

# THE NORTHWEST ORDINANCE AND WESTWARD EXPANSION

The Northwest Ordinance of 1787 significantly changed American history. The Ordinance provided that new states in the Northwest Territory shared coequal status with the original thirteen states. It established the process for territories to become states. And it was the first and only federal anti-slavery policy before the Civil War. While the Ordinance also established the orderly westward expansion of the American states, it did so at the expense of Native Americans already living in the territory.

## Causes of the Northwest Ordinance

In the Treaty of Paris that ended the Revolutionary War, Britain ceded to the United States all the land west of the Appalachian Mountains, north of the Ohio River, and west of the Mississippi River. This territory came to be known as the Old Northwest. However, under the Articles of Confederation (the original governing document for the United States — before the U.S. Constitution), Congress lacked the power to tax. Therefore, the U.S. government was too poor to maintain troops to control settlers who were entering the Northwest Territory.

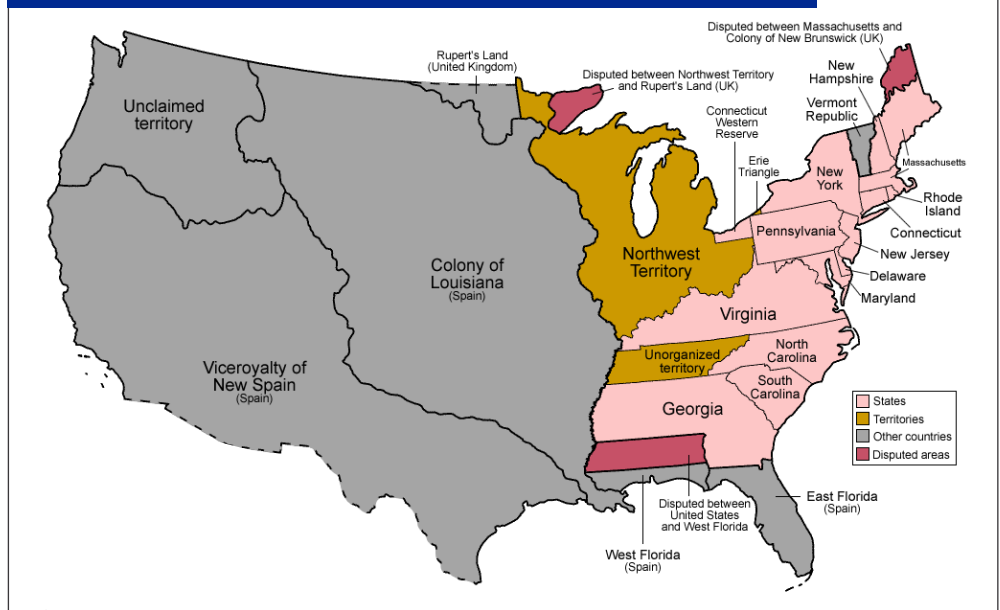
Native American tribes occupied the land of the Old Northwest. The western migration encroached on their land and began to push tribes further west. Often the tribes would fight the settlers. But Congress could not afford to govern this expansive area and did not want a war with Native Americans.

As a member of the Continental Congress, Thomas Jefferson drafted a plan for settlement of the territory. Under Jefferson's plan, called the Ordinance of 1784, settlers would govern themselves until the population of a territory reached 20,000. Settlers could then draft their own state constitutions. These new states would have the same relation to the United States as the original thirteen states. They would be a permanent part of the Union.

By a single vote, Congress rejected a clause in Jefferson's ordinance that would have abolished slavery in all western states after 1800. The three Southern states who voted on this ordinance all voted against the anti-slavery clause.

Congress still could not tax Americans to raise revenue to defend settlers from Native American tribes.

## States and Territories of the United States (1787)



This map depicts the United States in 1787 and the territories that would eventually become states. Note the position of the Northwest Territory in relation to the Northern states (e.g., Pennsylvania) and the Southern states (e.g., Virginia).

Congress also needed a plan to regulate the sale of land in the territory. So Congress enacted the Land Ordinance of 1785. Under this ordinance, which means a government decree, the land was divided into townships. Each township was six square miles. As soon as the government surveyed a township, it could be divided into “sections” of 640 acres each, and the sections could be sold for no less than one dollar per acre.

Surveys of the territory began immediately. But most settlers could not afford to buy sections for \$640 each. They continued to enter the territory before surveys could be completed. Without order and protection from the U.S. government, frontier wars erupted between settlers and Native American tribes. By 1786, Congress concluded that settlers should not immediately govern themselves.

Congress decided to sell large tracts of land to wealthy private buyers. These buyers were land companies and land speculators. Speculators were people who bought land cheaply in the hope that the land would increase in value.

