Reed worked to improve sanitary conditions, enhance rations, and provide effective services to Native American prisoners in places like Mount Vernon, Alabama – where he was in constant discussion with superiors who could be sympathetic, like Mount Vernon's commander Major William Sinclair, and others who could be uncaring or openly hostile to these measures, such as some leaders at the War Department. Army Colonel Ethan Allen Hitchcock, Navy Purser Levi Slamm, and Navy Commander Thomas Dornin debated how best to deal with suppressing filibusters, and they argued with Customs Collector Richard Hammond and U.S. Attorney Samuel Inge about whether to deal with filibusters at all. Soldiers like Sergeant John Galloway and Captain W. H. Jackson argued about waterboarding, torture, and interactions with Filipino populations. Underlings challenged superiors, while superiors strove to control inferior officers. Members of different

units contended for both action and reward and challenged each other over the interpretation of rules governing enlistments, promotions, discipline, food rations, applications of force and restraint, and everything else.[37]

These examples demonstrate the effectiveness of Madison's suggestion in *Federalist* No. 51 that expanding administration would provide a check on itself:

> This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights.[38]

Actions by military personnel enacted participatory democracy, as department heads and executive leaders argued with Congress and elected officials and as field officers endlessly evaluated and calibrated understandings of national mission, values, goals, and specific situations. In these battles, military and administrative personnel worked out the contours of the state's expansion.

In their call for public administrators to take the lead in making American institutions into engines of justice and equity, Frederickson and Chandler explained why it had to be these administrators: "The factionalized and fractional political system cannot do it. The judicial branch has carved out another role for itself. Private institutions and their managers have a totally different agenda. Such an energetic view of bureaucracy is in the spirit of Hamiltonian public administration."[39] The United States' long nineteenth century of continual war was executed effectively by a uniquely American administrative state that included unelected administrators, officers, agents, and bureaucrats who played key and constant roles. They executed policy even as they identified and parried threats to liberty posed by the administrative state. They also worked to define and realize the national community's democratic values, bargaining from within the administrative state over what that state's wars, war preparations, and postwar management would accomplish.

We know that the great debates between Hamilton and Jefferson, Lincoln and Stevens, and Taft and Roosevelt helped sharpen and define American values and how they would be pursued through policy. Similar debates took place between Wool and Harris, Hitchcock and Inge, and innumerable soldiers in the field and sailors on the seas. These discussions, which drove exercises of discretionary authority every day, were primary forces working out the meanings and compromises of continual war and liberal democracy in the long nineteenth century.

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ENDNOTES

[1] John A. Rohr, *To Run a Constitution: The Legitimacy of the Administrative State* (University Press of Kansas, 1986), xi (internal reference omitted). Rohr and Dwight Waldo identified the administrative state with the New Deal.

[2] See, for example, Gautham Rao, "The New Historiography of the Early Federal Government: Institutions, Contexts, and the Imperial State," *William and Mary Quarterly* 77 (1) (2020): 97–128, https://doi.org/10.5309/willmaryquar.77.1.0097; and R. M. Bates, "Government by Improvisation? Towards a New History of the Nineteenth-Century American State," *Journal of Policy History* 33 (3) (2021): 287–316, https://doi.org/10.1017/S0898030621000117.

[3] James Madison, *Political Observations*, reprinted in *Letters and Other Writings of James Madison*, vol. IV (J. B. Lippincott & Co., 1865), 491–492.

[4] On "war" and the importance of studying limited conflicts, see Peter Brecke, "Violent Conflicts 1400 A.D. to the Present in Different Regions of the World," paper prepared for the 1999 meeting of the Peace Science Society (International) on October 8–10, 1999, in Ann Arbor, Michigan, https://bpb-us-e1.wpmucdn.com/sites.gatech.edu/dist/1/1/19/files/2018/09/Brecke-PSS-1999-paper-Violent-Conflicts-1400-AD-to-the-Present.pdf; Claudio Cioffi-Revilla, "Origins and Evolution of War and Politics," *International Studies Quarterly* 40 (1) (1996): 1–22, https://doi.org/10.2307/2600929; Yuval Feinstein and Andreas Wimmer, "Consent and Legitimacy: A Revised Bellicose Theory of State-Building with Evidence from around the World, 1500–2000," *World Politics* 75 (1) (2023): 23, https://doi.org/10.1353/wp.2023.0003; Edward D. Mansfield and Jack Snyder, "Does War Influence Democratization?" in *In War's Wake: International Conflict and the Fate of Liberal Democracy*, ed. Elizabeth Kier and Ronald R. Krebs (Cambridge University Press, 2010), 28–31; and Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Blackwell, 1992).

