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Gregory Koch  
Director, Information Management Office  
ATTN: FOIA/PA  
Office of the Director of National Intelligence  
Washington, D.C. 20511  
Email: [ODNI\\_FOIA@odni.gov](mailto:ODNI_FOIA@odni.gov)

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

November 14, 2024

Reference: ODNI Case No. DF-2022-00303

This letter provides an interim response to your Freedom of Information Act (FOIA) request to the Office of the Director of National Intelligence (ODNI), received June 1, 2022, requesting 22 specific theses written by students at the National Intelligence University.

Attached to this response are four theses, which were processed under the FOIA, 5 U.S.C. § 552, as amended. During the review process, the foreseeable harm standard was considered and it was determined that the documents may be released in part, with certain information withheld pursuant to the following FOIA exemption:

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Sincerely,



Erin Morrison  
Chief, Information Review and Release Group  
Information Management Office

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**ABSTRACT**

**TITLE OF THESIS: COVERT OPS IN THE 1800s: THE ACQUISITION OF  
EAST FLORIDA FROM SPAIN AND THE SEMINOLES**

**STUDENT:** (b) (6), JAGC, USN

**CLASS NO. PGIP 2002**

**DATE: June 2007**

**THESIS COMMITTEE CHAIR:** (b) (6), USMCR, NDIC

**SECOND COMMITTEE MEMBER:** (b) (6), KEI Pearson, Inc., NDIC

This thesis addresses one aspect of America's founding that has not been sufficiently documented, specifically, a Presidential and Congressionally directed secret U.S. military and simultaneous overt paramilitary operation in Spanish East Florida on the eve of the War of 1812. Later misnamed the "Patriots' Rebellion," this was a figurative and literal black op and was an opening round of the First Seminole War. It could also be considered part of the unofficial southern front of the War of 1812. The subsequent serial conflicts that this event precipitated in the areas south and west of St. Augustine, Florida, did not end until the U.S.-Spanish Florida Purchase Agreement of 1819.

Through a single case study, this thesis illustrates that the initial U.S. government actions, which included the 1800s equivalent of a Presidential Finding, a formal notice to Congress, military deployments, and the early paramilitary combat in East Florida in the winter and spring of 1812, have the character and parameters of present day covert action or covert operations. This conclusion is supported through examining and contrasting the definition and procedural requirements of modern U.S. covert operations and action with the historical facts on the road to the Patriots' Rebellion. This will include examining

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this 1800 version of a Presidential Finding and examining the Congressional support conveying authority to seize Spanish East Florida that was recorded in the Congressional records of that era.

The secret, joint, political, and paramilitary operations in Florida were undertaken by Georgia plantation owners and local Georgia militia or who O'Toole in *Honorable Treachery* called "American supported insurgents." The insurgents were supported by U.S. Army regulars and a U.S. Navy flotilla. They were led by a "General/U.S. Executive Agent." These forces attacked the Spanish Government of East Florida, the Spanish soldiers and residents living there, and the nearby Seminole Indians.

A key motivation for the U.S. executive and Florida insurgent actors that is generally not acknowledged is that among the Spanish in Florida were groups of Black Seminole Indians and black militia troops. Discussion of this point will demonstrate that covert action can, and in this case does, have sub-rosa motivations for governments and individual.

The population of the area included U.S. whites, Spaniards, Red and Black Indians, Africans, and various racial mixtures within each group. Many of the Africans and Black Seminoles in East Florida were originally escapees from bondage in the U.S. or the family members of earlier escapees and their presence had a dynamic effect on the events of the day. The black militia and Black Seminoles lived in complete or relative freedom with the Spanish, with the Red Seminole Indians, and in their own nearby black-township, Fort Mose (also called Fort Moosa). This situation was considered an abomination by U.S. standards.

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The principal aims of the U.S. in Florida were (1) to extend the U.S. territorial borders south to reach from the western Gulf of Florida eastward to the Atlantic Ocean, (2) to eliminate a free black, free Indian, European supported colony on the U.S. southern flank, (3) to loosen the Spanish influence and that of their potential British ally in the region, and (4) to deny the British an easily accessible and strategically significant base in the southern U.S. on the verge of the War of 1812. An important secondary rationale was support of southern U.S. slavery.

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**COVERT OPS IN THE 1800s: THE ACQUISITION OF EAST FLORIDA FROM  
SPAIN AND THE SEMINOLES**

by

(b) (6)

Commander, JAGC, U.S. Navy

Part-time

This thesis has been accepted by the faculty and administration of the National Intelligence University to satisfy a requirement for a Master of Science of Strategic Intelligence or Master of Science and Technology Intelligence degree. The student is responsible for its content. The views expressed do not reflect the official policy or position of the National Intelligence University, the Department of Defense, the U.S. Intelligence Community, or the U.S. Government. Acceptance of the thesis as meeting an academic requirement does not reflect an endorsement of the opinions, ideas, or information put forth. The thesis is not finished intelligence or finished policy. The validity, reliability, and relevance of the information contained have not been reviewed through intelligence or policy procedures and processes. The thesis has been classified in accordance with community standards. The thesis, in whole or in part, is not cleared for public release

Unclassified thesis submitted to the Faculty of the  
National Defense Intelligence College in partial  
fulfillment of the requirements for the degree of  
Master of Science of Strategic Intelligence

June 2007

The views expressed in this paper are those of the author and do not reflect  
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(b) (6), JA, USAR, JMIC

(b) (6), Johns Hopkins University

and

The sacrifices of Black and Red Seminole warriors at the dawn of America's freedom.

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## CHAPTER 1

### COVERT ACTION, THEN AND NOW

Current legal restrictions on covert action are not unreasonable or unworkable and serve the same purpose today as similar ad hoc procedures of 200 years ago. Pragmatists say that current U.S. rules governing covert action are too restrictive in the face of a global war on terrorism, while idealists largely see these and many similar laws as permitting the impermissible. The idealists conclude that covert action results in governmental violations of domestic<sup>1</sup> and international norms of behavior and intrusions into the internal affairs, fundamental human rights, and privacy of foreign states and their citizens.<sup>2</sup> Since this is the goal of a covert action, in many senses, they are right.<sup>3</sup> “A covert operation is, in its nature, a lie,” said Lieutenant Colonel Oliver North during the Iran-Contra congressional hearings.<sup>4</sup> And lies by their very nature can be offensive to someone or some country. Therefore, the idealists have a valid point – but it is apparent that long ago the U.S. and other nation states’ concern with certain aspects of potential violations of the rights of adversaries was considered and dismissed in favor of the

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<sup>1</sup> Internally the U.S. is debated this issue while examining the initial and subsequent revisions to provisions of our *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, Public Law 107-56 (USA PATRIOT ACT).

<sup>2</sup> Mark M. Lowenthal, *Intelligence: From Secrets to Policy* (Washington, DC: CQ Press 2003), 131-137.

<sup>3</sup> Douglas Waller and Mitch Frank, “The CIA’s Secret Army,” *Time*, 3 February 2003, 26.

<sup>4</sup> Nathan Miller, *Spying for America* (New York, NY: Marlowe & Company, 1988), 437.

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greater good of national security.<sup>5</sup> Often the reason to dismiss the above concerns is motivated by secondary or sub-rosa factors. These may take different forms, including: economic, philosophic, or political, among others. There may also be circumstances where the sub-rosa factors overshadow the stated national security concern. Management of these matters has been an Executive and Legislative branch process since the beginning of the republic.

John Jay, Continental Convention delegate and later Chief Justice of the U.S. Supreme Court, said a president should have authority to “manage the business of intelligence in such a manner as prudence may suggest.”<sup>6</sup> Therefore, he would support for the *greater good* a category of permissible lies and actions that violate international community norms. Whether you agree with or oppose this statement, the facts of American intelligence and covert operations demonstrate a cycle where successive administrations have undertaken similar policies and processes; and have approved, adapted, and reused to varying degrees, similar secret methods for over 200 years to conduct successful and unsuccessful covert operations.<sup>7</sup>

In 1811, the approval for President James Madison’s plan for covert action to seize East Florida was conveyed to and from Congress with words and sentiments that

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<sup>5</sup> Waller and Frank, 22.

<sup>6</sup> P.K. Rose, *The Founding Fathers of American Intelligence* (Washington, DC: CIA Homepage, Office of Public Affairs, n.d.), URL: <<http://www.odci.gov/csi/books/940299/art-1.html>>, accessed 25 March 2002.

<sup>7</sup> Stephen F. Knott, *Secret and Sanctioned – Covert Operations and the American Presidency* (New York, NY: Oxford Press, 1996), 4 - 6.

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are repeated in the National Security Act of 1947 (National Security Act) authorizing today's Central Intelligence Agency (CIA) to conduct its covert actions.<sup>8</sup>

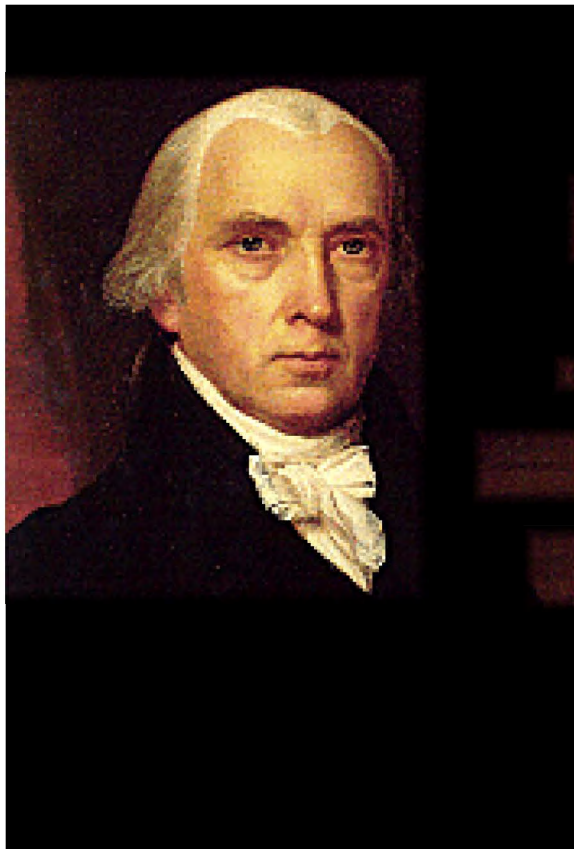


Figure 1. President James Madison

Source: "Biography of James Madison," *The White House Home Page*, URL: <<http://www.whitehouse.gov/history/presidents/jm4.htm>>, accessed 31 July 2006

Included in the execution of the East Florida action is what we can see now as a long standing U.S. policy to use third parties and surrogates when practical.<sup>9</sup> Comparable examples of the covert and direct action that pre-date the National Security

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<sup>8</sup> Miller, 71.

<sup>9</sup> Waller and Frank, 26.

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Act include the alliance between General Andrew Jackson and pirate Captain Jean Lafitte for intelligence gathering and direct action in the Battle of New Orleans; and the agreements between Washington, the OSS, FDR, and the American and Italian Mafias during the allied campaigns in Sicily and mainland Italy during World War II.<sup>10</sup> The CIA's Secret Wars article below by Waller and Frank provides a chronology of several covert U.S. operations.

THE CIA'S SECRET ARMY

## Coups, Killings and Dirty Tricks

The CIA has used covert and paramilitary ops for a half-century—but the results are often messy

**June 13, 1942** President Franklin D. Roosevelt creates the Office of Strategic Services and makes **WILLIAM (WILD BILL) DONOVAN** ▶ director; during World War II, roughly 1,500 OSS agents sneak into occupied Europe and Asia before Allied armies, organizing resistance groups. The office is dissolved after the war



JOHN PHILLIPS—TIMEX

**June 1954** The CIA organizes a coup in Guatemala by **COLONEL CARLOS CASTILLO ARMAS** ▶ and other officers against leftist President Jacobo Arbenz Guzman

**1958** The CIA supports a rebellion against Indonesian President Achmed Sukarno. The rebels fail, and an American mercenary pilot working for the agency is shot down and captured with papers revealing his employer



ZAPATA—AP/WIDEWORLD



**April 17, 1961** A brigade of 1,400 CIA-trained Cuban exiles lands at the Bay of Pigs and is quickly defeated. Seven months later, President John F. Kennedy authorizes Operation Mongoose, a series of sabotage attacks on Cuba. The agency also develops several schemes to assassinate Castro, including two involving the Mafia

**May 30, 1961** Dominican dissidents assassinate dictator Rafael Trujillo. The CIA has encouraged their revolt and supplied weapons

**July 26, 1947** President Harry S Truman signs the National Security Act, creating the Central Intelligence Agency. Five months later, he authorizes covert operations. Most early operations target Eastern Europe, supporting dissidents and disseminating propaganda. During the Korean War, the agency organizes paramilitary forces in the North

**August 1953** In Operation Ajax, CIA officers in Iran engineer a coup against Premier Mohammed Mossadegh, restoring **SHAH REZA PAHLAVI** ▶ to the throne. The agency's role soon becomes widely known

<sup>10</sup> G.J.A. O'Toole, *Honorable Treachery: A History of U.S. Intelligence, Espionage, and Covert Action From the American Revolution to the CIA* (New York, NY: Atlantic Monthly, 1991), 403.

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**1962** Kennedy puts the CIA in charge of all paramilitary operations in Vietnam. In neighboring Laos, the agency builds an army of 47,000 Meo tribesmen, Laotians and Thai mercenaries

**Sept. 11, 1973**  
**GENERAL AUGUSTO PINOCHET**, left, deposes Chile's socialist President **SALVADOR ALLENDE**, right, who commits suicide. The CIA, which had organized a failed coup in 1970, encouraged Pinochet but denies direct involvement to this day

**1975-76** The Senate's Church committee holds lengthy hearings on the agency's covert operations and demands new congressional oversight. President Gerald Ford lays down new rules, and the agency loses its taste for paramilitary missions

**January 1980** The CIA begins supplying money and weapons to Afghan *mujahedin* fighting the Soviets, using Pakistani intelligence as a conduit. The U.S. also urges Saudi Arabia to donate money and volunteers

**1981** President Ronald Reagan appoints Bill Casey as Director of Central Intelligence. Casey re-energizes covert operations, supporting paramilitary efforts in Angola, Cambodia and El Salvador. His biggest operation: funding and training the ▲ **NICARAGUAN CONTRAS**

**1995** The agency pulls the plug on efforts to mobilize Kurdish guerrillas in northern Iraq, convinced that Saddam Hussein is on to the operation

**1998** After the African embassy bombings, the CIA begins an urgent campaign against al-Qaeda in Afghanistan. Agents rebuild contacts with the ◀ **NORTHERN ALLIANCE** and hire armed tribesmen to gather intelligence and try to capture Osama bin Laden —By Mitch Frank

Nicaraguan control during their revolt

Northern Alliance cavalry in Afghanistan

The air arm, which Pentagon officials have

Figure 2. The CIA's Secret Wars  
Source: Waller and Frank, 26

With these examples of recent U.S. covert operations as a backdrop, I believe that both Justice Jay's and LtCol North's observations were accurate for the post-American Revolutionary period, the present Global War on Terror period, and much of the time in between. This view of intelligence management and covert action suggests that a fair assumption could be drawn concluding that the steps taken to initiate the Patriots' Rebellion in East Florida later found life as the blueprint for the U.S. code that regulates

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today's covert action.<sup>11</sup> In addition, I assert that sub-rosa factors during the Patriots' Rebellion were as significant a concern to several key actors as the officially documented national security reasons. This single case study demonstrates that whether we are working without legal restrictions in the 1800s or under current U.S. legal requirements for covert action, U.S. congressional policymakers and executive branch officials choose to fulfill the essential principles of what is now codified in the National Security Act to undertake covert operations.

Chapter 2 is a literature review of what has been written about the Patriots' Rebellion and sub-rosa factors at work behind the scenes during the operation. Chapter 3 of this paper begins by identifying the opposing forces in the Patriots' Rebellion and discusses the combination of Native Americans, white and olive-brown Europeans, and black Africans in the Americas. The motives of the Europeans and the use of Native Americans and black Africans as the labor force to kick start the economic engine that becomes the United States of America are also addressed. Chapter 4 is a narrative summary explaining the facts behind the Patriot Rebellion, emphasizing key events and military action in Spanish East Florida. Chapter 5 uses the National Security Act and other references to provide a definition of modern covert action and a review of section 413 in title 50 United States Code. Title 50 provides the official definition of U.S. covert action and the procedural steps required to lawfully initiate a covert action. Chapter 6 is a comparison of the known facts surrounding the Patriots' Rebellion and of the requirements in Title 50 for establishing a covert action under current U.S. law. Chapter 7 concludes that a clear and unmistakable nexus exists for calling the attempted

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<sup>11</sup> G.J.A. O'Toole, 403; Miller, 71. Due to classification and length concerns, the legislative history of relevant U.S. Code sections will not be addressed.

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acquisition of East Florida from Spain and the Seminoles in the 1800s a covert action under current U.S. law and procedures.

Four annexes are provided to give the reader greater context in specific areas. The first is a copy of the letters to and from the U.S. Army lieutenant colonel who led the U.S. ground forces and later took charge of the military operations against the Spanish after the Patriots gifted the lands that they captured to the U.S. The second annex contains a letter from the Secretary of State James Monroe to the Executive Agents charged with fomenting the Patriots' Rebellion. The third annex is a document that discusses the home of Patriot leader John McIntosh. The McIntosh home was used as the Patriots' Rebellion headquarters. The fourth annex is an excerpt from the Monroe Doctrine, the international policy statement that summarizes the evolving national position on foreign involvement in the Americas during the early 1800s.

Although the term covert action did not exist in 1811, this thesis argues that the initial U.S. government actions in Washington, the military deployments, and the Executive Agent activities in Georgia/Florida between 1809 and early 1812 have the character and parameters of present day covert action or covert operations. Modern U.S. covert action is defined as "an activity or activities of the U.S. Government to influence political, economic, or military conditions abroad where the role of the U.S. Government will not be apparent or acknowledged publicly."<sup>12</sup> This thesis draws the conclusion that the 1800s Patriots' Rebellion was essentially covert action by today's standards.