One group of speculators was the Ohio Company of Associates. New England veterans of the American Revolution formed the company in 1786. They wanted to buy land in the southeast of the Ohio territory. The land had not yet been surveyed. The company wanted Congress to protect the speculators' property rights in the Northwest Territory.

## The Northwest Ordinance of 1787

The leaders of the U.S. realized many weaknesses in the Articles of Confederation. One weakness was Congress' inability to manage the U.S. territories. The United States Constitutional Convention met during the spring and summer of 1787 in Philadelphia to write a new constitution.

In spring 1787, many congressional members were away attending the Convention. Delegates from only eight states remained in Congress in New York. A committee formed in Congress to create a new ordinance to govern the Old Northwest, which would be called the Northwest Territory.

Reverend Manasseh Cutler was a founder of the Ohio Company. The company sent him to negotiate with members of Congress on a land sale to the company. Cutler helped the drafting committee to write the proposal for the Northwest Ordinance. He demanded that the committee create a plan for stable government in the territory.

Nathan Dane was a member of the drafting committee. On July 11, he gave the final draft of the Ordinance to Congress. On the floor of Congress, he added an anti-slavery amendment, written by Cutler. All eight state delegations voted unanimously for the new Northwest Ordinance with Dane's amendment. It became law.

The Northwest Ordinance established three stages for territorial government. In the first stage, Congress would appoint a governor, secretary, and three judges to make laws for a territory.

Once a territory had 5,000 male settlers, it entered the second stage. They could elect a legislative assembly. The assembly then would elect a legislative council. Voters for the legislative assembly were limited to men that owned property and met specific residency requirements. While the legislative assembly and council could pass laws, the governor retained complete veto power over these laws.

Stage three occurred once the territory reached 60,000 male inhabitants. At that time, the territory could apply for statehood. The territory could not fully govern itself until it became a state. In this way, the Ordinance provided a model for how territories could become states.

In the Northwest Ordinance, Congress claimed title to all the land within the Northwest Territory. The Ordinance also required that the Northwest Territory be organized into at least three states, but no more than five. New states in the territory would possess the same rights as the original 13 states.

Five states would arise out of the territory governed by the Northwest Ordinance: Ohio (admitted to the Union

in 1803); Indiana (1816); Illinois (1818); Michigan (1837); and Wisconsin (1848). The Northwest Territory also included a portion of land that became the Northeastern part of Minnesota. Minnesota entered the Union in 1858.

## Civil Rights

The Ordinance enshrined civil rights, reflecting the direction of the country. Under the Ordinance, the settlers in the area received several of the rights that were later given to all American citizens under the Constitution and Bill of Rights. For example, it provided for freedom of religion: "No person . . . shall ever be molested on account of his mode of worship or religious sentiments, in the [Northwest Territory]."

The Ordinance included rights to a jury trial, due process of law, and the right to be safe from cruel and unusual punishment. It also included the right to *habeas corpus*, or the right for someone to be released from detention if the government has no legal reason for detention. Article 2 of the Ordinance also gave people the right to make private contracts and to be compensated by the government if their private property was taken for public use.

## Education

The U.S. Constitution does not include a right to education. There is no language about schools in the Constitution. But the Ordinance promoted schools and education.

Article 3 stated, "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." For example, when the United States sold land to the Ohio Company, it required that schools exist in each township. Similarly, two townships were set aside for a university.

## Native Americans

Tension between new settlers and Native Americans in the Northwest Territory was a major issue. The main tribes in the territory were the Shawnee and Miami tribes. Article 3 of the Ordinance provided that the government should treat Native American tribes fairly:

The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed.

This was the first time the U.S. government recognized the right of Native Americans to own the land they occupied. If settlers were allowed to just take over tribal lands, wars would follow. Congress included this

*The Ordinance enshrined civil rights, reflecting the direction of the country.*



This 18th century painting depicts the Treaty of Greenville. General Anthony Wayne stands in the center, surrounded by his officers. Chief Little Turtle of the Miami tribe stands and speaks to him.

language to prevent expensive military conflicts with Native American tribes.

Most Native American tribes had fought on the British side during the Revolutionary War. Thus, Americans generally viewed the tribes as a conquered people. From 1784 to 1786, Native American tribes gave up some lands to the United States. But the tribes increasingly claimed land by the time the Northwest Ordinance was enacted.

President George Washington and his secretary of war, Henry Knox, rejected the idea that the Indians were a “conquered people.” Knox believed that Indian tribes were “foreign nations.” They had a “right of the soil” to the lands where they lived. If the United States wanted their land, then the United States should pay them fairly.

Both Washington and Knox believed that fair treatment of the tribes showed that the United States was a true republic, and not a European empire. After all, the United States had recently won its independence from a European empire.