[5] On the close and complicated relationship of militias to U.S. regular forces, see, for example, Gian Gentile, Jameson Karns, Michael Shurkin, et al., *The Evolution of U.S. Military Policy from the Constitution to the Present, Volume 1: The Old Regime: The Army, Militia, and Volunteers from Colonial Times to the Spanish-American War* (RAND Corporation, 2019), xvi–xviii, 29–33.

[6] Information in this and subsequent paragraphs in this section is taken from Barbara Salazar Torreon and Carly A. Miller, *U.S. Periods of War and Dates of Recent Conflicts* (Congressional Research Service, 2024); Richard F. Grimmett, *Instances of Use of United States Armed Forces Abroad, 1798–2001* (Congressional Research Service, 2002); Global Policy Forum, "U.S. Military and Clandestine Operations in Foreign Countries, 1798–Present," December 2005, https://archive.globalpolicy.org/us-westward-expansion/26024-us-interventions.html; and Carl Waldman, *Atlas of the North American Indian* (Facts on File, 1985).

[7] On the Aroostook War, see Harwood P. Hinton and Jerry Thompson, *Courage Above All Things: General John Ellis Wool and the U.S. Military, 1812–1863* (University of Oklahoma

Press, 2020), chap. 5; and Maine National Guard, "The Aroostook War," https://www.me.ng.mil/About/Our-History/The-Aroostook-War (last updated May 3, 2024).

[8] Robert C. Lieberman, "The State, War-Making & Democratization in the United States: A Historical Overview," *Dædalus* 154 (4) (Fall 2025): 31–47, https://www.amacad.org/daedalus/state-war-making-democratization-united-states-historical-overview.

[9] On the expansible military, see Ira Katznelson, "Flexible Capacity: The Military and Early American Statebuilding," in *Shaped by War and Trade: International Influences on American Political Development*, ed. Ira Katznelson and Martin Shefter (Princeton University Press, 2002), 95; and Gentile et al., *The Evolution of U.S. Military Policy*, 36–40, 54–59. Writing of European states, Tilly notes that "national states unite substantial military, extractive, administrative, and sometimes even distributive and productive organizations in a relatively coordinated central structure," and he observes how war also leads to occupation costs and costs associated with administration of lands and people, adjudication of disputes, and so on. See Tilly, *Coercion, Capital, and European States, AD 990–1992*, 21, 20.

[10] Hampton L. Carson, "Andrew Athinson Humphreys, Brigadier-General U.S. Army, Brevet Major-General U.S. Army, Chief of Engineers," *Proceedings of the American Philosophical Society* 22 (117) (1885): 50, 63–68; and Fred Anderson and Andrew Cayton, *The Dominion of War: Empire and Liberty in North America 1500–2000* (Viking, 2005), 317–318, 337.

[11] Daniel P. Carpenter defined the concept of bureaucratic autonomy in *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928* (Princeton University Press, 2001). For historical examples that predate Carpenter's focus, see Stephen J. Rockwell, "Henry Knox and the Forging of Bureaucratic Autonomy," *Federal History* 10 (2018): 41–60; William B. Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841," *Military Affairs* 34 (4) (1970): 117–122; Gentile et al., *The Evolution of U.S. Military Policy*, 19–20, 36–42; David F. Ericson, "The United States Navy, Slave-Trade Suppression, and State Development," *Journal of Policy History* 33 (3) (2021): 243–247; Edward Shippen, Phoebe Pemberton, and Wm. Strickland, "Some Account of the Origin of the Naval Asylum of Philadelphia," *The Pennsylvania Magazine of History and Biography* 7 (2) (1883): 117–142; Michael L. Tate, *The Frontier Army in the Settlement of the West* (University of Oklahoma Press, 1999), 5, 31, 52–54, 56, 107, 150–154, 168, 170–171, 175, 179, 185, 194, 206, 232; and Hinton and Thompson, *Courage Above All Things*, 25, 30–31, 43–48, 56, 56–58, 60, 194, chap. 5.