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<sup>12</sup> Covert Action, 50 U.S. Code § 413b(e).

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## CHAPTER 2

### LITERATURE REVIEW

The activities the U.S. Government orchestrated in Florida circa 1811 to weaken and undermine Spanish political and economic influence are well documented.<sup>13</sup> However, the steps taken by the U.S. executive and legislative branches to facilitate what happened in Spanish East Florida between 1810 and 1812 are not generally labeled as the creation of the procedural steps that are required to initiate a modern U.S. covert action. Stephen Knott in *Secret and Sanctioned* identifies “1776 to 1882, approximately the first century of the nation’s existence, [as] a period . . . slighted by scholars of American intelligence history, despite the fact that the foundation for executive control of covert operations was built during this time.”<sup>14</sup> In fact, Nathan Miller in *Spying for America* describes these critical events and their relationship to the structure of the current covert action laws in nothing more than a passing footnote:

Similar language was used in the National Security Act of 1947 to authorize the Central Intelligence Agency to run covert operations. This act directed the agency to *perform such services of common concern as the National Security Council (NSC) determines can be more efficiently accomplished centrally, and other such functions and duties* relating to intelligence affecting the national security as the NSC may from time to time direct.” (Emphasis added).<sup>15</sup>

Important works on the period are historical accounts of the Patriot Rebellion like John K. Mahon’s chapter “The Patriot War,” in *The Naval War of 1812 - A Documentary*

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<sup>13</sup> M.E. Bowman, “Secrets in Plain View: Covert Action the U.S. Way,” *The Law of Military Operation, International Law Studies* vol. 72 (Newport, RI: U.S. Naval War College Press, 1998), 1 and note 2; Knott, 88-104.

<sup>14</sup> Knott, 4.

<sup>15</sup> Nathan Miller, *Spying for America* (New York, NY: Marlowe & Company 1988), 71.

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*History*,<sup>16</sup> information on Blacks in early America in Jane Landers' *Against the Odds*<sup>17</sup> and *Fort Mose*,<sup>18</sup> stories about Red and Black Seminoles by Kenneth Porter, author of *The Black Seminoles*,<sup>19</sup> and *Black Indians*<sup>20</sup> by William Loren Katz; or intelligence pieces like Stephen F. Knott's *Secret and Sanctioned - Covert Operations and the American Presidency*.

These fine works each touch on or specifically lay out the historical timeline and identify the key players. But other than Mr. Miller and, by general implication, Mr. Knott, none specifically relates these events to the procedural steps and requirements under current U.S. Code for covert action. And outside of Ms. Landers' works, none emphasizes the role that race (black, red, olive, and white) and the African American Diaspora played as a sub-rosa motivation for the actors executing American national security policy in Florida during the period.<sup>21</sup>

A close review of the Patriot Rebellion's practical steps shows that there is no appreciable difference from the procedural requirements under Title 50 U.S. Code.<sup>22</sup> Knott comes close, but falls just short of finding a clear and unmistakable nexus that 200

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<sup>16</sup> John K. Mahon, "The Patriot War," *The Naval War of 1812-A Documentary History*, I (Washington, DC: Naval Historical Center, Department of the Navy, 1985), 186.

<sup>17</sup> *Against the Odds - Free Blacks in the Slave Societies of the Americas*, ed. Jane Landers (London: Frank Cass & Co. Ltd., 1996).

<sup>18</sup> Jane Landers, *Fort Mose - Garcia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida* (St. Augustine, FL: St. Augustine Historical Society, 1992).

<sup>19</sup> Kenneth W. Porter, *The Black Seminoles - A History of Freedom Seeking People* (Gainesville, FL: University Press, 1996), 5.

<sup>20</sup> William Loren Katz, *Black Indians: A Hidden Heritage* (New York: Atheneu Macmillan Publishers, 1986).

<sup>21</sup> Knott, 94 and 99.

<sup>22</sup> The National Security Act of 1947 (50 U.S. Code § 413b(a)).

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years later allows us to call the attempted 1800s acquisition of East Florida from Spain and the Seminoles covert action under current U.S. law and procedures.<sup>23</sup> This failure was not due to the book's lack of information; it just fails to attempt the connection.

In Florida, President Madison took an early run at implementing a policy that would later gain the name of his successor and Secretary of State, the Monroe Doctrine.<sup>24</sup> Madison was clearly motivated on national security grounds but his implementers in Florida had other reasons to act and several impediments.

The raising of a “revolutionary” force had presented something of a problem . . . it appears that the populace in East Florida was not so ripe for revolt . . . overtures seem to have had little impact on a population that was prospering economically and giving shelter from American authorities to runaway slaves and various Indian tribes. The force . . . ultimately assembled was composed *predominantly* of Georgians and a handful of wealthy but discontented American plantation owners. The predominately Anglo composition of the insurrectionary force made it difficult to portray the operation as an indigenous uprising. (Emphasis added.)<sup>25</sup>

While the identity of the executive and insurgent actors is well documented, their motivation to capture runaway slaves, to deny slaves safe refuge in Florida, and to address the real or perceived Seminole Indian threat is not well documented. This chapter of U.S. history is recorded and written with English speaking voices and heroes and heroines who are of European descent. Black, red, and olive-brown skinned actors during the period, if portrayed at all, have their roles marginalized as only supporting or tangential. This representation is generally true in all the prior writing except the works Landers and Katz.<sup>26</sup>

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<sup>23</sup> Knott, 91. A strong argument could also be made that the covert action also applies to the successful acquisition of West Florida.

<sup>24</sup> Annex D - The Monroe Doctrine (1823).

<sup>25</sup> Knott, 100.

<sup>26</sup> Knott, 88; Landers, *Fort Mose*; Landers, *Against the Odds*.

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In *A Peoples History of the United States 1492-Present* Howard Zinn makes a case that moral righteousness in general and moral righteousness in particular to justify conflict in this era was defined by white Europeans and white Americans for their own benefit. Examples supporting Zinn's conclusions that much of U.S. history relating to war and expansionism is cast in a light of moral righteousness include the Pilgrims departure from England for the New World in pursuit of religious freedom, an American war of independence fought to secure personal freedom, a horrific Civil War fought to free Southern slaves, and a Cold War to stop godless Communism. Returning people to bondage, killing off an indigenous population, and violating international laws is not the moral high ground that a substantial number of authors have chosen to address when describing the founding of the U.S.; Zinn does so with enthusiasm.<sup>27</sup>

Lerone Bennett's *Before the Mayflower*<sup>28</sup> has been the standard for a short course in African American history for several decades. Lander's book, Bennett's *Before the Mayflower*, Bergman's *The Chronological History of the Negro in America*,<sup>29</sup> and Van Sertim's *They Came before Columbus*<sup>30</sup> are sampled to support and expand on Bennett's information. The Indian materials were of a general nature like Calloway's *The*

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<sup>27</sup> Howard Zinn, *A Peoples History of the United States 1492-Present*, revised and updated ed., (New York: HarperPerennial, 1995), 124. Much like victor's justice, where the victors on the battlefield decide in retrospect what was a crime by the losers and who among the losers are criminals, U.S. intelligence historians have restricted critical commentary to the body of work on the deviations from moral righteousness by our founding fathers in the name of national security.

<sup>28</sup> Lerone Bennett Jr., *Before the Mayflower: A History of Black America*, 5th rev. ed. (Chicago, IL: Johnson Publishing Co., Inc., 1982).

<sup>29</sup> Peter M Bergman, *The Chronological History of the Negro in America* (New York: Berman Book/Harper & Row, Publishers, 1969).

<sup>30</sup> Ivan Van Sertima, *They Came before Columbus* (New York: Random House, 2003).

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*American Revolution in Indian Country*, or specific to Black Indians like the DEOMI publication<sup>31</sup> and Katz' *Black Indians*, or Porter's *Black Seminoles*.

Several government publications and internet sites along with *The Winding Road to Freedom – A Documentary Survey of Negro Experiences in America*<sup>32</sup> are used to provide supporting documents and comments of the participants. These include the White House homepage, *American State Papers*, *The Annals of Congress*, Presidential Executive Orders, and United States Code.

Finally, in any writing about covert actions, common factors or characteristics of covert action must be acknowledged. These common factors or characteristics exist in both pre-code and code-driven U.S. covert action. The most prominent factor is the actor's ultimate ability to express "plausible deniability." The same is true of the US in Spanish East Florida. The central nature of plausible deniability is addressed tangentially in all the current literature. Plausible deniability, however, is such a key pillar and virtually at the heart of covert action that it deserves greater emphasis than most of the referenced works have provided. Plausible deniability is addressed by M.E. Bowman and Knott in the traditional sense; that is, Governments' want to have plausible deniability for the covert actions they conduct. However, none of these authors address the need to maintain plausible deniability because a failure to do so in the Patriots' Rebellion risks alerting the public and international community to the failings, moral and otherwise, inherent in the Florida operations. The authors do not highlight that plausible deniability of the Patriots' Rebellion was necessary because this mission was 180 degrees out of

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<sup>31</sup> Defense Equal Opportunity Management Institute (DEOMI), Directorate of Research, "Black Seminoles" DEOMI Heritage Series Pamphlet 99-3, 1998 (Patrick AFB, Coco Beach, FL: DEOMI, 1998).

<sup>32</sup> *The Winding Road to Freedom – A Documentary Survey of Negro Experiences in America*, ed. Alfred E. Cain (New York, NY: M.W. Lads, 1965).

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sequence with support for the self-determination and constitutional rights for which the nation just fought for in the American Revolution.<sup>33</sup>

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<sup>33</sup> Bowman, 3; Knott, 7-8.

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### CHAPTER 3

#### **PRECURSOR TO REBELLION: THE NEW MIX OF RED, BLACK, BROWN, AND WHITE<sup>34</sup>**

One of the longest unwritten chapters in the history of the United States is that treating of the relations of Negroes and the Indians. The Indians were already here when the white men came and the Negroes brought soon after ... found among the Indians one of their means of escape.

Carter G. Woodson, *Journal of Negro History*, 1920.

#### **BACKGROUND – CREATING THE OPPOSING FORCES**

In 1492, Pedro Alonso Nino, a free black man, was a member of Christopher Columbus' crew.<sup>35</sup> He was probably the first free man of African descent to accompany Europeans to North America, but possibly not the first free man of African descent to land in the Americas. In *They Came before Columbus*, Professor Ivan Van Sertima notes that Columbus wanted to find out the truth of "what the Indians of Hispaniola had told him, that there had come to it [Hispaniola] from the south and southeast Negro people, who brought those spear points made of metal which they call guanine, of which he had sent to the king and queen for assaying, and which was found to have thirty-two parts, eighteen of gold, six of silver, and eight of copper."<sup>36</sup> Van Sertima argues that physical

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<sup>34</sup> DEOMI "Black Seminoles."

<sup>35</sup> Bennett, 82; Stephanie Bernardo, *The Ethnic Almanac* (Garden City, NY: Dolphin Books-Doubleday & Co. 1981), 67; Bergman, 2; Charles H. Wesley, *International Library of Afro-American Life and History: In Freedom's Footsteps, From African Background to the Civil War* (Cornwells Heights, PA: The Publishers Agency, Inc., 1978), 26.

<sup>36</sup> Van Sertima, *Dust Cover*, 1; The African facial-featured "Olmec head [located in Mexico] weighing sixty tons [carbon] dated to 800 B.C. and a 350" sculpture from the west coast of the Nicoya Peninsula (Costa Rica) dated A.D. found in the December 1992 calendar photograph. What's a Face

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evidence like guanines demonstrates that Africans were visiting the Americas before Columbus. These “African guanines were alloys of gold containing copper for the sake of its odor, for it seems that the Negroes like to smell their wealth. The guanines brought home by Columbus were assayed in Spain and were found to contain the same ratio of alloy as those in African Guinea.”<sup>37</sup> Although it is largely unreported, when Europeans met Native Americans in the New World, black people were also present.



Figure 3. 1735 Pen and Ink Drawing Showing Indians and an African.  
Source: Katz, 31.

People of African descent (free and enslaved) were with Columbus; with Balboa when he arrived at the Pacific Ocean in 1513; with Cortez in Mexico in 1519; with the Navaez expedition to what is now the Florida and the Mississippi region in 1527; with

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Productions-Takoma Park, MD, *A Journey Into 366 Days of Black History-Calendar* (Petaluma, CA: Pomegranate Calendars & Books, 1992).

<sup>37</sup> Van Sertima, 1.

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the English slave trader William Hawkins in Brazil in 1530; in Guinea in 1562; and with Pizarro in Peru in 1532.<sup>38</sup>



Figure 4. Chief John Horse, Black Seminole leader, n.d.

Source: "History's Missing Chapter- Black Indians," *American Legacy*: 3, no. 1 (spring1997): 34

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<sup>38</sup> Bergman, 5.

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Figure 5. Black Indian family members: Kitty Cloud with her sister, daughter, and neice, 1886.  
She is married to a former slave, the father of her daughter.

Source: "History's Missing Chapter- Black Indians," *American Legacy*: 3, no. 1 (spring 1997): 38

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Figure 6. Maroon Warrior, n.d.

Source: "History's Missing Chapter- Black Indians," *American Legacy*: 3, no. 1 (spring 1997): 32

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## THE NEW LABOR FORCE—AFRICANS REPLACE INDIANS

In the century following Columbus' landing, millions of Native Americans died from a combination of European diseases, harsh treatment, and murder. Africans took their place in the mines and fields of the New World. The 80 million Native Americans alive in 1492 became only 10 million... a century later... [T]he 10,000 Africans working in the Americas in 1527, had by the end of the century become 90,000.<sup>39</sup>

The initial group of Africans introduced to North America by English-speaking persons at Jamestown, Virginia, in 1619 was "indentured servants," not slaves.<sup>40</sup> As indentured servants, they should be characterized as conditionally free people.<sup>41</sup> However, that status did not last for those who followed the Jamestown group to the American continent for several reasons.

First, consider that "in the beginning of the 14th century, armed groups of Europeans began searching Africa for gold, salt, and other wealth. They claimed land, destroyed old trade routes, and brought manufactured goods which destroyed the market for native products... Disorganized and demoralized, colonized Africans became increasingly vulnerable as a source of cheap labor."<sup>42</sup> In 1492, Mexico, Central America,

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<sup>39</sup> Katz, *Black Indians*, 29.

<sup>40</sup> They arrived after they were pirated by the crew of a Dutch man-of-war from a Spanish vessel bound for the West Indies. Bennett, 29, 441; Paul Johnson, *A History of the American People* (New York, NY: HarperPerennial, 1999), 27.

<sup>41</sup> Katz, 28; "The first Africans brought to the New World by European slavers probably arrived in April 1502 aboard the ship that brought the new governor of Hispaniola, Nicolas de Ovando. Soon after they landed, some of the Africans escaped to the woods and found a home among the Native Americans. Later that year Governor Ovando sent a request to King Ferdinand that no more Africans be sent to the Americas. His reason was simple: 'They fled amongst the Indians and taught them bad customs, and never could be captured.'" Johnson, 27.

<sup>42</sup> Yussuf Naim Kly, *International Law and the Black Minority in the U.S.* (Atlanta, GA: Clarity/Commoners' Publishing Society Inc., 1985), 54.

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South America, the Andes region, and the Caribbean were densely populated with native tribes.



Map 3. Indian country during the American Revolution, showing the approximate locations of major tribes.

Figure 7. The Revolution in Indian Country

Source: Calloway, 27

Contact with Europeans precipitated a dramatic, multi-generation, and cataclysmic population decline. Death due to previously unknown microbial infections, like smallpox, pulmonary illness, and gastrointestinal disorders soon afflicted the Native American population. De-population by disease reduced the need for war and reduced

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the European financial and human capital expense of wresting control of the American continent and its vast riches from Native Americans.<sup>43</sup> One source estimates that between 1550 and 1850 3,000,000 North, South, Central, and Caribbean Indians died from smallpox.<sup>44</sup> Diseases like smallpox undermined the continued use of Native Americans as slave labor in the fields and mineral mines. Accordingly, Indian deaths were countered with the import of enslaved Africans from West Africa. Thus began the forced de-population of the African continent.

The European trade in Africans began in 1444. The European arrival in the Americas combined Europeans, disease, Indians, and Africans to form a mixture and mixing of people on a scale that was previously unknown in North and South America. Due to the Africans' ability to survive the conditions that were killing the Indians, as well as the immoral wealth the slave trade brought its practitioners, the trade continued for 400 years. Millions of Africans died after their capture, on the ships that transported them, and on western hemisphere plantations. During the slave trade, Africa lost over 40 million men, women, and children.<sup>45</sup> Although 40 million Africans left the continent, less than one-half survived. The largest numbers over the last 300-years were "absorbed" by Brazil.<sup>46</sup>

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<sup>43</sup> E. Wagner Stearn and Allen E. Stearn, *The Effect of Smallpox on the Destiny of the Amerindian* (Boston, MA: Bruce Humphries, Inc., 1945), 127-138; T. Fredrick Davis, "United States Troops in Spanish East Florida, 1812-1813 Part One," 2002, *FortMose.com*, URL:<[www.fortmose.com/pw\\_part1.html](http://www.fortmose.com/pw_part1.html)> accessed 4 March 2005.

<sup>44</sup> Stern and Stern, 127-138.

<sup>45</sup> Bennett, 29.

<sup>46</sup> Johnson, 9.