Other American leaders held to the idea of the tribes as conquered people. These leaders believed that more settlements in the Territory would simply force tribes to leave. Philip Schuyler, a New York state senator and former general in the Continental Army, stated, “[Native American tribes] must . . . retire further back, and dispose of their lands, until they dwindle comparatively to nothing.”

White settlers continued to move into land occupied by Native Americans after the Ordinance was enacted. At the same time, British troops remained in the Northwest Territory even though the American Revolution was over.

They supplied guns and ammunition to Native Americans to help fend off settlers. A major confederacy of the Shawnee and other tribes united to fight the settlers. These tribes won important early battles in 1790 and 1791.

President George Washington wished to keep U.S. control of the territory. He sent in the U.S. Army. In 1794, the United States won a major battle at Fallen Timbers. In the Treaty of Greenville, signed on August 3, 1795, Native American tribes gave up their claims to land that included the present-day cities of Dearborn and Detroit in Michigan. They also gave up their claims to lands that are today much of Ohio. Native Americans were still permitted to hunt on lands in the Ohio Valley. Over the years, however, disputes continued to arise over these lands.

### Slavery

Slavery was another major issue. The Ordinance abolished slavery in the Northwest Territory immediately: “There shall be neither slavery nor involuntary servitude in the said territory.” The eight states who voted on the Northwest Ordinance unanimously accepted the anti-slavery rule. Five of those eight states were Southern states.

Historians have offered several reasons why Southern states may have voted for the anti-slavery rule in 1787 but not in 1784. First, the Ordinance of 1784 applied to all lands west of the Appalachian Mountains to the Mississippi River. The Northwest Ordinance applied only to land in the Northwest Territory. So the anti-slavery clause did not apply to any Southern states.

Second, the Northwest Ordinance had a fugitive slave clause. Southern states wanted a law allowing

them to capture escaped slaves. The Ordinance of 1784 did not have a fugitive slave clause. But the Northwest Ordinance required the return of slaves who escaped into the Northwest Territory.

Third, the settlers would be farmers. Southern leaders believed that the settlers would likely vote like Southerners, who were also mostly farmers.

Finally, main crops of Southern farmers were indigo and tobacco. These crops required large plantations that depended on slave labor. The anti-slavery clause ensured that farmers in the Northwest Territory would not be able to grow these crops. They would not compete with the Southern farmers.

People seeking to end slavery in American were called abolitionists. In the 1830s and 1840s, abolitionists used the anti-slavery rule in the Northwest Ordinance to support their arguments. Ultimately, the five states that arose out of the Northwest Territory entered the United States as “free” states. They later fought for the North during the Civil War.

### Sale of Government Lands

The Northwest Ordinance’s rules enabled the U.S. government to generate much-needed revenue while establishing an orderly process for private ownership of land. The United States government sold “clear title” to private land owners that could afford to pay the price.

“Clear title” provides an official confirmation of who owns land. It gives people comfort that they can use, invest in, and ultimately sell that land.

In October 1787, Manasseh Cutler negotiated a deal with Congress. The Ohio Company bought 1.5 million acres in the Northwest Territory for eight cents an acre. Cutler bargained by making some members of Congress partners in the Ohio Company. Cutler himself later served two terms in Congress, representing Massachusetts.

By making large land sales to speculators easier, the Ordinance led to substantial relief of the national debt. It also served as the basis for the sale and governance of the lands in the national domain. As a result, by the 1830s, the United States had sold land for more than \$44 million.

### WRITING & DISCUSSION

1. Compare Jefferson’s Ordinance of 1784 to the Northwest Ordinance. What were the major differences between the two?
2. Describe the involvement of the Ohio Company in the Northwest Ordinance. Should private companies influence federal laws? Why or why not?
3. How successful was the Northwest Ordinance in meeting its goal to eliminate conflict with Native American tribes?

### ACTIVITY: Bound for the Northwest Territory!

1. After reading “The Northwest Ordinance and Westward Expansion,” imagine it’s 1788. Create a travel brochure encouraging Americans to settle in the Northwest Territory. The brochure should highlight the positive aspects of the Ordinance that make this area of largely unsettled lands desirable.
2. Travel Brochure Criteria. Your brochure must:
  - Be neat and include color.
  - Include at least five images and/or pictures (including the map described below).
  - Describe the geography. (Where is the territory? Include a map to show the territory and surrounding states.)
  - Outline a brief history of the territory (including how it came to be a part of the U.S.).
  - Explain civil rights and education within the territory.
  - Explain the Native Americans’ role in the territory.
  - Explain the rules about slavery within the territory.
  - Include a *Warning Clause* somewhere of possible challenges involved in living in the territory.