[12] For example, Gentile et al., *The Evolution of U.S. Military Policy*, 9, chap. 2; Bates, "Government by Improvisation?" 298; Tate, *The Frontier Army in the Settlement of the West*, 98, 103–110; Hinton and Thompson, *Courage Above All Things*, 77–78, chap. 5, 136, chaps. 6–8, chaps. 10–12; Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841," 121; and Richard Irving Dodge, *The Powder River Expedition Journals of Colonel Richard Irving Dodge*, ed. Wayne R. Kime (University of Oklahoma Press, 1997), 60, 68, 82, 85–90, 93–98, 105, 107, 110, 112, 113–114, 124, 126–128, 131 note 151, 138–139.

[13] For example, Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (University of Nebraska Press, 1984); Robert M. Owens, *Mr. Jefferson's Hammer: William Henry Harrison and the Origins of American Indian Policy* (University of Oklahoma Press, 2007); Wanjohi Waciuma, *Intervention in Spanish Floridas 1801–1813: A Study in Jeffersonian Foreign Policy* (Branden Press, 1976), chap. 2; Paul A. Kramer, *The Blood of Government: Race, Empire, the United States & the Philippines* (The University of North Car-

olina Press, 2006); and Stuart Creighton Miller, *"Benevolent Assimilation": The American Conquest of the Philippines, 1899–1903* (Yale University Press, 1982).

[14] Hinton and Thompson, *Courage Above All Things*, 154–176.

[15] Ibid., chap. 16; Gentile et al., *The Evolution of U.S. Military Policy*, 8–9; Hugh Jameson, "Subsistence for Middle States Militia, 1776–1781," *Military Affairs* 30 (3) (1966): 121–124, https://doi.org/10.2307/1985367; John D. Hicks, "The Organization of the Volunteer Army in 1861 with Special Reference to Minnesota," *Minnesota History Bulletin* 2 (5) (1918): 331ff., 331 note 9, 340; Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841," 117; and Tate, *The Frontier Army in the Settlement of the West*, 82–83.

[16] Tate, *The Frontier Army in the Settlement of the West*; David F. Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791–1861* (University Press of Kansas, 2011); and William D. Adler, *Engineering Expansion: The U.S. Army and Economic Development, 1787–1860* (University of Pennsylvania Press, 2021).

[17] Tate, *The Frontier Army in the Settlement of the West*, 87; see also xiii–xiv, 36–37, 43, 44, 46, 65, 77–79, 93, 94–95, 123, 129, 157, 167, 175, 189, 194, 203, 210, 216, 221–222, 223–224, 225–230, 232–235, 242–243, 243–246, 255–256, 285, chaps. 2, 3, 5, 7. See also Hinton and Thompson, *Courage Above All Things*, 74–75, 77, 79–81, 227ff., 252ff., chaps. 6–8, 10; and Merrill J. Mattes, *The Great Platte River Road: The Covered Wagon Mainline via Fort Kearny to Fort Laramie* (University of Nebraska Press, 1969).

[18] Roger A. Bailey, "'Intercourse…of the Most Friendly Nature': The U.S. Navy, State Power, and William Walker's Invasion of Mexico, 1853–1854," *Journal of the Early Republic* 44 (3) (2024): 462, 433, 434, 440, 459, https://doi.org/10.1353/jer.2024.a937218.

[19] Dodge, *The Powder River Expedition Journals of Colonel Richard Irving Dodge*; Florette Henri, *The Southern Indians and Benjamin Hawkins, 1796–1816* (University of Oklahoma Press, 1986); William H. Goetzmann, *Army Exploration in the American West, 1803–1863* (University of Nebraska Press, 1959); and William H. Goetzmann, *Exploration and Empire: The Explorer and the Scientist in the Winning of the American West* (Texas State Historical Association, 2000).