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**BLACK INDIANS PAST AND PRESENT**

A complicating factor in the crazy quilt pattern of American amalgamation is the large-scale intermixture of [B]lack and Indian genes. Melville J. Herskovits wrote, blacks “have mingled with the American Indian on a scale hitherto unrealized.” [John Hugo] Johnston said, “The Indian has not disappeared from the land, but is now a part of the Negro population of the United States.”<sup>47</sup>

The modern result of this merging of red and black bloodlines came in a man television cast as a salt-and-pepper-headed comic. Malcolm X called him, “Chicago Red... the funniest dishwasher on the earth.”<sup>48</sup> His real name was John Elroy Sanford; his stage name was “Redd Foxx.” Then there was the woman whose family named her Loretta Mary Aiken. “Born of mixed Black, Cherokee, and Irish”<sup>49</sup> stock, we labeled her African-American; her professional name was “Moms” Mabley. Also of red and black heritage were sculptress Edmonia Lewis, named “Wildfire,” of black and Chippewa parents; and Black Seminole leader John Horse who was the last former enslaved person to sit in the U.S. Congress (1897 and 1901). He was the first to introduce a Federal anti-lynching bill.<sup>50</sup>

[I]n the 1920s the anthropologist Melville J. Herskovits... concluded that between a quarter and a third of African-Americans had at least one Native American ancestor. Today that figure is closer to 95 percent. Frederick Douglass, Martin Luther King, Jr., Leana Horne, Alex Haley, Jesse Jackson, Alice Walker,

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<sup>47</sup> Bennett, 321. Bennett further states, “The material in this chapter [of *Before the Mayflower*] on amalgamation during the slavery period is based largely on John Hugo Johnston’s doctoral dissertation at the University of Chicago, ‘Race relations in Virginia and Miscegenation in the South, 1776-1860,’ Carter Woodson’s article, ‘The Beginnings of the Miscegenation of the Whites and Blacks’ in the *Journal of Negro History*, and A. W. Calhoun’s study, *A Social History of the American Family*.”

<sup>48</sup> Bernardo, 15.

<sup>49</sup> Bernardo, 16.

<sup>50</sup> DEOMI, 11.

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Langston Hughes, and LL Cool J are just a few of the [past and present] African-Americans who have acknowledged their Indian ancestry.<sup>51</sup>

If each of these Americans had lived just one generation earlier, they may have been described as Indians, or Black Indians.

Black-Indian mixtures began in the colonial period when both groups were held as indentured servants and slaves. In the absence of legal prohibitions [which came later], squaws took black husbands and braves took black wives. As the black population increased, whole Indian tribes ... became untraceably lost in the Negro population of the South.<sup>52</sup>

### THE SEMINOLE INDIAN EXPERIENCE

The Seminole Indian experience is one of the most striking examples of the red and black mix in American history. According to researcher Darrell Riley, "The word 'Seminole' is an English derivation of the Spanish word 'cimarron,' which means wild one or wild people, possibly a reference to the remoteness of the Seminoles from the Creeks."<sup>53</sup> Author Kenneth W. Porter says the Indians separated from the main body of Lower Creeks and were sometimes known as "Seminoles," or "seceders."<sup>54</sup> A University of Florida web site, *Seminole Introduction*, says, "The word Seminole means 'one who has camped out from regular towns' or 'runaway.'"<sup>55</sup>

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<sup>51</sup> William Loren Katz, "History's Missing Chapter: Black Indians," *American Legacy* 3, no.1, (Spring 1997): 32.

<sup>52</sup> Bennett, 321-322. The author of this thesis and his wife can each trace the mixing of Indian, African, and whites in their own lineage during the 1700 and 1800s.

<sup>53</sup> Darrell G. Riley, "The Seminoles (1700-1821)," *Star-Banner Internet site*, n.d., URL: <<http://www.starbanner.com/History/Seminoles.html>>, accessed 23 April 1998.

<sup>54</sup> Porter, 5.

<sup>55</sup> "Seminole Introduction," *University of Florida*, URL: <[http://www.coe.ufl.edu/Faculty/Lamme/student project/Seminole/introseminole.html](http://www.coe.ufl.edu/Faculty/Lamme/student%20project/Seminole/introseminole.html)>, accessed 23 April 1998.

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By the mid-1700s, these red and black people had evolved into a dominant force in what was called Spanish Florida. Over 200 years of European diseases, conflict with colonial rivals, loss of the Yamasse War, a Creek Indian civil war, migration, integration of runaway African slaves, and various military alliances ultimately produced the Seminole Nation.

By the mid-1700s, the area [from] present-day Tallahassee to St. Augustine and South to the rolling hills northeast of Tampa Bay slowly was transformed into the land of the Seminoles. The heart of this nation lay in the great Alachua savanna (Paynes Prairie) ... in present-day Marion, Sumter, and Citrus counties [Florida].

When Britain gained Florida from Spain after the French and Indian Wars in 1763, the Florida natives were completely separated from their Creek counterparts to the north. When James Grant, the first British governor of East Florida (present day northeast and central Florida), called the Creek leaders together for a meeting ... Cowkeeper [the lower Creek/Florida Creek leader] did not attend. He paid a personal visit to Grant a month later, and as result, the British government began treating the Florida tribes as a separate group, calling them the Seminoles.<sup>56</sup>

Decades later, with Spanish offers of freedom and safety guaranteed by a Spanish and Indian alliance, enslaved Africans made Spanish Florida the runaway slaves' destination of choice. Some early escapees even ventured back to "fetch" more family from Georgia and Alabama.<sup>57</sup> It is important to remember that enslaved Africans still outnumbered freedmen and that gradually the white practice of enslaving Africans was being adopted by Native American communities. It is ironic that the nation was engaged in a struggle for freedom from England while its citizens were simultaneously enslaving Africans and trying or planning to eradicate Native Americans, who were themselves

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<sup>56</sup> Riley, "The Seminoles."

<sup>57</sup> Katz, *Black Indians*, 49.

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practicing African slavery. A prominent commentator on one aspect of the struggle was Thomas Jefferson, a future Secretary of State, President, and himself the owner of enslaved Africans and the alleged father of one or more enslaved African/mulatto children.<sup>58</sup> In the draft of the Declaration of Independence that Jefferson submitted for approval to the Continental Congress on 28 June 1776, Jefferson wrote of a paradox in his life and his new country's future. Following the famous phrase "all men are created equal," he penned,

He [the King] has waged cruel war against human nature itself, violating its most sacred rights of liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is warfare of the Christian king of Great Britain. *Determined to keep open a market were MEN should be brought and sold, he has prostituted his negative for suppressing every legislative attempt to restrain the execrable commerce; and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he also obtruded them: thus paying off former crimes committed against the liberties of one people, with the crimes which he urges them to commit against the lives of another.* (Emphasis added.)<sup>59</sup>

Native American enslavement did not usually include return of runaways to their former white masters in the north. Instead, runaways became free or more likely they

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<sup>58</sup> Jefferson Visitors Center, Monticello, *A Self Guided Tour of Mulberry Row at Monticello*, pamphlet (Charlottesville, VA: The Thomas Jefferson Visitors Center, undated).

<sup>59</sup> *The Winding Road to Freedom – A Documentary Survey of Negro Experiences in America*, 34-40. Jefferson continues,

In every stage of these oppressions we have petitioned for redress in the most humble terms, our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be ruler of a people who mean to be free. Future ages will scarce believe that the hardiness of one man adventured, with the short compass of twelve years only, to lay a foundation, so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.

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became enslaved beside the Africans the Indians had earlier taken from whites in raids on their northern plantations.

Evidence of the “great ethnic and racial diversity and the intermarriage of Indians and Africans and Africans and whites” was prominent in Spanish East Florida.

Parish registers reflect the great ethnic and racial diversity in Spanish Florida in these years [1740s to 1760s]. Because there were fewer female runaways, the [escaped] males were forced to look to the local possibilities for marriage partners - either Indian women from the two outlying villages of Nuestra Senora de la Leche and Nuestra Senora de Tholomato, or free and slave women from St. Augustine. Interracial relationships were common, and families were restructured frequently when death struck and widowed men and women remarried.<sup>60</sup>

Catholic Church records document intermarriage among all three of the races. Of note during this time is that white [Spanish loyalists] and African marriages in what is now the City of Jacksonville and Nassau, Duval, and St. Johns Counties in Florida included some of the wealthiest and most dominant plantation owners of the 1700s and early 1800s. Of particular note is the union of Zephaniah Kingsley, Jr. and his former enslaved African wife, Anna Magigine Jai (Anta Majigeen Ndiaye) Kingsley. Today the main east-west road in the Orange Park suburb of Jacksonville is Kingsley Avenue. In their wealthier periods, that family owned multiple plantation sites in the U.S. and Haiti, hundreds of enslaved Africans, as well as much of present day Fort George Island, north of the current U.S. Naval Station at Mayport, Florida, and parcels of land south to present day Orange Park, Florida, near Naval Air Station Jacksonville. The Kingsley Plantation home on Fort George Island is significant because it was the headquarters for Patriot Rebels when the home was owned by a later resident, Col John McIntosh, local leader of the Patriots.

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<sup>60</sup> Landers, *Fort Mose*, 24 and 137.

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Remember, the U.S. had multiple reasons to seek control of Spanish Florida.

Acquisition of Spanish Florida was in keeping with the U.S. pursuit of space to accommodate its increasing population<sup>61</sup> and was a sequential step in the expansion of U.S. territory to the natural defensive barriers of the western mountains and rivers, the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico. The U.S. desire to acquire Spanish Florida was also a consequence of the individual and collective tensions between the U.S. government and the native peoples of the area, and the Governments of Spain, the U.S., and Great Britain.<sup>62</sup> African slavery and Native American independence overlapped each of these reasons.<sup>63</sup>

In the aftermath of the Louisiana Purchase from France in 1803,<sup>64</sup> the following conditions were key reasons why U.S. intentions remained consistent with acquiring additional territory in North America. There was a perceived need to fortify the borders in the face of growing tension with Great Britain on the eve of the War of 1812.<sup>65</sup> The “existing crisis” had been brought about by a chain of events beginning with Napoleon’s conquest of Spain three years earlier, a shock that loosened Spain’s grip on her American colonies. Some members of Spanish colonial authority in East and West Florida held no allegiance to Napoleon’s brother Joseph, who now sat on the Spanish throne. This left

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<sup>61</sup> Zinn, 124. Referencing Michael Rogin’s *Father’s and Children*, “In 1790, there were 3,900,000 Americans, and most of them lived within 50 miles of the Atlantic Ocean. By 1830, there were 13 million Americans, and by 1840 4,500,000 had crossed the Appalachian Mountains into the Mississippi Valley... In 1820, 120,000 Indians lived east of the Mississippi. By 1844, fewer than 30,000 were left.”

<sup>62</sup> Zinn, 124.

<sup>63</sup> Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge, UK: Cambridge University Press, 1995), 293.

<sup>64</sup> “The Debates and Proceedings in the Congress of the United States with Appendix,” *Annals of Congress*, 11th Cong., 3rd Sess., 1810-1811, 22 (Washington, DC: Gales and Seaton, 1853), 66-83.

<sup>65</sup> Robert C. Byrd, *The Senate 1789-1989 - Address on the History of the United States*, 1 (Washington: GPO, 1988), 58-59.

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the West and East Florida colonies dangling like ripe fruit, ready to be plucked by Britain, which was then in the eighth year of her war with Napoleon and on the verge of war with the United States.<sup>66</sup>

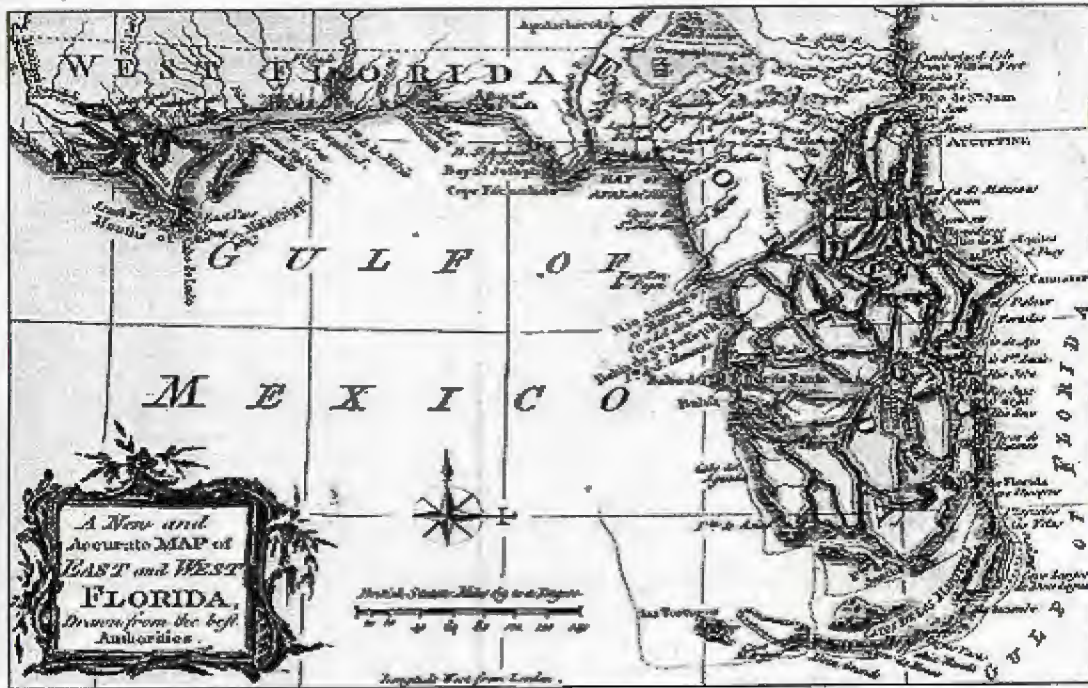


Figure 8. West and East Florida in 1763: "A new and accurate map of East Florida and West Florida, drawn from the best authorities for the London Magazine in 1762"

Source: Riley, 1

The recent U.S. annexation of West Florida over muted international objection while arguing it was (1) part of an independent territory, (2) part of the recently acquired Mississippi Territory, and (3) annexed at the request of the area's inhabitants<sup>67</sup> provided

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<sup>66</sup> O'Toole, 101.

<sup>67</sup> *American State Papers, Documents Legislative and Executive of the Congress of the United States from the First Session of the Eleventh to the Second Session of the Seventeenth Congress, inclusive: Commencing May 22, 1809, and ending March 3, 1823, Class 10 Miscellaneous, 2* (Washington, DC: Gales and Seaton, 1834), 129, 155, 163-164; Miller, 68-70.

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an early road map for U.S. expansion. The administration in Washington had already expressed similar designs on Spanish East Florida;<sup>68</sup> and there was a perceived threat

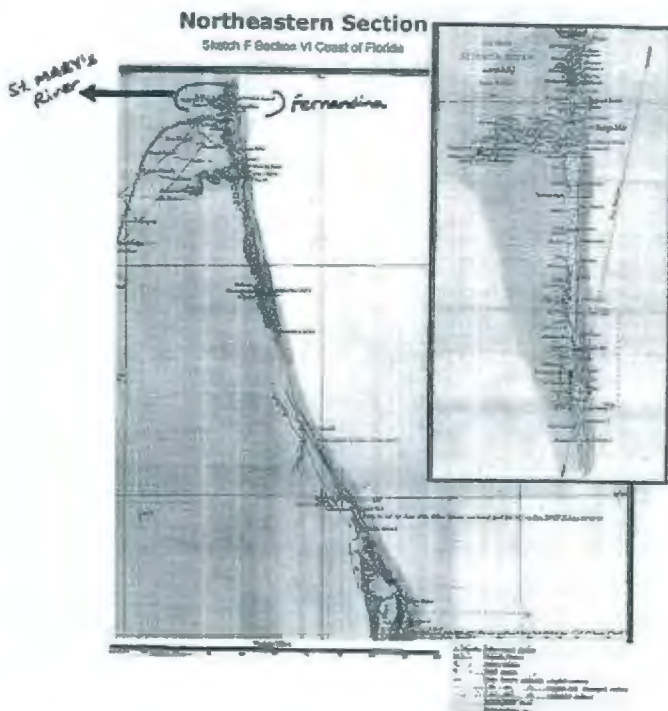


Figure 9. Northeastern Florida

Source: DEOMI Files

posed by the growing strength of strategically placed Spanish in East Florida who were potential allies of Britain and the Florida-based Seminole Indians.<sup>69</sup>

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<sup>68</sup> *American State Papers, Documents Legislative and Executive of the Congress of the United States from the First Session of the Eleventh to the Second Session of the Seventeenth Congress, inclusive: Commencing March 3, 1789, and ending March 3, 1815, Class 1 Foreign Relations, 3* (Washington, DC: Gales and Seaton, 1832), 538-545 and 571-573.

<sup>69</sup> Calloway, 293.

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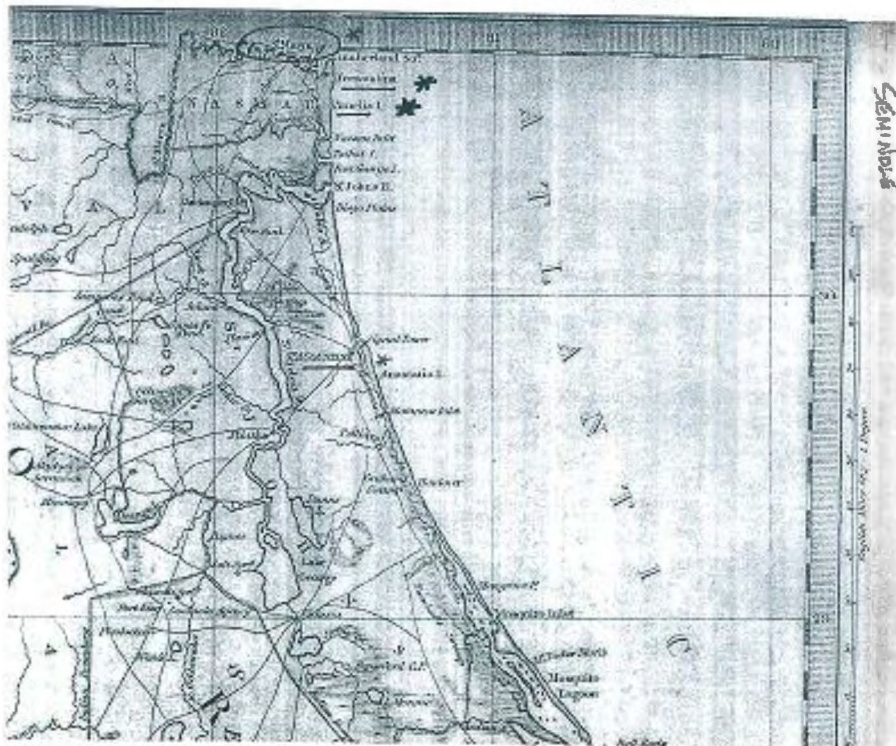


Figure 10. Northeastern Florida Close-in View #1.  
The starred points are the cities of St. Mary's, Fernandina, and St. Augustine.