This activity was drafted especially for *Bill of Rights in Action* by Lindsay Russell who teaches American history at Southeast Guilford High School in Greensboro, North Carolina. Lindsay is a teacher-leader in CRF’s T2T Collab. For more information about T2T Collab, visit: [www.crf-usa.org/t2tcollab](http://www.crf-usa.org/t2tcollab).



## Standards Addressed

### How Democratic Was Athens?

California History-Social Science Standard 6.4: Students analyze the geographic, political, economic, religious, and social structures of the early civilizations of Ancient Greece. (2) Trace the transition from tyranny and oligarchy to early democratic forms of government and back to dictatorship in ancient Greece, including the significance of the invention of the idea of citizenship (e.g., from *Pericles' Funeral Oration*). (3) State the key differences between Athenian, or direct, democracy and representative democracy.

National World History Standard 8: Understands how Aegean civilization emerged and how interrelations developed among peoples of the Eastern Mediterranean and Southwest Asia from 600 to 200 BCE. Middle School: (1) Understands the political framework of Athenian society (e.g., the influence of Athenian political ideals on public life; major changes made to the Athenian political organization between the initial monarchy and the governments of Solon and Cleisthenes; the role of women in Athenian society, their rights under the law, and possible reasons why Athenian democracy was limited solely to males). High School: (1) Understands the legacy of Greek thought and government (e.g., the importance of participatory government in Greek city-states for the development of Western political thought and institutions; essential ideas in Plato's Republic and the influence of this work on modern political thought; Athenian ideas and practices related to political freedom, national security, and justice; how the maturing democratic institutions in Greece resulted in greater restrictions on the rights and freedoms of women).

Common Core State Standards: SL.1, SL.3, RH.1, RH.2, RH.3, RH.4, RH.6, RH.8, RH.10, WHST.1, WHST.9, WHST.10.

### The Northwest Ordinance and Westward Expansion

California History-Social Science Standard 8.3 Students understand the foundation of the American political system and the ways in which citizens participate in it. (2) Explain how the ordinances of 1785 and 1787 privatized national resources and transferred federally owned lands into private holdings, townships, and states.

California History-Social Science Standard 8.9 Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (3) Describe the significance of the Northwest Ordinance in education and in the banning of slavery in new states north of the Ohio River.

National United States History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. Middle School: (2) Understands arguments over the necessity of a Bill of Rights (e.g., Anti-Federalist arguments for its inclusion in the Constitution) and Madison's role in securing its adoption by the First Congress. High School: (1) Understands influences on the ideas established by the Constitution (e.g., the ideas behind the distribution of powers and the system of checks and balances; the influence of 18th-century republican ideals and the economic and political interests of different regions on the compromises reached in the Constitutional Convention).

Common Core State Standards: SL.1, SL.3, RH.1, RH.2, RH.3, RH.4, RH.7, RH.10, WHST.9, WHST.10.

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## Is Democracy in Trouble?

California History-Social Science Standard 12.2. Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured.(4) Understand the obligations of civic-mindedness, including voting, being informed on civic issues, volunteering, and performing public service, serving in the military or alternative service.

California History-Social Science Standard 12.9. Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances and its obstacles. (5) Identify the forms of illegitimate power that twentieth century African, Asian, and Latin American dictators used to gain and hold office and the conditions and interests that supported them.(8)Identify the successes of relatively new democracies in Africa, Asia, and Latin America and the ideas, leaders, and general social conditions that have launched and sustained, or failed to sustain them.

National Civics Standard 1: Understands ideas about civic life, politics, and government. High School: (3) Understands the nature of political authority (e.g., characteristics such as legitimacy, stability, limitations)

National Civics Standard 9: Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy. High School: (1) Understands how the institutions of government reflect fundamental values and principles (e.g., justice, equality, the common good, popular sovereignty, checks and balances).

National Civics Standard 14: Understands issues concerning the disparities between ideals and reality in American political and social life. High School: (1) Understands the importance of established ideals in political life and why Americans should insist that current practices constantly be compared with these ideals.

National Civics Standard 23: Understands the impact of significant political and nonpolitical developments on the United States and other nations. High School: (2) Understands the effects that significant world political developments have on the U. S. (e.g., the French, Russian, and Chinese Revolutions; rise of nationalism; World War I and II; decline of colonialism; terrorism; multiplication of nation-states and the proliferation of conflict within them; the emergence of regional organizations such as the European Union). (5) Understands historical and contemporary responses of the American government to demographic and environmental changes that affect the U.S.

Common Core State Standards: RH.6, RH.8, SL. 4, WHST.7, WHST.9, WHST.10. Understands how diverse groups united during the civil rights movement (e.g., the escalation from civil

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## Is Democracy in Trouble?

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