[20] Laura Jensen, *Patriots, Settlers, and the Origins of American Social Policy* (Cambridge University Press, 2003); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Harvard University Press, 1995); Jerry L. Mashaw, *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law* (Yale University Press, 2012), 256–267; Tanisha M. Fazal, *Military Medicine and the Hidden Costs of War* (Oxford University Press, 2024); Wendy J. Schiller and Charles Stewart III, *Electing the Senate: Indirect Democracy before the Seventeenth Amendment* (Princeton University Press, 2015), 139–141; Eba Anderson Lawton, ed., *History of The "Soldiers' Home," Washington D.C.* (Putnam, 1914); and Shippen, Pemberton, and Strickland, "Some Account of the Origin of the Naval Asylum of Philadelphia." See also Mark Zachary Taylor, *Presidential Leadership in Feeble Times: Explaining Executive Power in the Gilded Age* (Oxford University Press, 2024), 148; and Bates, "Government by Improvisation?" 306.

[21] For a recent discussion, see Russell Muirhead and Nancy L. Rosenblum, *Ungoverning: The Attack on the Administrative State and the Politics of Chaos* (Princeton University Press, 2024), 42–47.

[22] James Madison to John Armstrong, August 13, 1814, reprinted in James Madison, *Writings* (Library of America, 1999), 697–700. Unless otherwise noted, quotations in this section are from this letter with paragraph breaks sometimes omitted. For more on Arm-

strong's difficulties, see Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841."

[23] For example, Peter Karsten, "The 'New' American Military: A Map of the Territory, Explored and Unexplored," *American Quarterly* 36 (3) (1984): 412; Hicks, "The Organization of the Volunteer Army in 1861 with Special Reference to Minnesota," 350, 359–365; Rao, "The New Historiography of the Early Federal Government," 109, 117; Mashaw, *Creating the Administrative Constitution*; Paul Starr, "Dodging a Bullet: Democracy's Gains in Modern War," in *In War's Wake: International Conflict and the Fate of Liberal Democracy*, ed. Elizabeth Kier and Ronald R. Krebs (Cambridge University Press, 2010), 57–60, 62–64; Desmond King and Robert C. Lieberman, "Ironies of State Building: A Comparative Perspective on the American State," *World Politics* 61 (3) (2009): 556–559, 568, 576–577; Peter T. Manicas, *War and Democracy* (Blackwell, 1989), 114–115, 121–122, 162–167; Gentile et al., *The Evolution of U.S. Military Policy*, vi, 44–45, 52–54, 63; and Tate, *The Frontier Army in the Settlement of the West*, 21–22, 93, 106, 107.

[24] For example, Tate, *The Frontier Army in the Settlement of the West*, 75, 87–91, 101, 103–110, 111–112, 190–191, 231–233, 239–240, 245–246, 252; Hinton and Thompson, *Courage Above All Things*, 74, 79–81, 281–283; Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire* (University Press of Kansas, 2006); and *Reconsidering the Insular Cases: The Past and Future of the American Empire*, ed. Gerald L. Neuman and Tomiko Brown-Nagin (Harvard University Press, 2015).

[25] Tate, *The Frontier Army in the Settlement of the West*; Adler, *Engineering Expansion*; and Shippen, Pemberton, and Strickland, "Some Account of the Origin of the Naval Asylum of Philadelphia."

[26] Prucha, *The Great Father*, 210–213, 501–533; Stephen J. Rockwell, *The Presidency and the American State: Leadership and Decision Making in the Adams, Grant, and Taft Administrations* (University of Virginia Press, 2023), 149–153, 166; and Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841."

[27] Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge University Press, 1982), 169, 4, 24. See also 29, 35, 43, 45, 122.

[28] Madison, *Political Observations*, 491–492.

[29] Tilly, *Coercion, Capital, and European States, AD 990–1992*, 20–21; Katznelson "Flexible Capacity: The Military and Early American Statebuilding"; Max M. Edling, *A Hercules in the Cradle: War, Money, and the American State, 1783–1867* (University of Chicago Press, 2014); and Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (Oxford University Press, 2003).