Source: DEOMI Files

On the last point, the Seminoles were a unique Indian threat because Spanish East Florida (both the Seminoles and the Spanish communities) gained a considerable amount of strength from the flow of escaping enslaved Africans who were running across the Georgia border into Spanish territory seeking freedom.<sup>70</sup> They came for freedom and to continue a war of independence that was in part their own.

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<sup>70</sup> Porter, 5-7.





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that African slavery was immoral in the wake of the American war for independence. However, in the north and especially the south, patriotic rhetoric from the American heralds of freedom applied only to whites and not the abomination of slavery. An inequitable application of the standards that applied to white colonists in their fight for freedom and self-determination was the rule in force. As a result, during the American Revolution it is estimated that “more than one hundred thousand slaves ... freed themselves by escaping to Canada, Spanish Florida and various Indian Camps.”<sup>72</sup> Later, blacks’ serving in the British Army<sup>73</sup> and seeking refuge with the Indians were remembered by the former masters.

Seeking safe haven with the Indians, a people that a U.S. congressional committee responsible for making Indian policy called an “aggressor in the [American Revolution] without even a pretense of provocation, and [who were] determined” to join forces with the British, was not helpful for blacks in the U.S. or Spanish Florida. Colin Calloway, in *The American Revolution in Indian Country*, noted that the U.S. Constitution depicted Indians as “vicious enemies of liberty [an image that] became entrenched in the minds of generations of Americans. [Indians] siding with redcoats meant opposing the very principles on which the new nation was founded: having fought [to] prevent American Independence, Indians could not expect to share in the society that independence created.”<sup>74</sup> How could the escaped Africans residing with the Seminoles expect any better treatment? The Indian and African postures during the American Revolution were

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<sup>72</sup> Bennett, 69-70.

<sup>73</sup> Bennett, 68.

<sup>74</sup> Calloway, 293.

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remembered by the agrarian, slaveholding south. In the post-war years, they were perceived as a direct threat to southern U.S. security and economic viability.<sup>75</sup> In the early 1800s and specifically 1810-1812, the leadership of the U.S. government was a President, Secretary of State, multiple Senators, and Representatives who were the agrarian slaveholding south. They unquestionably felt the African and Indian threat in a very personal manner and America's history of race relations is a poignant reflection of these men's determination and vision for the young country.

### THE "PATRIOTS"

The Patriots were made up of several different groups. The three main groupings were the mercenary troops employed by George Mathews and John McKee; the local militia-patriots commanded by "Colonel" John McIntosh; and U.S. military personnel commanded on the ground by Lieutenant Colonel Thomas A. Smith, USA, and on the water by Captain Hugh Campbell, USN.

The initial leader, "General" George Mathews, age 72, was the former two-term governor of Georgia who had represented the state in Congress and served in the Revolutionary War.<sup>76</sup> He appears to have had 80-90 mercenaries in his charge. "Colonel" John McKee, age 39, formerly "represented the federal government in its

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<sup>75</sup> Bennett, 69-70. "Not all fugitive slaves left the country. Sizeable numbers hid in the swamps and staged guerilla raids on slave masters ... As late as 1786 a group of England's Soldiers were fighting guerilla actions against slave owners along the Savannah River in Georgia and South Carolina."

<sup>76</sup> Miller, 72; O'Toole, 102.

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dealings with the Cherokees and other Indian tribes;” however, he was discharged from his duties early in the planning stages.<sup>77</sup>

John Houston McIntosh was a wealthy Georgian with significant farmland in Florida. McIntosh had direct command of 180 Patriot insurgents.<sup>78</sup> In 1805, McIntosh purchased Mulberry Grove Plantation along the St. John’s River, in what is now the Orange Park suburb of Jacksonville, Florida. Mulberry Grove Plantation is named for trees that populated the area. In 1939, a portion of the Plantation lands became the present site of U.S. Naval Air Station Jacksonville.<sup>79</sup> While not directly under McIntosh’s command, President Madison had five Navy gunboats (including gunboats Nos. 10, 62, and 63)<sup>80</sup> and two sloops, the USS *Wasp* and USS *Nautilus*, stationed on/patrolling the St. Mary’s River, which runs between Georgia and Florida. Capt Hugh Campbell, USN, commanded these U.S. Navy forces. The U.S. Army ground forces, the First Regiment of United States Riflemen, were commanded by Lieutenant Colonel Thomas Adams Smith.<sup>81</sup> He commanded a regular U.S. Army company of 250 soldiers; 150 soldiers ultimately moved into Florida and 100 were left in reserve on the Georgia border.<sup>82</sup>

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<sup>77</sup> O’Toole, 102.

<sup>78</sup> Davis, 2.

<sup>79</sup> From 1992-1995 the author was the Command Judge Advocate for NAS Jacksonville. From 1995-1998 the author was the senior judge advocate onboard Naval Submarine Base Kings Bay, which is located off the St. Mary’s River in St. Mary’s, Georgia.

<sup>80</sup> *The Naval War of 1812-A Documentary History* 1, ed., William S. Dudley (Washington, DC: Naval Historical Center, Department of the Navy, 1985), 187.

<sup>81</sup> Namesake for the city of Fort Smith, Arkansas.

<sup>82</sup> *Encyclopedia of the War of 1812*, ed., David S. Heidler and Jeanne Heidler (Santa Barabra, CA: ABC-CLIO, Inc, 1997), 88.

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President Madison's secret letter of 3 January 1811,<sup>83</sup> asking Congressional authority to seize East Florida and repel foreign armies that may enter the area, was presented in a confidential/closed session of the 3<sup>rd</sup> session of the 11<sup>th</sup> United States Congress.<sup>84</sup> As a result, Congress authorized what became secret orders to General George Mathews to follow the President's wishes. Congress authorized \$100,000 to accomplish the mission.<sup>85</sup>

General Mathews proceeded from the St. Mary's River area of Georgia just above the Spanish Florida border and began a campaign of actions to influence political, economic, and military conditions in Spanish East Florida. By definition, this was a campaign of executive action abroad – “outside the U.S.,” concentrating on a foreign territory, Spanish East Florida. Ultimately, General Mathews led a group of insurgents, called “Patriots,” in military action against Spanish East Florida. The attack on Spanish East Florida was called the “Patriots’ Rebellion.”<sup>86</sup>

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<sup>83</sup> James Madison, *A Compilation of the Messages and Papers of the Presidents*, 2, 468-954, Madison's 3 January 1811 letter (New York: Bureau of National Literature, Inc. undated), 473.

<sup>84</sup> *Annals of Cong.*, 22, 83.

<sup>85</sup> Miller, 72.

<sup>86</sup> Porter, 5-7.

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**CHAPTER 4****THE PATRIOT'S REBELLION - KEY EVENTS AND MILITARY ACTION****PATRIOT WAR 1811 – MAY 1814**

The major powers of Europe were at war and their territory and possessions around the world were pawns in their battles. By European standards, Spain owned Florida in 1810, but the Florida Indians considered it their homeland. The United States lusted to possess Florida, and Britain was determined to keep the U.S. out. In accordance with the desire to acquire Florida, President James Madison's administration asserted that West Florida was part of the earlier Louisiana Purchase and, over ineffectual European objections, annexed Florida between the Perdido and the Mississippi Rivers, from the Gulf of Mexico northward to the 31<sup>st</sup> parallel into the U.S. <sup>87</sup>

While that fulfilled part of President Madison's obsession with acquiring Florida, it was not the end, but only the beginning. Accordingly, on 15 June 1811, Madison pushed through Congress a secret resolution to absorb more of Florida if some responsible authority willingly transferred it to the U.S. Madison then recruited a local agent to promote the creation of an authority that could affect the transfer and the final acquisition for the U.S. General George Mathews, a 72-year old veteran of the Revolutionary War and twice the Governor of Georgia, became Madison's Executive Agent for this secret mission. Historians differ over whether Mathews received positive written instructions on his mission, but his actions demonstrate that he was convinced by

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<sup>87</sup> John K. Mahon, "The Patriot War," *The Naval War of 1812-A Documentary History*, I (Washington, DC: Naval Historical Center, Department of the Navy, 1985), 186.

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talks with the President and Secretaries of State Robert Smith and James Monroe<sup>88</sup> that he was carrying out U.S. national security policy.

Mathews' plot took shape quickly and he concluded that a small, easily staged revolution against Spain would place leaders in control who could then offer Florida to the United States. Mathews opened discussions with local plantation owners and community leaders who had interests and investments on both sides of the Spanish Florida – U.S./Georgia border. Under Mathews' guidance, a group of these men organized themselves into the "Patriots" organization. Their first military objective was to conquer St. Augustine, home to the Spanish Governor and his military garrison. In a show of potential military support, the U.S. government kept two Navy gunboats and one Navy brig in Spanish waters near St. Augustine. In addition, 150 U.S. Army regulars stood by on the ground for potential action. The U.S. ground commander and his counterpart at sea both had orders to aid the Patriots if they requested such aid, but neither was generally active in the initial invasion.

The Patriot forces invaded Florida on 13 March 1812. They were only able to advance to and capture Fernandina on Amelia Island just south of the Georgia border and about 60 miles north of St. Augustine. Without direct U.S. military help in the initial invasion, the Patriot force could not capture the stone walled Castillo at St. Augustine, but ultimately took Fernandina and the black African enclave of Fort Mose. The Patriots declared Fernandina their new capital and announced that the area under their control was now the Republic of East Florida—an independent territory abutting Spanish East Florida. The Patriots next offered this area between the St. Marys River in Georgia and

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<sup>88</sup> James Monroe replaced Robert Smith as Secretary of State on 11 April 1811.

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the St. Johns River in Florida, including Fernandina on Amelia Island, to U.S. Executive Agent Mathews.



Figure 12. Northeastern Florida Close in View #3

Source: DEOMI Files

Mathews readily accepted the Republic on behalf of the U.S. On 26 March, the Patriots summoned the Spanish governor to surrender St. Augustine. He refused to surrender and sent for reinforcements to join him and the Black and Red Seminoles, who were prepared to confront the Patriot invaders.

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On 10 July 1812, the Patriots drew up a constitution for the new Republic of East Florida and elected John Houston McIntosh, a wealthy Scottish-American who had previously sworn allegiance to the King of Spain, its Director/President.

By this time, the Madison administration realized that war with Great Britain was imminent and that they were about to embark on a multi-front war if the conflict in Florida grew in scale. Since Spain and Britain were allies against Napoleon, an adventure in Florida would be even more hazardous for the U.S. in a war with Britain. Once the adventure in Florida became known and was perceived negatively by the American public, Madison determined to sacrifice General Mathews “for the public good” and show the public that he was backing out of the Florida adventure. Secretary Monroe initiated this immolation on 4 April, when he wrote to Mathews that the measures he had adopted to gain possession of Amelia Island and the surrounding parts of the Spanish mainland were not authorized by U.S. law. President Madison through Secretary Monroe further advised the country and stated that the U.S. government never intended to wrest Florida from Spain by force; this was Executive Agent General Mathews’ error. To soften the blow to a shocked Mathews, Monroe added the General’s error had sprung from commendable zeal as he relieved him as U.S. agent. This was an effort at plausible deniability. Mathews started for Washington to vindicate himself and reveal the government’s duplicity, but he died enroute on 30 August 1812. Davis B. Mitchell, the Governor of Georgia, was appointed to replace Mathews.<sup>89</sup>

On 19 June 1812 (one day after the U.S. declaration of war against Britain), the U.S. House of Representatives agreed to consider occupation of all Florida, but when the

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<sup>89</sup> Knott, 101-102.

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U.S. Senate disagreed 16 to 14, Sec. Monroe wrote Gov. Mitchell to remove the troops. His letter strongly implied that he hoped Mitchell, for the good of the nation, would not actually follow these instructions. If Mitchell failed to comply maybe it would appear to the nation that Mitchell, and not the U.S. government, was responsible for the continued occupation of East Florida - more plausible deniability. Mitchell understood the hint for plausible deniability and the troops stayed.<sup>90</sup>

The local Patriots were involved because many of their slaves escaped to Florida and because they had a very unhappy relationship with the Florida Indians. White inhabitants of the southern United States were perpetually indignant at Spain and the Florida Indians. Spain could not control the Seminoles, and there were recurring clashes between Georgians and the Florida Indians. Two post-Patriot militia invasions of Florida also occurred, one originating in Georgia in the fall of 1812 and one from Tennessee in February 1813. These expeditions were neither requested nor directed by the Patriots but appeared to spring from similar origins.

Early in 1813, the Madison administration made a second attempt to get Congress to authorize the acquisition of Florida. When the U.S. Senate once again refused, Monroe ordered General Thomas Pinckney, who had replaced Mitchell, to withdraw the U.S. military from Florida. This time there was no oblique suggestion that the government would be secretly happy if the troops remained. The Patriots pleaded with Pinckney to protest the withdrawal directions but he followed his orders.

By the fall of 1813, the Patriots were led by Buckner Harris, a bold, turbulent man whom General Mathews had not thought respectable enough to be part of the original

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<sup>90</sup> Knott, 101.

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Patriot leadership. Harris' goal was to found a U.S. colony on the Seminole's land. He knew that the last resort to draw the U.S. into the imbroglio was to keep Florida in constant turmoil. He sent out foraging parties to confiscate any property that could be sold for cash, regardless of who owned it. He also threatened those who would not support his Patriots. The Patriots established a nucleus for their colony by building a blockhouse in the heartland of the Seminoles' domain. At the block house on 25 January 1814, 150 Patriots established a legislature and created the District of Elouchaway of the Republic of East Florida. The new polity sent a minister to Washington to offer itself to the U.S. However, President Madison and Secretary Monroe were still under pressure from Congress and, as the War of 1812 loomed large, they rejected the Patriots' offer on the grounds that the U.S. and Spain were at peace. Without U.S. or Spanish support, neither the Patriot colony nor the Patriot cause could survive. Harris, however, was unwilling to give in and continued to scout the Alachua Florida region, sometimes scouting alone. While on a scouting party on 5 May 1814, a group of Indians caught and killed him. The remaining members of the blockhouse Patriot contingent lost hope and fled back into the U.S., ending the Patriot War. However, the U.S. war with the Seminoles was only beginning.<sup>91</sup>

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<sup>91</sup> Mahon, 189.

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## KEY EVENTS AND MILITARY ACTION

### 3 January 1811

President Madison's secret letter of 3 January 1811, asking Congressional authority to attack foreign troops if they land in Florida and seize East Florida to protect the U.S. southern flank was presented in a confidential/closed session of the 3rd session of the 11th United States Congress.

### 15 January 1811

Based on President Madison's request, Congress issued a secret authorization and named the former Georgia governor General George Mathews, and John McKee, Commissioners/U.S. Executive Agents for East Florida. They were initially tasked to secretly secure the secession of East Florida from Spain to the U.S., and had apparent authority to call for U.S. military for assistance. Ambiguous orders were issued to U.S. forces by the Secretary of War to respond and assist accordingly.<sup>92</sup> When the original scheme to peacefully secure the cooperation of the Spanish authorities in transferring control failed, McKee was discharged, and Mathews directed to take action as he deemed necessary.

### Summer 1811

Mathews encouraged local settlers to set up a breakaway republic. U.S. troops were assigned to "assist" any new local authorities that asked with their new government and its security needs.

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<sup>92</sup> Davis, "Lieut. Col. Smith to the Secretary of War," 18 March 1812.

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### **28 February 1812**

Patriot forces prepared to invade Spanish East Florida; John McIntosh is handpicked by Mathews to become leader of a breakaway republic and to hand it over the U.S.

### **11 March 1812**

The Patriots forces raised their new flag over the Georgia/Florida border.



Figure 13. The Patriot Flag (Latin motto - The Welfare of the People is the Highest Law)

Source: Howard, "If Walls Could Talk" (Annex C)

### **14 March 1812**

Approximately 180 Patriot troops crossed the St. Mary's River from St. Mary's, Georgia, into Florida and entered Amelia Island, Florida. They occupied Rose's Bluff, the local high ground above the Spanish town of Fernandina, Florida. The troops then moved forward and took up positions outside the town.

### **15 – 17 March 1812**

U.S. gunboats took up positions in waters near Fernandina. Their orders were:

- (1) Do not fire unless fired upon;

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(2) Do not fire on the Patriots.

U.S. ground troop strength included 150 U.S. regular Army troops who moved into Florida and 100 regular Army troops who were left in reserve on the border. The troops began moving and then stopped because their commander sought further instructions from Washington, DC. The Spanish have more ground troops (800) in Fernandina than the U.S. and Patriot forces combined, but the Spanish leaders had no intelligence to provide information regarding U.S. troop strength. The Spanish commander asked Capt. Campbell, the U.S. Naval Flotilla Commander what his intentions were toward the Spanish. The U.S. Naval commander responded that he is “not pre-disposed to fire on the city, but can’t ignore pleas of the Patriots for help.”

**17 March 1812**

Patriot forces moved forward on Amelia Island and in the face of the unknown size of the Patriot force and potential U.S. naval gunfire and ground troop support, the Spanish garrison surrendered.

**18 March 1812**

The local leader Col John H. McIntosh became President/director of the new territory and offered Amelia Island, now named The Republic of East Florida, to the U.S. government. General Mathews accepted possession of the territory on behalf of the U.S. The local U.S. Army commander, Lt Col. Smith, then took command of all Patriot insurgent forces and U.S. Army regulars began the occupancy of Spanish East Florida.

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**4 April 1812**

Open knowledge of the Patriots' and Mathews' operations reached Washington and, in an effort at damage control, Secretary Monroe dismisses Mathews from his position. Mathews is told that he has exceeded his orders in taking Spanish territory by force while the area was not under the threat of third country intervention. David Mitchell, Governor of Georgia, is then appointed to head the operation.