[30] Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge University Press, 2009); and Gautham Rao, "The Theory and Practice of Federalist Political Economy," in *Washington's Government: Charting the Origins of the Federal Administration*, ed. Max M. Edling and Peter Kastor (University Press of Virginia, 2021).

[31] Feinstein and Wimmer, "Consent and Legitimacy"; Starr, "Dodging a Bullet: Democracy's Gains in Modern War"; Tilly, *Coercion, Capital, and European States, AD 990–1992*, 22, 25, 99–103; and Katznelson, "Flexible Capacity: The Military and Early American Statebuilding," 99–105.

[32] See, for example, Andrew Rudalevige, *The New Imperial Presidency: Renewing Presidential Power After Watergate* (University of Michigan Press, 2006).

[33] Feinstein and Wimmer, "Consent and Legitimacy," 224 (see also 201, 223); and Laura D. Young, "Testing Tilly: Does War Really Make States?" *Social Evolution & History* 21 (1) (2022): 183–184, https://doi.org/10.30884/seh/2022.01.07.

[34] H. George Frederickson (with Ralph Clark Chandler), *The Spirit of Public Administration* (Jossey-Bass, 1996), 220–221. See also King and Lieberman, "Ironies of State Building"; and Rao, "The New Historiography of the Early Federal Government," 128.

[35] Lieberman, "The State, War-Making & Democratization in the United States."

[36] See, for example, Tate, *The Frontier Army in the Settlement of the West*, 62–63, 98–101, 208–212, chap. 10, 258, 267–268; Ericson, "United States Navy"; Karsten, "The 'New' American Military," 404–405; Adler, *Engineering Expansion*; Sherry L. Smith, *The View from Officers' Row: Army Perceptions of Western Indians* (University of Arizona Press, 1990); Rockwell, *The Presidency and the American State*, 64–73, 147–148; Mattes, *The Great Platte River Road*, 122; and Douglas R. Egerton, *The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era* (Bloomsbury Press, 2014).

[37] Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge University Press, 1995), 81; Tate, *The Frontier Army in the Settlement of the West*, 156; Hinton and Thompson, *Courage Above All Things*, 68–81, chaps. 10–12; Adler, *Engineering Expansion*, 85–86; Ruth Bloch Rubin, "State Preventive Medicine: Public Health, Indian Removal, and the Growth of State Capacity, 1800–1840," *Studies in American Political Development* 34 (1) (2020): 24–43, https://doi.org/10.1017/S0898588X20000073; Henrietta Stockel, *Survival of the Spirit: Chiricahua Apaches in Captivity* (University of Nevada Press, 1995), chap. 8; Bailey, "'Intercourse . . . of the Most Friendly Nature': The U.S. Navy, State Power, and William Walker's Invasion of Mexico, 1853–1854"; and Richard Drinnon, *Facing West: The Metaphysics of Indian Hating & Empire Building* (Schocken, 1990), 313–314, 307–332. See also Dodge, *The Powder River Expedition Journals of Colonel Richard Irving Dodge*, 103–106, 113–117, 124, 125–126, 128 note 144, 129, 131–132, 131 note 151, 138–139; H. William B. Gatewood, Jr., *Black Americans and the White Man's Burden, 1898–1903* (University of Illinois Press, 1975); Karsten, "The 'New' American Military," 389, 408–414; Fazal, *Military Medicine and the Hidden Costs of War*, 30; Ricardo A. Herrera, "Toward an American Army: U.S. Soldiers, the War of 1812, and National Identity," *Army History* 88 (2013): 42–57; Skelton, "The Commanding General and the Problem of Command in the United States Army, 1821–1841"; Waciuma, *Intervention in Spanish Floridas 1801–1813*, 166–178; and Hicks, "The Organization of the Volunteer Army in 1861 with Special Reference to Minnesota," 329, 355–362.

[38] James Madison, *Federalist* No. 51, reprinted in *The Federalist Papers*, ed. Clinton Rossiter (Mentor, 1961), 322.

[39] Frederickson (with Chandler), *The Spirit of Public Administration*, 221.