**12 April 1812**

“The First Regiment of United States Riflemen under the command of [Lt Col Smith] occupied Fort Moosa [Mose].”<sup>93</sup> They are subsequently forced to retreat when attacked by a combined Spanish and Red and Black Seminole force from St. Augustine.

**26 April 1812**

Commander of the U.S. forces notes, “I have just been informed by Gel. McIntosh that the Patriot force near me does not exceed 93 for duty. From the best information I can obtain the Spanish force is about 400, 180 Regular Troops, 50 free Men of Colour [Black Seminoles and Africans], the residue Militia of the Town & vicinity [local residents and Red Seminoles].”<sup>94</sup>

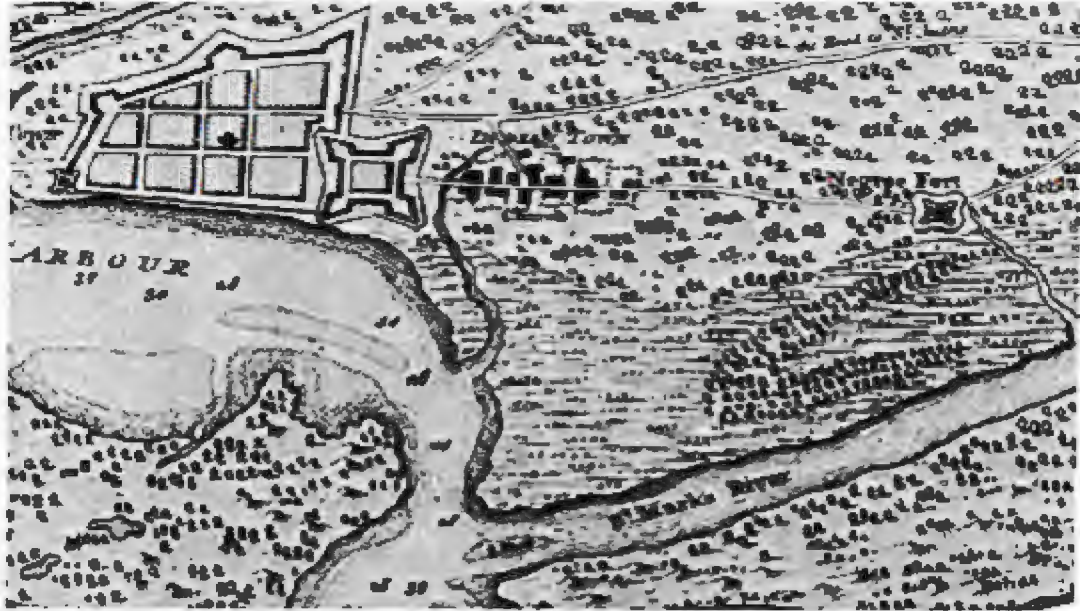
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<sup>93</sup> Davis, “Lieut. Col. Smith to the Secretary of War,” 18 March 1812.

<sup>94</sup> Davis, “Lt. Col. Smith to U.S. Adjutant & Inspector,” 26 April 1812.

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Title: "Map by Thomas Jefferys (1699-1775), 'Plan of the Town and Harbour of St. Augustine.' From *A description of the Spanish Islands and Settlements on the Coast of the West Indies* (London, 1792), plate 6. Courtesy of P. K. Yong Library of Florida History, University of Florida. The 'Negro Fort' is Mose, approximately two miles from the city of St. Augustine. This map shows the strategic location of Mose, exposed as the northernmost outpost of the Spanish empire and the protected location of the Indian settlement."

Figure 14. Plan of the Town and Harbour of St. Augustine

Source: Landers, *Fort Mose*, 14

### 16 May 1812

Having recaptured it, "the Spanish set fire to Fort Moosa (Mose) to prevent it from being reoccupied by the Americans."<sup>95</sup>

### 18 June 1812

The U.S. declared war on Britain and by default Spain, which was then a British ally. The U.S. cited "impressments of American citizens into the Royal Navy,

<sup>95</sup> Davis, "Lt. Col. Smith to U.S. Adjutant & Inspector," 21 May 1812.



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interference with neutral trade, and British intrigues with the Indians”<sup>96</sup> as the reasons for declaring war on Britain.

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<sup>96</sup> Miller, 77.

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## CHAPTER 5

### CONTRASTING MODERN COVERT ACTION WITH THE FACTS OF THE PATRIOT'S REBELLION

Covert action has several definitions. Once identified, these actions have a number of requirements that must be met before an action can be undertaken.

#### DEFINITIONS

Multiple statutes and Executive Orders<sup>97</sup> control the executive-legislative discourse on such “special activities,”<sup>98</sup> a politically correct way to say covert action. The terms we use in this area of U.S. intelligence and national security are subject to many official and unofficial definitions. In one dictionary/glossary of terms, covert operations are defined as,

Government activities which are meant to remain secret, or, at least whose perpetrators are meant to remain secret, or, at least whose sponsorship is meant to remain plausibly deniable. Covert operations include subversion, sabotage, terrorism, assassination, and espionage. Covert operations, unlike clandestine operations (commando, scouting, etc.), are not hidden by their nature but rather disguised as innocent activities. When total secrecy is impractical, the measures that can be taken to conceal the identity of the sponsor include the use of proxies, perhaps isolated from the sponsor by “cut-out” contacts; the use of nationals disguised as third-party citizens (“false-flag” operations); and all other forms of deceptive “cover” (diplomatic, commercial, academic, journalistic, etc.).<sup>99</sup>

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<sup>97</sup> The National Security Act of 1947 (50 U.S. Code §§ 401-441d); U.S. President, Executive Order 12333, “United States Intelligence Activities,” 4 December 1981, § 3.4(5)(h). Cited hereafter as Executive Order 12333 (*reprinted in* 50 U.S. Code § 401); U.S. President, Executive Order 12958, “Federal Intelligence and Surveillance Act (FISA)” (*reprinted in* 50 U.S. Code §§ 1801-1829) 1978; U.S. President, Executive Order 12863, “Classified Information Protection Act (CIPA)” in Title 18 U.S. Code was replaced in 2003 by U.S. President, Executive Order 13292. Executive Order 13292 details the system of classification, declassification, and handling of national security information.

<sup>98</sup> Executive Order 12333.

<sup>99</sup> Edward Luttwak and Stuart L. Koehl, *Dictionary of Modern War* (New York: HarperCollins Publishers, 1991), 147.

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In United States Code section 413(b)(e) covert action is defined as,

An activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, **but does not include** (emphasis added) -

- (1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;
- (2) Traditional diplomatic or military activities or routine support to such activities;
- (3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or
- (4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

## PROCEDURES

Under the governing law, U.S. procedures to begin a covert action start with the President and the Executive branch's National Security team. The President must issue a secret finding, which is communicated to Congress. The Presidential Finding states that "such [covert] action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States."<sup>100</sup> The Presidential finding must be written,<sup>101</sup> be prospective, not retroactive,<sup>102</sup> specify the government agency that will undertake the action, if it is not the Central Intelligence

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<sup>100</sup> 50 U.S. Code § 413b(a).

<sup>101</sup> 50 U.S. Code § 413b(a)(1).

<sup>102</sup> 50 U.S. Code § 413b(a)(2).

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Agency (CIA);<sup>103</sup> advise of third-party participation, involvement, or funding,<sup>104</sup> and not authorize violation of U.S. law.<sup>105</sup>

### **MODERN COVERT ACTION AND THE PATRIOT'S REBELLION'S FACTS**

The next time the opportunity presents itself, ask two passing Intelligence and National Security experts, “Hey, Don and John, let’s discuss United States political and paramilitary peace time covert operations.” You may well get comments along the lines that in the good ole days, before Title 50, covert ops were easier to initiate and therefore more effective. The well-informed responder may also discuss Justice John Jay’s comments in the debates surrounding the creation of the U.S. Constitution. In Federalist Paper No. 64 Jay wrote,

There are cases where the most useful intelligence [can] be obtained, if [the] person possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the President, but who would not confide in ... the Senate, and still less in that of a large popular assembly. The [Constitutional] convention has done well therefore in so disposing of the power of the making of treaties, that although the president must in forming them act by advice and consent of the Senate, yet he will be able to manage the business of intelligence in such a manner as prudence may suggest.<sup>106</sup>

To further explore the initial topic of discussion, our experts Don and John, and the average layman responder would likely not identify the colonial era of John Jay as the area of concern in our discussion of covert action. They would likely focus on the more contemporary, post-World War II period. There, the predictable conversation points

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<sup>103</sup> 50 U.S. Code § 413b(a)(3).

<sup>104</sup> 50 U.S. Code § 413b(a)(4).

<sup>105</sup> 50 U.S. Code § 413b(a)(5).

<sup>106</sup> Rose, *The Founding Fathers of American Intelligence*.

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could be Iran in 1953, Guatemala in 1954, Cuba in the 1960s, the Dominican Republic in 1963, the Congo in 1964, Indonesia in 1967, or Cambodia in 1970.<sup>107</sup>

If the first question was rephrased and expanded to take on a wider international or historical dimension, you might get answers related to the Sun Tzu, Zulu King Shaka , or even Alexander the Great. It is unlikely that the answer to either the domestic or international question would be the U.S. Congress and President James Madison's covert ops against Spanish Florida between the American Revolution and the War of 1812. On 15 January 1811, the United States Congress secretly authorized President James Madison to seize from Spain much of present-day northeast Florida.<sup>108</sup> On 26 January 1811, Secretary Monroe gave the lead agents their operational orders. Such operations were often financed by a special government fund. "The President used the 'Secret Service Fund' as it became known, to conduct intelligence operations, bribe foreign officials, and ransom American hostages in Algiers. Within three years, the fund consumed about 12% of the entire Federal budget (over \$1 million)."<sup>109</sup>

The comparison of the sequence necessary to initiate a covert action today with the sequence followed in the Patriots' Rebellion will show that the Patriot Rebellion's initiation and execution was strikingly similar to present day, post-code covert operations under Title 50. Title 50's procedures and requirements, if taken in 1811, would seem to

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<sup>107</sup> David Isenberg, "The Pitfalls of U.S. Covert Operations," *Policy Analysis*, no. 118 (7 April 1989): 2.

<sup>108</sup> Today, Northeast Florida, formerly Spanish Florida, is generally considered to extend from the Georgia border on the north, Atlantic Ocean east, west into the panhandle towards Tallahassee, and south past St. Augustine.

<sup>109</sup> *American State Papers, Documents Legislative and Executive of the Congress of the United States from the First Session of the First to the Third Session of the Thirteenth Congress, inclusive: Commencing March 3, 1789, and ending March 3, 1815, Class 1 Foreign Relations Vol. 3, (Washington, DC: Gales and Seaton, 1832), 571.*

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be a reasonable means to ensure Presidential accountability, Congressional notification, and plausible deniability.

The U.S. was never shy about the need to conduct operations of this sort. President Washington created the Culper Spy Ring<sup>110</sup> during the American Revolution, and on 1 July 1790 Congress created the \$40,000 Contingent Fund for Foreign Intercourse.<sup>111</sup> Today, Congress has special committees to oversee and fund covert action by the designated lead agency, the CIA. So President Madison's action in Florida and expenditure of \$100,000 is not an anomaly, but merely another early version of practices that exist today and in part, during the earliest years of the republic.

### **APPLYING U.S. CODE REQUIREMENTS FOR COVERT ACTION TO THE PATRIOT'S REBELLION**

Under current U.S. Code, the President must:

1. issue a secret finding that is communicated to Congress stating that “such [covert] action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States.”<sup>112</sup>
2. issue this finding in writing,<sup>113</sup> it must be prospective, not retroactive;<sup>114</sup>

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<sup>110</sup> O'Toole, 45-48; Rose, *The Founding Fathers of American Intelligence*.

<sup>111</sup> Major John Newton, USA, International and Operational Law Department, *Introduction to Intelligence Law* (Charlottesville, VA: The U.S. Army Judge Advocate General's School, Fall 1998), A-5.

<sup>112</sup> 50 U.S. Code § 413b(a).

<sup>113</sup> 50 U.S. Code § 413b(a)(1).

<sup>114</sup> 50 U.S. Code § 413b(a)(2).

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3. specify the government agency that will undertake the action, if it is not the Central Intelligence Agency (CIA);<sup>115</sup>
4. advise of third-party participation, involvement, or funding;<sup>116</sup> and
5. not authorize violation of U.S. law.<sup>117</sup>

Using this sequence of the U.S. Code's requirements above, will now insert the facts of the Patriot's Rebellion.<sup>118</sup>

**CONGRESS IS INFORMED THAT THE ACTION IS NECESSARY TO  
SUPPORT IDENTIFIABLE FOREIGN POLICY OBJECTIVES OF THE  
UNITED STATES; IT IS IMPORTANT TO THE NATIONAL SECURITY  
OF THE UNITED STATES.**

With respect to this requirement for a covert action, on 3 January 1811 President James Madison wrote a confidential communication that was delivered to a closed session of Congress on the eve of the War of 1812. He had a national security concern that Britain would occupy Spanish territory in Florida with the informal acquiescence of Spain. The letter stated that, given

the intimate relation of the country adjoining the United States eastward of the river Perdido to their security and tranquility, and the peculiar interest others have in its destiny, I recommend to the consideration of the Congress the seasonableness of a declaration that the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power. I recommend to their consideration also the expediency of authorizing the Executive to take temporary possession of any part or parts of the said territory, in pursuance of arrangements which may be desired by the Spanish authorities and for the making provision for the government of the same during such possession.

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<sup>115</sup> 50 U.S. Code § 413b(a)(3).

<sup>116</sup> 50 U.S. Code § 413b(a)(4).

<sup>117</sup> 50 U.S. Code § 413b(a)(5).

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The wisdom of Congress will at the same time determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the Territory in question, and an apprehended occupancy thereof by any other foreign power.<sup>119</sup>

If any one should argue that President Madison's 1811 actions were misinterpreted, a passage from a letter of Secretary of State Madison dated 13 March 1806 should lay these concerns to rest.

The objective of the United States is to secure West Florida, which is essential to their interest, and to obtain East Florida, which is important to them, procuring at the same time, equitable indemnities from Spain for the injuries for which she is answerable [payment for escaped slaves], to all which the proposed exchange of territory and arrangement of western boundary may be made subservient.<sup>120</sup>

The long-term national security interests of the U.S. included acquisition of Spanish Florida, maintenance of large-scale black African slavery, and removal of Indian obstacles like the Seminoles from expanding U.S. borders. This is one of the earliest phases of the American Indian eradication plans that were begun on a large scale and carried out by General and later President Andrew Jackson in the southern U.S. before and after the War of 1812; and in the western territories by his successors during the post-Civil War period. The 1811 Madison letter informed Congress that certain action was necessary to support U.S. foreign policy – denying a potentially belligerent foreign power a foothold in an area important to U.S. security.

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<sup>119</sup> *Papers of the Presidents*, 473; 50 U.S. Code § 413b(a)(1); 50 U.S. Code § 413b(a)(2).

<sup>120</sup> *American State Papers*, 539.

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**THE FINDING IS IN WRITING AND IS PROSPECTIVE, NOT  
RETROACTIVE<sup>121</sup>**

Madison's 3 January 1811 letter is clearly speaking of taking immediate action or action in the very near future and *not* advising the Congress of action he has already undertaken. "I recommend to the consideration of the Congress the seasonableness of a declaration."<sup>122</sup> Madison is speaking of things to come, not things past.

The Madison letter of 13 March 1806 demonstrates that escaped slaves, Seminole Indians, and the Spanish territory in Florida have been a constant in Madison's thoughts for several years. His action upon these thoughts was held in check (voluntarily or involuntarily) until he assumed the Presidency. And his direction as President was for Congress to take prospective, not retroactive, action on these concerns.

**IDENTITY OF THE GOVERNMENT AGENCY THAT WILL  
UNDERTAKE THE ACTION, IF IT IS NOT THE CENTRAL INTELLIGENCE  
AGENCY (CIA)<sup>123</sup>**

Since the CIA did not exist in 1811, there must be another action agency under the current statute. While a specific agency is not named in the 3 January 1811 letter, Madison advises Congress that he is also communicating with the U.S. Secretary of State about his desires. On 1 July 1812, President Madison forwards a letter to Congress that Secretary of State James Monroe sent on 26 January 1811 to U.S. Commissioners General George Matthews and Colonel John McKee, three weeks after President Madison notified Congress of the national security concern through his

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<sup>121</sup> 50 U.S. Code § 413b(a)(2).

<sup>122</sup> *Papers of the Presidents*, 473.

<sup>123</sup> 50 U.S. Code § 413b(a)(3).

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Presidential Fund. The letter contains the orders for the Commissioners' mission to secure East Florida and the un-annexed portion of West Florida for the U.S. and orders to keep British forces out of the area.<sup>124</sup> The U.S. Secretary of State in his official capacity communicated the orders, therefore, the Executive Branch action agency was the U.S. State Department.

While President Madison ultimately dismisses General Mathews and Colonel McKee, Secretary of State James Monroe is the communicator and the Executive Branch actor who would also later order the Governor of Georgia, David B. Mitchell, to assume Mathews' command in East Florida.<sup>125</sup> From this sequence of events, it is clear that the U.S. State Department was playing the role of the action agency in the East Florida affair. President Madison identified the government agency by advising Congress that the Secretary of State was aware of the happenings in East Florida and was communicating with the Spanish Governor in West Florida and others about West Florida's annexation. He later confirmed this by forwarding to Congress Secretary Monroe's letter to Mathews and McKee, the Executive Branch Agents. Both direct and circumstantial evidence for identifying the State Department as the action agency is supported by the method used to install the new director of U.S. covert action in Spanish East Florida – he was appointed by the Secretary of State Monroe.

The U.S. military officers in the area of operations were under orders to support the Patriot forces, and they regularly communicated their circumstances up the chain of

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<sup>124</sup> *American State Paper-Documents, Legislative and Executive of the Congress of the United States, From the First Session of the First to the Third Session of the Thirteenth Congress: Commencing March 3, 1789, and Ending March 3, 1815, Class 1 Foreign Relations, Vol. III (Washington, DC: Gales and Seaton, 1832), 571-572.*

<sup>125</sup> Porter, 7; 50 U.S. Code § 413b(a)(3).

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command to the Commissioners, their immediate military superiors, and the Secretary of War.<sup>126</sup> This supports a weak case for finding the Secretary of War and the War Department the action agent/agency; however, this analysis fails because, unlike the Secretary of State, the record does not demonstrate that the Secretary of War was in direct communication with the insurgent leadership in the same manner as the Secretary of State.

**NOTICE OF THIRD-PARTY PARTICIPATION, INVOLVEMENT, OR  
FUNDING<sup>127</sup>**

Madison identifies the Governor of West Florida as the individual who sounded the alarm and with whom Madison's action agency leader, Secretary Monroe, is communicating regarding East Florida.<sup>128</sup> Madison wrote, "I communicate to Congress, in confidence, a letter of the 2d December from Governor Floch, of West Florida, to the Secretary of State, and another of the same date from one of the two original U.S. Commissioners in Florida John McKee."<sup>129</sup> I found no evidence that U.S. operations included third-party participation, involvement, or funding.

On the opposing side, there were British warships in the area during the Patriots' operations, but there is no evidence that the British had an active role or that any third

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<sup>126</sup> Davis, 5.

<sup>127</sup> 50 U.S. Code § 413b(a)(4).

<sup>128</sup> *Papers of the Presidents*, 473; 50 U.S. Code § 413b(a)(4).

<sup>129</sup> *Papers of the Presidents*, 473.

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nation was directly involved in supporting the Spanish or supporting anti-Patriot operations.<sup>130</sup>

### **PATRIOT COVERT ACTION CONFORMS TO U.S. LAW<sup>131</sup>**

After receipt of the President's letter, Congress met several times in closed session to debate the proposed action. The debate was spirited and secret.<sup>132</sup> The earlier annexation of West Florida<sup>133</sup> lent some support to the legality of the current venture, but there was opposition. Although the lines of demarcation were as much political as legal (a failure to follow the Senate secrecy rules led to the censure and later resignation of a Senator who, on constitutional grounds, opposed President Madison's Florida plans),<sup>134</sup> support of the slave laws of Georgia and the recent plot to get New England to secede from the country and join the British were catalysts and undercurrents of the Congressional debates.<sup>135</sup> Beyond the desire to expand the U.S. territory, the individual Patriots and the U.S. Government had the support and maintenance of southern slavery as

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<sup>130</sup> Davis, 5.

<sup>131</sup> 50 U.S. Code § 413b(a)(5).

<sup>132</sup> *Journal of the Executive Proceedings of the Senate of the United States*, 1<sup>st</sup> – 19<sup>th</sup> Session, Vol II (Washington, DC: Duff Green, 1828), 175-186.

<sup>133</sup> *American State Papers - Class 1 Foreign Relations*, Vol. III (Washington, DC: Gales and Seaton, 1832), 155, 163.

<sup>134</sup> *Annals of Cong.*, Vol. 22, 66; Byrd, 57-58. [Senator Byrd cites the wrong year, it is 1811 not 1809.]

<sup>135</sup> O'Toole, 103. "Mathews had accomplished the mission perfectly, but had chosen the wrong moment. Word of coup reached Washington at the very moment Madison was sending the Henry-Craig correspondence to Congress with a message excoriating the Federalist for conspiring with the British to promote the secession of New England."

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an unstated goal – both of which were consistent with the U.S. Constitution and U.S. Code.

The Patriots' were southern plantation owners and, as plantation owners, they saw the escaped Africans and the Black Seminoles residing in relative freedom just out of their control near St. Augustine as scandalous. For over 80 years, they viewed the non-Black Seminoles and the Spanish who would not return their escaped slaves or who would allow blacks to bear arms and live in a free self-contained town as the enemy and as criminals.<sup>136</sup> The second commander of the Patriots, General Mitchell, openly expressed these sentiments: "The militia commander hoped that the Seminoles would 'take up the cudgels' for the Spaniards. This would afford a desirable pretext for the Georgians to penetrate their county, and Break up a Negroe Town [Fort Moose]: an important Evil growing under their patronage."<sup>137</sup> In the United States where slavery was legal, the Seminoles and Spaniards were outside the law. Ironically, the Patriots' aggression supported maintenance of that then legal and growing peculiar practice, American slavery.

### EXCEPTIONS: NON-COVERT ACTIONS

Finally, for the arguments above to support a finding that the Patriots' Rebellion was a covert action rests on the U.S. 1811 actions *not* fitting into what modern U.S. Code section 413(b)(e) defines as non-covert actions:

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<sup>136</sup> Landers, *Fort Mose*, 17-19.

<sup>137</sup> Porter, 7-8; Landers, *Fort Mose*, 1-34.

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- (1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;
- (2) Traditional diplomatic or military activities or routine support to such activities;
- (3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or
- (4) Activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

I find that none of these four areas is present in the facts of 1811.

**ACTIVITIES THE PRIMARY PURPOSE OF WHICH IS TO ACQUIRE INTELLIGENCE, TRADITIONAL COUNTERINTELLIGENCE ACTIVITIES, TRADITIONAL ACTIVITIES TO IMPROVE OR MAINTAIN THE OPERATIONAL SECURITY OF UNITED STATES GOVERNMENT PROGRAMS, OR ADMINISTRATIVE ACTIVITIES**

Under the first, “activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities” there is no evidence that the Patriot forces or the regular U.S. forces on land or at sea were positioned there to gather intelligence or maintain the operational security of a *pre-existing* or separately initiated U.S. government program. While the commander of U.S. forces did report the presence of British warships in the area up his chain of command, this was collateral to their orders and the primary activity

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of supporting the Patriots' incursion because open warfare with Great Britain had not yet begun.<sup>138</sup>

### **TRADITIONAL DIPLOMATIC OR MILITARY ACTIVITIES OR ROUTINE SUPPORT TO SUCH ACTIVITIES**

Second, these activities were not “traditional diplomatic or military activities or routine support to such activities.” Calling the Patriots’ activities “traditional military activities” presents the second-best argument that invading was not covert operations. However, this proposition is defeated by the fact that (1) the Patriots’ combat action was initially *not* U.S. military activity but was carried out by a local militia and insurgents, (2) the U.S forces present were under ambiguous orders to support the insurgents and *no* orders to initiate or participate in a direct assault led by General Mathews, and (3) once the activities of the Patriots and their U.S. supporters became known, they were repudiated and not treated as a diplomatic event or legitimate military action between two countries at war or in an international armed conflict.<sup>139</sup> The second phase of combat activities that involved direct U.S. military action may be considered clandestine operations, commando, scouting, and so forth, as part of the southern front of the War of 1812. This is different from the plan and actions of the Patriots prior to 18 June 1812, the formal declaration of war on Britain by the United States.

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<sup>138</sup> Davis, letters from “LtCol Smith’ to U.S. Adjutant & Inspector, 26 April 1812.”

<sup>139</sup> O’Toole, 103.

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**TRADITIONAL LAW ENFORCEMENT ACTIVITIES CONDUCTED BY  
UNITED STATES GOVERNMENT LAW ENFORCEMENT AGENCIES  
OR ROUTINE SUPPORT TO SUCH ACTIVITIES**

The third non-covert action that must be addressed is the proposition that “traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities” are underway. This is the best argument that the Patriots’ Rebellion was not covert action. However, none of the documents examined disclosed the presence of a formal U.S. law enforcement contingent in south Georgia or north Florida in the execution of duties related to Spanish Florida. “Tradition” is defined in *Black’s Law Dictionary* as “past customs and usages that influence or govern present acts or practices. And third, “law enforcement” is defined as “the detection and punishment of violations of the law.”<sup>140</sup> The potential violation of U.S. law at issue was the Spanish government’s failure to repatriate escaped slaves or pay their former U.S. owners for their commercial value.<sup>141</sup> In the United States where slavery was legal, the Seminoles and Spaniards were outside the law. While the U.S. support for the Patriot’s activities was directed at addressing what was illegal in the U.S., the Patriots’ were *not* an official law enforcement arm of the U.S. conducting “traditional law enforcement” in an extra-territorial mode when they entered Spanish East Florida.

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<sup>140</sup> *Black’s Law Dictionary*, 7<sup>th</sup> ed., ed. Bryan A. Garner (St. Paul, MN: West Group, 1999), 1502.

<sup>141</sup> (b) (6) Family Papers, “A list of the Valuation of Land and Slaves in the Boonhill District [Smithfield, North Carolina] taken in March 1863,” identifies the author’s paternal great grandparents as “(b) (6) [age] 48 [value] 250” and “(b) (6) [age] 48 [value] 150.” The list contains over 200 names ranging in age from 1 to 70 and lists a value of “none” for 70-year-old Rose to “800” for several men and women between the ages of 15 and 25.

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Freedom with the Spanish and the relative safety guaranteed by a Spanish and Indian alliance made Spanish Florida a safe haven for enslaved African runaways.<sup>142</sup> The slave-holding hierarchy in the U.S. viewed the non-Black Seminoles and the Spanish who would not return their escapees -- and who, further, allowed blacks to bear arms and live in a free self-contained town -- as enemies and criminals. As noted earlier, General Mitchell said he “hoped that the Seminoles would ‘take up the cudgels’ for the Spaniards providing ... a pretext to] Break up a Negroe Town [Fort Moose]: an important Evil growing under their patronage.”<sup>143</sup>

The Patriots were not acting under an existing custom to detect and punish violations of U.S. laws -- they were U.S. surrogates and proxies seizing territory. The Patriots can also be distinguished and excluded as actors exercising extra-territorial law enforcement powers because the U.S. hand on their strings was hidden from view. If they had been overtly deputized in a manner similar to the way the U.S. and others made merchant vessels into privateers with authority to seize enemy shipping, or if they had been overtly annexed into the regular military, the Patriots would have become official agents of the U.S. with a claim to color of authority for enforcing U.S. or international law extra-territorially. The Patriots never held such a designation, but in fact acted under a scheme of plausible deniability.

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<sup>142</sup> *Fort Mose: A New Chapter in American History*, video tape (Florida: Florida Films, n.d.)

<sup>143</sup> Landers, 17-19.

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**ACTIVITIES TO PROVIDE ROUTINE SUPPORT TO THE OVERT  
ACTIVITIES (OTHER THAN ACTIVITIES DESCRIBED IN  
PARAGRAPH (1), (2), OR (3)) OF OTHER UNITED STATES  
GOVERNMENT AGENCIES ABROAD**

The Patriot-related events are also distinguished by contrasting a similar event during the American Revolutionary War. Unlike the American Revolution's open conflict between belligerent nations, the Patriot's lacked this precursor to their covert action in 1811. During the American Revolution, on the basis of information received by the Committee of Secret Correspondence, the Continental Congress on 15 February 1776 authorized a covert action plan to urge the Canadians to become a "sister colony" in the struggle against the British. A French printer was dispatched to Canada "to establish a free press ... for the frequent publication of such pieces as may be of service to the cause of the United Colonies." Benjamin Franklin, Samuel Chase, and Charles Carroll were appointed from the Congress to undertake the mission, and Father John Carroll was invited to join the team to prevail upon the Catholic clergy of Canada. The delegation was given a degree of authority over American expeditionary forces in Canada; it was empowered to raise six companies in Canada, and to offer sanctuary in the 13 colonies, in the event its effort failed, "for all those who have adhered to us."<sup>144</sup>

Excesses against the Canadian populace by American military forces, the hostility of the Canadian clergy, and the inability of the American commissioners to deliver little more than promises in exchange for Canadian defection, doomed the project. With the arrival of summer, both military and political action in Canada ended in failure.<sup>145</sup>

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<sup>144</sup> Central Intelligence Agency, *Intelligence in the War of Independence*, 1976, URL: <<http://www.odci.gov/cia/publications/warindep/intro.shtml>>, accessed 19 February 2005.

<sup>145</sup> Central Intelligence Agency, *Intelligence in the War of Independence*.

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First, the Patriots are distinguished from the American Revolutionary actors because the primary Patriot combatants were *not* identifiable U.S. military personnel *overtly* acting under the official color of national defense and security. While the division between General Mathews and company may not be pronounced, Mathews, unlike Franklin and company, was not acting during an American war with Britain or Spain. Mathews lacked the hot war Franklin had and no other evidence was found to establish for Mathews an *overt* connection to the new war with Britain that was on the horizon or a real or proxy war with Spain.

Second, the ongoing conflicts in Europe cannot be imputed to the U.S. or to Spain solely to establish a nexus and accompanying overt justification for Mathews' mission. Overtness is the key element lacking to make the necessary connection. Ironically, the Patriots' were 180 degrees out from the stated reasons for the American war of independence, complementary European wars of independence, and even the rationale supporting the annexation of West Florida. The Patriots unstated purpose was to *covertly* retard and deny freedom to another group, not overtly liberate themselves or third parties. We cannot overtly connect Mathews' secret orders to the U.S. State Department's diplomatic activities in the U.S. or Europe, this is only possible covertly. No evidence was found that U.S. activities in East Florida were consistent with the State Department's public mission.<sup>146</sup>

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<sup>146</sup> However, the annexation of West Florida has a closer connection because it was related to the Louisiana Purchase

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## CHAPTER 6

### CONCLUSIONS

Modern U.S. covert action is “an activity or activities of the U.S. Government to influence political, economic, or military conditions abroad where the role of the U.S. Government will not be apparent or acknowledged publicly.”<sup>147</sup> This is exactly what happened in Florida between 1810 and 1812.

The desire to acquire all of Florida was long-standing; the timing of the European conflicts’ potential to spill into North America allowed Madison and Monroe an opportunity. The activities of the U.S. Government in Florida circa 1809-1812 were primarily orchestrated to weaken and undermine Spanish political and economic influence and test, but not completely destabilize, the military situation that allowed for Spanish control -- at least until the U.S. could prevail in the impending fight with the British. Ultimately, the U.S. wanted to add Florida to the 13 colonies. The secondary rationales were support of southern slavery, Seminole Indian eradication, and development of the Monroe Doctrine’s<sup>148</sup> guiding principles. Each of these was necessary and supported achieving the primary rationales’ desired end state. It is notable that the primary rationale that later took life as the Monroe Doctrine and the secondary rationale, support of southern slavery and U.S. race relations are both tied to economic development and will resurface in a much more violent manner in two generations as the U.S. Civil War, the western territories Indian Wars, and the Spanish American War.

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<sup>147</sup> 50 U.S. Code § 413b(e).

<sup>148</sup> Monroe Doctrine, Annex D.

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In 1810, the U.S. initiated proxies and insurgents in West and East Florida to conceal direct involvement or knowledge of the extent and the role of the Government in securing these territories. President Madison even fired General Mathews when he decided, due to outside pressure, that “Mathews had proceeded too openly,”<sup>149</sup> thereby damaging plausible deniability. Open disclosure was the exact opposite of the Presidential and Congressional intent -- the desired method and focus was covert action. This is concretely demonstrated by the fact that (1) the written communications from the President to Congress and the lawful actions of Secretary Monroe as the action agency representative in these matters were confidential; (2) the Congress only prospectively addressed the issue of Presidential authority to seize or to be gifted East/West Florida for national security reasons in closed sessions; and (3) that a Senator was sanctioned by his peers for discussing the issue in a public session of the Senate that could expose the activities to third parties or open them to outside participation and knowledge.

These facts should be viewed as demonstrating that non-traditional diplomatic relations were underway in the combined Executive and Congressional approach to these matters, and that Congress’ final action was a confidential communication of authority back to the President to undertake secret operations as the President deemed necessary. A confidential communication that strongly and clearly anticipated secret U.S. Government-sponsored activities to influence political, economic, or military conditions in East Florida was made by the President to the Congress.

The goal of creating plausible deniability was evident throughout, even when a new field commander was tasked. These actions were not intended to be apparent or

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<sup>149</sup> Porter, 7.

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acknowledged publicly, were not traditional law enforcement, nor did they routinely support in anyway other preexisting government activities. They were not

- (1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;
- (2) Traditional diplomatic or military activities or routine support to such activities;
- (3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or
- (4) Activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

Therefore, I assert that a clear and unmistakable nexus exists for calling the attempted acquisition of East Florida from Spain and the Seminoles in the 1800s covert action under current U.S. law and procedures. The Patriots' Rebellion was a figurative and literal black op and the opening round of the First Seminole War. The Patriots' Rebellion was a southern front of pre-war activities in 1812 and also helped map executive plans for future Indian eradication in the south and southwest U.S. Further, in the Patriots' Rebellion, the U.S. Government's procedural steps mirror current practice and requirements under Title 50 U.S. Code.

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Title: "Massacre of the Whites by Indians and Blacks in Florida."

Source: "History's Missing Chapter: Black Indians," *American Legacy*, 3, no. 1 (Spring 1977), 32-33. Note that the victory by the Red and Black Seminoles is called a "massacre."

Figure 15. White, Black, and Indian Battle

Source: Katz, 32-33.

This single case study shows that (1) even when no codified restrictions or procedures existed in law, policymakers chose to fulfill what we now see in U.S. code to accomplish national security goals; (2) Common factors or characteristics of covert action exist in both pre-code and code-driven U.S. covert action, the predominant characteristics of which are, plausible deniability and Presidential action to initiate; (4) secondary motivations or energizing factors may drive the policymakers or covert insurgents – in this case it was racism and economics; and (5) modern procedures under Title 50 are not appreciably different from the practices of U.S. policymakers during the Patriots' Rebellion,<sup>150</sup> in fact they are the practice.

<sup>150</sup> Miller, 71. "Similar language was used in the National Security Act of 1947 to authorize the Central Intelligence Agency to run covert operations. This act directed the agency to *perform such services of common concern as the National Security Council (NSC) determines can be more efficiently accomplished central, and other such functions and duties* relating to intelligence affecting the national security as the NSC may from time to time direct." (Emphasis added.)

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**APPENDIX A**

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**United States Troops in Spanish East Florida, 1812-1813**

PART ONE

By T. FREDERICK DAVIS

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Author's Note: In November, 1927, Dr. Thomas B. Hall of Miami Beach, Florida, wrote me that the State Historical Society of Missouri was in possession of his great-grandfather's papers written while in Florida. His great-grandfather was Lieut. Col. (afterward General) Thomas Adam Smith, who commanded the United States regulars in Florida in 1812-13. Through the courtesy of Arthur T. Williams, President of the Florida Historical Society, and Floyd C. Shoemaker, Secretary of the State Historical Society of Missouri, I obtained copies of the papers alluded to. They comprise the retained copies of letters written by Col. Smith, which were kept in blank record books and are well preserved, together with a number of original letters addressed to him. These letters, arranged chronologically, tell the story of the American troops in Spanish East Florida—a story that has been locked up so far as details are concerned until now. These papers will be published as a serial. Connecting text and footnotes have been added where necessary to complete the narrative.—T. FREDERICK DAVIS.

The causes that led to the occupation of Spanish East Florida in 1812 need no elaborate discussion here, as that phase of the affair has been covered in many publications. The immediate excuse for the occupation of the province by the United States was the impending war with Great Britain. At that time Spain and Great Britain had treaty relations, revealed in a letter written by the British representative in December, 1810, to the American Secretary of State, complaining about certain events that had occurred in West Florida concerning the United States and Spain.

This entry of the British into the affair was considered of sufficient importance by the President to bring it to the attention of Congress, Congress immediately passed a secret act permitting the occupancy of the Florida's under certain contingencies, namely, in case of their occupation by a foreign power, which of course referred to Great Britain, or should the local authorities, presumably meaning but not specifying the Spanish governors, cede the same. In January, 1811, two American commissioners, John McKee and George Mathews, were appointed by our government to visit the Spanish governors of Florida and secretly attempt to secure the country by cession. They were clothed with authority to call upon the military for needed assistance and orders were issued by the Secretary of War to that effect. It is not surprising that the Spanish governors refused, although Governor Folch of West Florida had some time before intimated that a cession to the United States might be advisable.

Failing to secure the cession, Secretary of State Monroe discharged Commissioner McKee, but wrote General Mathews to follow his own judgment with respect to East Florida. General Mathews proceeded to create a local authority that would cede the province, by fomenting a revolution in East Florida, but which really contemplated an armed invasion by Georgians in co-operation with the troops of the United States. He spent the last of the year 1811 and the forepart of 1812 in perfecting the plans for the intended invasion, of which he kept the American government advised.

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The day finally arrived to start the procedure that "would make Florida ours". About 180 Georgians, calling themselves "Patriots", crossed the St. Mary's River into Spanish East Florida and occupied Rose's Bluff, opposite the town of St. Mary's, Georgia, and in sight of Amelia Island, Florida. Thence on March 17, 1812, the Patriots proceeded to Amelia and forced the small Spanish garrison to surrender the island. The Patriots now had become the "local authority" and the following day, March 18, their leader, John H. McIntosh, after a handsome oration, offered to cede Amelia Island to the United States. General Mathews, the accredited commissioner, likewise with a handsome oration, accepted the island for the United States. At this stage Lieut. Col. Thomas A. Smith, U.S.A., took command of the troops, and henceforth his reports give the record of what happened to the United States regulars during their occupancy of Spanish East Florida in 1812-1813.

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**Lieut. Col. Smith to the Secretary of War (copy)**

Sir : Point Petre [\(1\)](#), 18th March, 1812.

In obedience to my instructions of the 26th January, 1811, I have sent a detachment consisting of fifty men [\(2\)](#) to receive and defend in the name of the United States, the Town of Sn. Ferdinandina & the Island of Amelia. I have been informed by General Mathews, that he has good reason to believe that a detachment of English troops (blacks) are on the eve of being sent to occupy the military posts within East Florida.

Should that be the case, the detachment under my command, disorganized & badly furnished with Arms & the means of transportation, will make but a feeble opposition against a well-disciplined force, provided with all the implements of War. I have only three officers for duty, and one of those, Major Laval, informs me he is under marching orders, the others being absent & in arrest. I shall be compelled should it be necessary to oppose force to force, to release the officers now under sentence, though contrary to military rule, & make the best defence in my power.

On comparing instructions with Genl. Mathews, I find he is authorized to call on the Military force to preoccupy East Florida, if in his judgment it should be necessary; but having doubts about the propriety of exceeding my instructions, I will not attack any Post until further ordered; as I consider the order imperative as to occupying & defending places peaceably surrendered, I shall do it to the last extremity. I beg leave to call your attention to the situation of the two field pieces at this place, without harness or ammunition & the limbers unfit for service. I find no person to perform the duty of Quarter Master, and not a cent to meet the contingent expenses of the Detachment. Authority to draw on the War Department will not obviate this difficulty as Money cannot be obtained without allowing a premium that might be considered extravagant, &

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be deducted from the drawer. The present Contractor will furnish provisions at any Point that may be required until the last of May, the United States making a reasonable allowance for transportation etc. If Amelia Island or the Town of Sn. Ferdinandina is not defended by suitable works provided with necessary artillery, it may be destroyed at any time a Naval Force superior to the Gun Boats at present on this station (3) may think proper to attack it.

I must request, Sir, that the Infantry & Dragoons may be consolidated, there being three little Detachments, the largest of which does not exceed a Sergeant's Command, & that Two hundred Muskets and bayonets, with an additional supply of lead and flints may be ordered to this place as soon as possible. The Rifles in their present situation will not do for active service as they cannot be fired to any certainty & having no bayonets to come to close quarters. The Troops are shabby beyond anything I have witnessed, not having received any clothing for the present year. I must also state that we are without a Surgeon.

I am respectfully, Sir, Your Obt. Servt.

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**Gen. Mathews to Lt. Col. Smith** (original)

U. States Station, Picolata. April 8, 1812. Dear Sir:

By virtue of the powers vested in me as U. States Commissioner, with which you are furnished a copy, I have to request you to march tomorrow, or as soon thereafter as possible, to Moosa Old Fort, a military station in the vicinity of St. Augustine, with the troops under your command to hold & defend the same & the country adjacent it being ceded to the U. States by the local constituted authorities (4) of E. Florida, & accepted by me as U. States Commissioner. You will please to have such Detachment at this station as you deem adequate to hold and defend for the U. States.

I am very respectfully your friend & obt. servt. (signed) Geo. Mathews

Lt. Col. Thos. A. Smith Picolata Station.

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**Lt. Col. Smith to Secretary of War (copy)**

Moosa Old Fort, 14th April, 1812. Sir :

I was unable to procure transports for the Detachment under my Command until the 1st Inst., on which day I embarked for Picolata, (5) but owing to the violence of the wind & the boats being bad, I was unable to reach it until the 7th. On the 8th, I dropped down the river in compliance with the inclosed requisition of Genl. Mathews to Six Mile Creek, which I ascended about six miles. I deposited our little stores under a Sergeant's Guard and proceeded to this place, which was occupied by the Patriot forces; they delivered me peaceable possession on the 12th at 4 o'clock at which time I hoisted the American flag. On the following morning soon after the troops were dismissed at reveille a Gunboat at the distance of about three quarters of a mile fired four shot immediately over the Detachment, two of which passed within a few feet of some of the men. The moment our flag was hoisted & the Troops prepared for action, they ceased firing and sheered off. (6) This Post is within two and one half miles of St. Augustine & in full view; I think the situation a bad one for defence & will take a new position in a day or two. Genl. Mathews sent a flag to their lines today, which was preemptory ordered back.

From present appearances I have little doubt but ere this reaches you we shall have had an action. The Governor (7) has sent to Havannah & Nassau for reinforcements, which it appears are daily expected. Should they arrive I shall be compelled to fall back, but will oppose them at every defile until the Georgia Volunteers can come to my aid. Wagons and Carts to remove our stores cannot be procured. I shall consequently have to destroy them if I have to give ground. As the contract I made for the supply of rations in East Florida will be a losing one for the Contractor, I have no expectation of being able to get him to furnish longer than the time contracted for (31st May). The officers with me are active & attentive, but the number (four) is so small that I experience great inconvenience & wish the Public Service may not suffer on that account, as it is impossible for them for any length of time to pay proper attention to the many duties that at present devolve upon them.

I beg leave to recommend Mr. John Findley of Washington, Georgia, for appointment in the Regiment of Riflemen.

I have the honor to be, Sir, with high respect, Your Obt. Servt.,

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**Lt. Col. Smith to U. S. Adjutant & Inspector (Copy)**

Sir : Moosa Old Fort, 26 April, 1812.

From the great exertions making by the Spaniards to put the works around St. Augustine in the best possible state of defence, it becomes my duty to apprise the Honorable, the Secretary of War, that if it is his intention that I should attack the Town, (8) that no time ought to be lost in forwarding four Eighteen or Twenty-four Pounders, Ammunition, etc., etc., with the necessary tools for throwing up redoubts, which would enable me to attack it with a certainty of success. The field pieces at Point Petre are entirely useless, not having any ammunition or harness. I flatter myself that when the will of the Executive is known that this little Detachment will not be found wanting in duty or exertions to fulfill it. My present effective force, Non-Commissioned officers & Privates is one hundred & nine, having left small Detachments at Point Petre, Picolata, & Six Mile Creek. The Troops suffer considerably for the want of Clothing, that furnished last fall being so much damaged as to be unfit for issue. I have been without Provisions for several days, the vessel containing the Contractor's supplies having been detained in consequence of the Embargo in Savannah. I will trouble you to inform me whether it is necessary to forward Inspection Returns oftener than the troops are mustered.

I have the honor to be, Sir, with high respect, Your Obt. Servt.,

P. S. Since writing the above two British armed sloops have appeared off the bar & from the movements of the small craft about St. Augustine I should not be surprised if they attack me. I have just been informed by Genl. McIntosh that the Patriot force near me does not exceed 93 for duty. From the best information I can obtain the Spanish force is about 400 180 Regular Troops, 50 free Men of Colour, the residue Militia of the Town & vicinity.

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**Lt. Col. Smith to U. S. Adjutant & Inspector (copy)**

Moosa Old Fort, 5th May, 1812. Sir :

I transmit herewith monthly & inspection returns of the Detachment under my command. The Governor of St. Augustine having received through the British minister information that the Government of the United States disavows the acts of Genl. Mathews their Commissioner, & that the United States Troops will be withdrawn, I have no expectation that they will make any movements that will lead to serious consequences. The Patriots increase in numbers daily & I believe will attempt to hold the country in opposition to any reinforcements they may receive, if the Government of the United States does not

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interfere.

I have the honor to be, Sir, With high respect, Your Obt. Servt.

(Much has been written on the subject of the U. S. Government disavowing the acts of its Commissioner, General George Mathews, who was discharged under date of April 4, 1812. Governor David B. Mitchell, of Georgia, was appointed in place of General Mathews.)

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**Governor Mitchell to Lt. Col. Smith** (original)

St. Mary's, 4th May, 1812. Sir :

I have received a dispatch from the Secretary of State of the United States in which is enclosed the duplicate of an order from the Secretary of War addressed to yourself, revoking the order which required you to obey the orders or requisitions of General Mathews, and, transferring that authority to myself as Governor of Georgia.

I have to request to be informed whether you have not received the order alluded to, a copy of which is enclosed ; & if you have not, you will consider this as notice of the existence of such order & govern yourself accordingly. Under the authority of that order you will consider this as one to yourself to remain where you are until further orders, unless compelled to retire by superior force.

It is my intention to open a communication with the Governor of St. Augustine, & to establish a safe and expeditious communication between your camp & my quarters at this place, & for these purposes & others have sent on my Aids, Cols. Houstoun & Cuthbert, whom I have instructed to consult you as to the best means of accomplishing these objects.

I am, Sir, with much respect & regard, Your very obedt. Servt. (signed) D. B. Mitchell  
Lieut. Col. Thomas A. Smith.

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**Lt. Col. Smith to Governor Mitchell** (copy)

Moosa Old Fort. 9th May, 1812. Sir :

I have the honor to acknowledge the receipt of your favor of the 4th Inst. by Colo.

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Cuthbert. The original order, of which you inclose me a copy, had been received a few days previous. Colonels Cuthbert & Houston will inform you of the situation of my encampment & that of the Patriots. Not being clear as to the propriety of permitting any armed party to remain in my rear, I am induced to request that you will give me as early as possible such directions on that subject as you conceive proper. It has been represented to me that a faction on Amelia Island are doing everything in their power to injure the Patriotic cause. (9) The officer in command there conceives the Patriots have no jurisdiction & I fancy would interpose should they make any attempts to arrest them. I have declined giving him any orders on the subject, as I conceived it belonged properly to the civil authority.

I have informed Capt. Williams of the unlimited authority you have to command the United States Troops in this quarter & directed him to call on you for instructions for his government [guidance]. I refer you for particulars to Colonels Cuthbert & Houston.

I have the honor to be sir with high respect, Your Obt. Servt.,

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**Lt. Col. Smith to Governor Mitchell (copy)**

Moosa Old Fort, 14th May, 1812. Sir :

Having received from Capt. Williams the inclosed order, I conceive it of sufficient importance to forward to you by express. There is no doubt in my mind of arms having been forwarded from St. Augustine to the disaffected on Amelia Island with a view perhaps of arming the negroes & the crews of British vessels in port to attack the Patriots in their rear & perhaps to cut off my supplies. My present effective force does not exceed 110, which I conceive sufficient to oppose with success, should it become necessary, any disposable force there may be in Augustine. If their expected reinforcements arrive the safety of my Detachment will depend on the possession of Amelia Island & the entrance into the St. Johns, where I beg leave to suggest the propriety of ordering a Detachment of 40 or 50 men with a gun boat to co-operate with them.

I have the honor to be sir With high respect, Your Obt. Servt.,

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**Lt. Col. Smith to U. S. Adjutant & Inspector (copy)**

Camp near St. Augustine, 21st May, 1812. Sir :

In my letter of the 5th Inst., I informed you that in consequence of the Governor of St. Augustine having received intelligence of the disavowal on the part of the United States of any participation in the revolution of East Florida, I did not expect the Spaniards would make an attack on the Troops under my Command. This opinion was strengthened on the 9th, by the assurances which the Governor of St. Augustine made to Colo. Cuthbert, aid to Governor Mitchell, that the American flag should be respected. In violation of this assurance, in violation of every usage pending negotiation, an attack was made on my advance guard on Saturday, the 16th. (10) I had removed my encampment a few hundred yards in the rear of Old Fort Moosa ; it was necessary however, that the Fort should be occupied. The Picket was accordingly stationed there.

In the morning of the 16th an armed schooner & four launches filled with men & mounting each a Six pounder were seen going up the North River. On arriving at the Creek upon which Fort Moosa is situated the schooner was moored & every preparation made for an attack. A reinforcement was immediately sent to the Picket under the impression that a landing would be attempted. They had orders, however, to retreat in the event of the enemy's balls penetrating the walls of Moosa, with the exception of fifteen men who were to be left in ambuscade. Under protection of a heavy fire from the schooner the boats advanced. The twenty-second shot, a Twenty-four, passed through both walls of Moosa & the grape was distinctly heard rattling against its sides. That part of the Detachment which was ordered now retreated. The stratagem took effect. The shouts of the Spaniards proclaimed their rapid approach & I expected in a few minutes that a deadly fire would have been poured in upon them, but by the disobedience of a Sergeant an opportunity of giving a character to this Detachment was lost which can never again occur. Positive orders were given to the Sergeant left in command of the party in ambuscade not to fire until the first boat arrived within sixty yards of the landing ; however from some strange infatuation he commenced firing at the distance of four hundred yards. The surprise of the Spaniards was great. They immediately halted & renewed their cannonade. The Sergeant now, in opposition to the entreaties of his men, disgracefully abandoned his post & the enemy taking possession of it we soon discovered Moosa in flames.

Their attention was now directed to our encampment. Finding that we were in reach of their fire I removed the men to a more secure position, ready however to make an attack if an opportunity should offer. The flag seemed to be the point upon which their fire was directed. Discovering that they evinced no disposition to effect a landing in any force & judging it prudent to retire beyond the reach of their armed vessels, I have fallen back to my present position, which is about a mile in the rear of the former encampment. In this affair we received no further injury than the damaging of a few tents by their twenty-fours. The cannonade commenced at eleven and continued until four o'clock. We did not

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leave the ground until the Spaniards had retreated & the schooner under weigh for the harbor of St. Augustine.

I have so frequently laid before the Department the situation of this Detachment that they cannot require further information respecting it. I would wish however that information seriously considered. I have already informed the Honorable the Secretary that the contract which I have made will expire on the 31st May, & that there is no probability of the Troops being supplied with rations unless some arrangement is made to that effect by the Department of War. However critical my situation may be in other respects, I shall not flinch from the arduous task imposed upon me ; but in this case, without the means of supply, I cannot overcome the difficulties which present themselves on every side.

Lieut. Haig joined me on the 12th Inst. I have the honor to be, sir, With high respect,  
Your Obt. Servt.,

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**Gov. Mitchell to Lieut. Col. Smith** (original)

St. Mary's, 25th May, 1812 Sir :

So long ago as last Wednesday I procured a Gun Boat from Commodore , with one hundred rounds of ammunition for Six-pounders & had the two brass pieces at Point Petre with their carriages put on board, for the purpose of being conveyed to you, but such has been the delay occasioned by negligence & head winds, that the boat has not yet left Amelia for St. John's. My object in sending you these Guns, is, to enable you to maintain your ground, in order to watch the Spaniards, as well as to convince them that they do not possess the power to drive you in case they should be disposed to make another tryal.

The letters I have received by last mail assure me of the determination of the Government not to relinquish the Province without ample security for the protection of the Patriots, & in case of War, (11) which is more than probable, that they may feel themselves authorized in proceeding to reduce it by force. Under these circumstances your removal may be viewed as at a distance, and in case of need you must be reinforced. I have written for such reinforcements of Regulars, but in the meantime, if you deem it necessary, I shall, until the Regulars can be sent on, endeavor to procure a Volunteer force from Georgia & send to your aid.

I will also thank you to state to me, what is the state of the Military stores in Savannah, & under whose control they are held, & what description & quantity of them will be necessary for your use. In bringing on Volunteers it is also necessary I should be informed how & by whom they can be supplied with provisions, for as they will be in the

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service of the U. States, it is proper that they should bear the expense. I have to request an answer as speedily as possible, & am, Sir, with great regard & esteem,

Your very obt. servt., (signed) D. B. Mitchell

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**Lieut. Col. Smith to Gov. Mitchell (copy)**

Camp near St. Augustine, 27th May, 1812. Sir :

I have the honor to acknowledge the receipt of your communication by Colo. Newnan. On the 23d Inst we took up our position, three quarters of a mile in advance of that to which we had fallen back on the 16th. The Town is in full view & we have an opportunity of seeing all vessels which enter the harbor. Determined to maintain our ground I have judged it expedient to throw up a small entrenchment around the camp. It will afford protection against their cannon. We anxiously wait the final determination of Government as it respects our operations in this Province. Should a favorable opportunity offer for carrying the Town by assault, I should be at a loss how to act. I would wish to be informed as far as is consistent with propriety to what lengths I might go. I could then be enabled to take such steps as might eventually be of service to the Detachment under my command.

I have the honor to be sir With high respect, Your Obt. Servt.,

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**Lt. Col. Smith to Gov. Mitchell (copy)**

Camp before St. Augustine 30th May, 1812 Sir :

The receipt of your letter of the 25th Inst I have the honor to acknowledge. My last by Colo. Newnan will inform you that the position which the troops now occupy commands the view of the Town & harbor of St. Augustine. The Spaniards have remained quiet & permitted us without molestation to prosecute our works of defence. The Gun Boat with the Six-pounders has passed the Cowford on her way to Six Mile Creek.

The Pieces will at least insure us respect from the launches. I must observe that reinforcements are not necessary (as experience has proved) for the maintaining of my

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present position. Should the Spaniards however receive a supply of men, the probability of which you are as well acquainted as myself, there is no doubt my force would be inadequate to maintain the ground against a force so far superior as they then would have. For the object of a reinforcement would not be to remain in garrison, but to drive us without the limits of the Province, as there are already more than a sufficient number of men in it to defend the works. You will permit me at the same time to observe that should the United States contemplate active offensive operations against the Spaniards a reinforcement of whatever description it may be could not be too speedily ordered. For I am convinced if the Governor saw the determination of the United States to subdue the Province by force of arms & every necessary preparation made for that purpose previous to their receiving succor from the British that he would immediately capitulate.

In the event of hostilities the utmost vigilance will be required at Amelia; Augustine is now furnished with provisions from that place. Could not means be taken to prevent this? On the subject of supplies I must inform you that the Secy of War has been notified that the contract with Mr. McDougall expires tomorrow & that the troops are without provisions excepting those which I purchase for their use. Should a Volunteer force arrive I will pursue the same steps for their supply. From the list which I have seen of the Military stores in Savannah, there is camp equipage for one thousand men & nine hundred & fifty stand of arms, with medicines & hospital stores under the control of the Military agent subject to my order.

Herewith you will receive an order for the whole or any part thereof which you may think necessary for the service. For this Detachment no requisition will be made at present. I have received intelligence of depredations having been committed on the north side of the St. John's by a party of Indians, who threaten destruction to the whole settlement. The fears of the inhabitants of that part of the Province have been very much excited. It is not known by whom these marauders were instigated. With the expectation of hearing from you intelligence satisfactory to the anxious wishes of the Officers under my Command,

I have the honor to be sir with high respect Your Obt. Servt.,

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**Lt. Col. Smith to U. S. Adjutant & Inspector (copy)**

Camp before St. Augustine 4th June, 1812 Sir :

Herewith you will receive the Monthly Return for May of the Troops under my command. I have so frequently represented to the Honbl. the Secy. of War the situation of this Detachment that I feel reluctant in again bringing it before his view. However the necessity of the case demands it. I must request that with this letter you will submit the

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Return for his Inspection. The very face of it must point out my wants. The greatest deficiency of Subalterns, where they are absolutely necessary-commands are obliged to be intrusted to Non-commissioned Officers, which require the direction of an Officer. With a weak Detachment, but badly provided, laying before one of the strongest fortified places on the Continent, containing a gar rison five times our numbers, what can be expected from me? I shall endeavor to do my duty, but the consequences I am apprehensive will reflect dishonor on the Arms of the United States. We cannot always calculate upon the present disposition of the Spaniards. Our own tardiness must inspirit them. For the want of Cavalry we remain ignorant of their movements & are unable to cut off their parties. Upon any alarm the Infantry are obliged to perform forced marches for the protection of the depot near the St. Johns (12), my force not permitting me to leave the guard necessary for its protection. Thirty Cavalry well mounted will obviate these difficulties. Indeed they are absolutely indispensable. Horses calculated for the purpose may readily be procured from the interior of Georgia, where men can easily be enlisted for that service. I must solicit the early determination of the Secy. on this point, & that no time may be lost in forwarding the necessary equipments. For this command I recommend Lt. Haig of the Dragoons, at present with me, who is one of the most active, enterprising & intelligent officers in the service & would do honor to himself & Country at the head of the Detachment. I received information from Capt. Ross Bird of the 3d Infty. of his having been ordered to join me. My returns must have miscarried, otherwise the order could not have been issued. There is no command for him. The few men here reported as his, I have requested to be transferred to Capt. Woodruff, that the trouble of making separate papers might be done away. with. Capt. Bird at the head of a Company would be very acceptable in our present situation; alone he can render no service.

It is with regret I again advert to the difficulty which I experience in procuring supplies for this Detachment. The Dept. of War is already apprised of the expiration of the contract which I had made. For the means of procuring supplies I endeavored to negotiate a draft at St. Mary's on the Secy of War, but failed in the attempt. I then offered the Contractor twenty-five cents, but even this was refused. The only resource left was my private credit upon which I have purchased for the present month. Unless arrangements are speedily made for the supply of the Troops by the proper authority I will be under the necessity of withdrawing from the Province. Twelve hundred Dollars a month at least will be requisite for provisions & contingent expenses for the present number of Troops under my command. The difficulty also of transportation is very great & we have not the means of getting our supplies from the St. Johns. Shall I be authorized to purchase a wagon and team?

The situation in which I am here placed as a Military man is such as tends to cast the greatest reflection upon the Army. Having entered the Province & taken possession of the Country in the name of the United States, where no opposition was offered, but as soon as we came before the enemy all power ceased, the flag allowed to be insulted without orders to retaliate. Nothing but the knowledge which I possess of the President having disavowed the acts of the late Commissioner prevented my laying the Town in ashes after the affair of Moosa. Smarting under the stigma which attaches itself to this

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Detachment from that unfortunate encounter, I applied to Govr. Mitchell for instructions to act, but he answered only that I should maintain my ground. Is it intended that I shall remain here and permit myself to be insulted with impunity? If so, I must insist upon being relieved in the command. The Government expects the Patriots to effect all that is necessary. The Patriots look to the troops for protection & through their aid alone see the accomplishment of all their wishes.

I have the honor to be sir, With high respect, Your Obt. Servt.

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**Col. Ralph Isaacs to Lieut. Col. Smith** (original)

June 10th, 1812. Dear Sir:

I left St. Mary's on the morning of the 7th Inst., when his Excellency, Govr. Mitchell directed me to inform you officially that it was the determination of the U. States Government to protect the persons & property of the patriots in East, Florida-and that as U. States agent he should for their protection continue the troops already in the Province, & that you might very soon expect to be reinforced by Colo. Cuthbert with a detachment of Volunteers from Savannah.

His Excellency also ordered me to communicate to you officially that should you be again attacked or fired upon by the Spaniards, you are to commence a system of annoyance by doing them all the harm you can, & to dislodge & dispossess them either by storm or in any way that your judgment may dictate of the Town of St. Augustine or any post in their possession. I have the honor to be most respectfully,

Yr. Obt. Servt. (signed) Ralph Isaacs Aid De Camp to his Excellency, D. B. Mitchell, Governor & Commander in Chief of the State of Georgia & U. States Commissioner for E. Florida.

Lieut Colo Thomas A. Smith U. States Rifle Regiment.

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REFERENCES

1. Point Petre was a U. S. military post on the St. Marys River about two miles east of the town of St. Marys, Ga., and five miles from Amelia Island.

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2. Under the command of Lieut. Daniel Appling.
3. A fleet of nine gunboats under the command of Commodore Hugh was in the St. Marys River near Amelia at the time.
4. The Patriots had occupied Ft. Moosa about two and a half miles north of St. Augustine. Gen. Mathews had marched with them and the same procedure of "local authority" and "transfer of government" had been carried out as at Amelia Island.
5. Picolata is on the east bank of the St. Johns River, directly west from St. Augustine.
6. This was a Spanish gunboat sent from St. Augustine.
7. Spanish governor.
8. St. Augustine.
9. This refers to the British traders in the town of Fernandina.
10. According to the agreement the truce ended on the 14th see Niles Register, Jan. 16, 1813, Garzia to Mitchell.
11. With Great Britain.
12. At Six Mile Creek.

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## APPENDIX B

**EXCERPTS FROM A LETTER BY SECRETARY OF STATE MONROE  
TO GENERAL GEORGE MATHEWS AND COLONEL JOHN McKEE  
DATED 26 JANUARY 1811<sup>151</sup>**

Gentlemen:

The President of the United States having appointed you jointly and several, commissioners for carrying into effect certain provisions of an act of Congress (a copy of which is enclosed,) relative to the portion of the Florida's situated in the east of the river Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you, with that discretion which the delicacy and importance of the undertaking require.

**Should you find Governor Folk [Governor of Spanish Florida], or the local authority existing there inclined to surrender, in an amicable manner, the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish monarchy, you are to accept,** [emphasis added] in behalf of the United States, the abdication of his, or of the other existing authority, and jurisdiction of the country over which it extends. And should a stipulation be insisted on for the re-delivery of the country at a future period, you may engage for such re-delivery to the lawful sovereign.

**The debts clearly due from the Spanish Government to the people of the territory surrendered [payment for escaped slaves not returned to Georgia plantation owners, i.e., the Patriots] may, if insisted on, be assumed within reasonable limits, and under specified descriptions, to be settled hereafter as a claim against Spain in adjustment of our affairs with her** [emphasis added]. You may also guaranty, in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws: and Spanish functionaries, where no special reason may require changes, are to be permitted to remain in office, **with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situations of the country** [emphasis added].<sup>152</sup>

If it should be required, and be found necessary, you may agree to advance, as above, a reasonable sum for the transportation of the Spanish troops.

**These directions are adapted to one of the contingencies specified in the act of Congress, namely the amicable surrender of the possession of the territory by local ruling authority [the Patriot Rebels]. But should the arrangement contemplated by the statute not be made, and should there be room to entertain a suspicion of an exiting design in any foreign Power to occupy the country in**

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<sup>151</sup> *Excerpted from American State Paper-Documents, Legislative and Executive of the Congress of the United States, From the First Session of the First to the Third Session of the Thirteenth Congress: Commencing March 3, 1789, and Ending March 3, 1815, Class 1 Foreign Relations Vol. III, (Washington, DC: Gales and Seaton, 1832), 571-572. Communicated to the House of Representatives 1 July 1812 by President James Madison.*

<sup>152</sup> The end of independence for Red Seminoles, end of freedom for Black Seminoles, and the establishment of U.S. style slavery in the region.

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**question, you are to keep yourselves on the alert, and, on the first undoubted manifestation of the approach of a force for that purpose, you will exercise, with promptness and vigor, the powers with which you are invested by the President to pre-occupy by force the territory, to the entire exclusion of any armament that may be advancing to take possession of it. In this event, you will exercise sound discretion in applying the powers given with respect to debts, titles to land, civil officers, and the continuation of the Spanish laws, taking care to commit the Government on no point further that may be necessary [plausible deniability by the U.S. Government]. And should any Spanish military force remain within the country, after the occupancy by the troops of the United States, you may, in such case, aid in their removal from the same [emphasis added].**

The universal toleration, which the laws of the United States assure to every religious persuasion, will not escape you as a argument for quieting the minds of uniformed individuals, who may entertain fears on that head.

**The conduct you are to pursue in regard to East Florida, must be regulated by the dictates of your own judgments, on close view and accurate knowledge of the precise state of things there, and of the real disposition of the Spanish Government, always recurring to the present instruction as the paramount rule of your proceedings. Should you discover an inclination in the Governor of East Florida, or in the existing local authority [Patriots], amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And in case of the actual appearance of any attempt to take possession by a foreign Power, you will pursue the same effective measures for the occupation of the territory, and for the exclusion of the foreign force, as you are directed to pursue with respect to the country east of the Perdido, forming, at this time, the extent of Governor Folk's jurisdiction. . . [emphasis added].**

JAMES MONROE

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## APPENDIX C

# *If Walls Could Talk...*

**By Jill Howard, Park Ranger, Timucuan National Preserve  
Artwork and photos courtesy of the National Park Service**

If the walls of this old plantation house could speak, what compelling stories would they tell? Would we hear the story of a family that survived a close call? Maybe the walls would speak of an important person that paid a visit. They may also tell of conspiracies and governmental power struggles. How did these events affect the residents of this home?

*The walls remember families gathering together...*

John McQueen gathered local women and children inside his home to protect them from a reported threat. The families were forced there by concern of attack and the uncertainty of their futures and so hid from the potential Indian raid. The Spanish government had trouble providing security to its new settlers and their families. McQueen pleaded for military posts staffed by free black militiamen or regular soldiers, but his letter of warning to the governor had fallen on deaf ears.



The walls of the old plantation house on Fort George Island have stood for over 200 years.

McQueen's status gained by previously important roles, such as the part he played as a courier between George Washington and the Marquis de Lafayette during the American Revolution, would not help him when his family was in need. Small bands of Indians were pirating the settlements along the St. Johns River and threatening all that got in their way. As McQueen waits with his

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family and friends in the plantation house, does he have time to reflect on his decision to come and settle in northeast Florida?

## *Plantation House Residence Timetable*

<i>1790-1804</i>	<i>John McQueen</i>
<i>1804-1812</i>	<i>John Houstoun McIntosh</i>
<i>1804</i>	<i>Vice-President</i>
	<i>Aaron Burr's visit</i>
<i>1814-1837</i>	<i>Anna and Zephaniah Kingsley</i>

*And then there was a chance meeting...*

Through the gust of wind that brought rain and ocean spray into his face, Aaron Burr attempted to escape the storm and find a safe haven. The storm ended his plan of reaching St. Augustine; instead he found himself on Fort George Island, in the plantation house owned by John Houstoun McIntosh. Aaron Burr had killed Alexander Hamilton during a duel in New York and ran to Spanish Florida to escape the long arm of the United States. His country charged him with murder and questioned his loyalty. Heavy with emotions from a hasty retreat, the plantation house offered an opportunity to collect his thoughts. From here he wrote a letter to East Florida governor Enrique White, reminding him of their upcoming meeting. Who knew what might come of that meeting? Was the Vice-President of the United States weaving a web of conspiracy? Was he working with the British and Spanish against the United States?

*The walls survived a rebellion...*

John Houstoun McIntosh sat back and reminisced about his short career as the president of the East Florida Republic. He proudly remembered the flag of the Florida Patriots flying high over Fernandina Beach on Amelia Island for the briefest of time. He contemplated how his life would be different if the rebellion succeeded. He wistfully thought of how political power would have complimented his wealth, especially if the United States had gained possession of Florida during the rebellion. McIntosh recalled his plantation house on Fort George Island. The house served as the headquarters for the patriots. It was

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where the men gambled their lives and possessions by inventing risky plans. The ambitious soldiers bonded together, hoping to better their finances and further their careers. But in order to do so, they would have to betray their newly-adopted country of Spain. McIntosh felt relief wash over him when he escaped back to United States soil: the rebellion, and his choice of politics over planting, did not end up costing him his honor or his life! He thought someday, when Florida was no longer under Spanish rule, he would pay a visit to his old home. It was the only building from his former plantation that survived the Patriots Rebellion.



John Houstoun McIntosh

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*The walls see life renewed...*

Anna Kingsley gazed down at her new baby boy with a look of great satisfaction. John Maxwell Kingsley was the first child she had brought into the world as a free person. Anna, or Anta Majigeen Njaay as she was called in her native homeland of Senegal, had arrived in Florida with Zephaniah Kingsley many years before. John Maxwell Kingsley was Anna and Zephaniah's fourth child and the only child that was born at the Fort George Island plantation. John was the first child Anna had given birth to since she had become a free person of color; the first three children were born into slavery because their mother was enslaved at the time of their birth.

*The walls have secrets...*

If the walls of the old plantation house could talk, perhaps they would complete the stories - and fill in the many missing puzzle pieces from history. The plantation house stands today as a well-preserved symbol of the past. Perhaps as a visitor you can come explore the historical setting and buildings at Kingsley Plantation and hear what the walls have to say to you?



The Patriot Flag.  
"The Welfare of the People is the Highest Law."

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Venture outside the walls...

*The National Park Service also has another Visitor Center located at the Fort Caroline National Memorial in Jacksonville. For more information, call (904) 641-7155.*

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## APPENDIX D - The Monroe Doctrine

The Monroe Doctrine (1823) “proclaimed the U.S. opinion that European powers should no longer colonize the Americas or interfere with the affairs of sovereign nations located in the Americas, such as the United States of America, Mexico, and others. In return, the United States planned to stay neutral in wars between European powers and in wars between a European power and its colonies. However, if these latter type of wars were to occur in the Americas, the U.S. would view such action as hostile toward itself.”<sup>153</sup>

“At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers....It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellowmen on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as

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<sup>153</sup> Wikipedia, The Free Encyclopedia, “The Monroe Doctrine,”  
URL:<[http://en.wikipedia.org/wiki/Monroe\\_Doctrine](http://en.wikipedia.org/wiki/Monroe_Doctrine)>, accessed 4 July 2006.

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dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security. The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.... *J.D. Richardson, ed., Compilation of the Messages and Papers of the Presidents, vol. 2 (1907), 287.*"<sup>154</sup>

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<sup>154</sup> *BASIC READINGS IN U.S. DEMOCRACY*

URL:<<http://usinfo.state.gov/usa/infousa/facts/democrac/demo.htm>>, accessed 4 July 2006.

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