Essential Antebellum American History

Chapter 1:

Birth of the American Colonies

Europe Sets Sail

What was it that motivated an Italian named Columbus to set out across the Atlantic ocean in the late 15th century? Glory, no doubt, was one goal. He was not the first to say the earth is round, but he wanted to be the one to prove it. In the process, of course, he would discover a water route to the Orient, and hopefully gold or other riches as well. He also was determined to export Christianity to heathens in the new lands he planned to find.

But to make his dreams come true, he had to have the support of a country. Portugal had turned him down, so he sought and received support from Spain. Why would they be interested in investing in Columbus' ventures? Largely for the same reasons -- wealth, glory, and a new trade route to the Far East. Earlier travelers to China, like Marco Polo, had returned with exaggerated claims of Eastern wealth, and Spain was eager to find a shorter, faster, less dangerous, and less expensive route than the land route taken by those explorers.

Spain also had another reason. Other countries, including Portugal, France, and England, were competitors, at least potentially. They all had strong incentives to get there first, claim the most land and wealth, and expand their power and influence in Europe. None of them, certainly, wanted to be left out in the cold. But they didn't all have the same resources to act on those desires, and they were at different times, in different ways, preoccupied with other concerns on their own continent and within their own borders. For Spain, exploration was a higher priority.

Astrolabe: A device for measuring the sun's altitude above the horizon.

There were three significant developments that greatly influenced Europe in general, and led to European oceanic voyages in the late 15th and early 16th centuries. (1) Improvements in ship design and construction; advances in sailing technology, such as the astrolabe; and the development of accurate maps made such ventures more feasible. (2) Many European monarchs had consolidated their land holdings into larger, more cohesive states, resulting in increased tax revenues with which to finance voyages. (3) the Protestant Reformation of 1517 sparked intense rivalry between Protestant and Catholic countries, providing strong religious incentives for monarchs to invest in such voyages, even though they may have had little or no political or economic aspirations.

And so it was that Columbus left port in August 1492. His fleet consisted of three vessels, the Pinta, the Nina, and the Santa Maria, with a combined crew of 90 men. They reached the Bahamas on October 12, 1492, then they continued on to Hispaniola. They encountered natives there, and called them Indians, because he thought he had landed somewhere in India. Not until much later did he gradually begin to realize he had not reached India after all, but some new land, maybe even a new continent. He made other voyages in 1493, 1498, and 1502, and he did not give up on the idea of finding a water route to the Orient until the very end of his last voyage.

Aren't you glad we don't live on a continent called North Vespucci?

Americans credit Columbus for the discovery of America. So why didn't we end up with a name like Columbus or Columbia? For one thing, Columbus' reputation suffered badly after his first voyage. For another, before Columbus could write his account of events and get it in print for people to read, the people were reading the stories of a Florentine passenger on a Portuguese vessel. Amerigo Vespucci's self-promoting descriptions of the New World (based

on his letters to friends) caught the attention and imagination of inquiring minds, so we became known as America based on someone who had never taken the risks that Columbus had taken.

When Columbus' account was available, only a few explorers, dreamers, and merchants were impressed. Most people in Europe didn't care whether he had encountered the Far East or some unknown land. They were preoccupied with political events.

Although this is largely unknown or forgotten, the much smaller country of Portugal had sponsored voyages before Spain got involved. But Portugal had experienced a sharp decline, opening the door for Spain to take center stage. Portugal's most famous explorer, Prince Henry, created maps, trained navigators and mapmakers, sent ships to explore the coast of Africa, and evaluated the reports of returning sailors. Portuguese captains established trading centers and traded such commodities as gold, ivory, fish, wine, salt, and slaves.

Just as Prince Henry's work had helped pave the way for Columbus, their success blazed the trail for other Spanish explorers, such as Vasco Nunez de Balboa, Ferdinand Magellan, Juan Ponce de Leon, and Hernando Cortez, who captured the Aztec capital in 1521. By that time, news had reached Spain that there were large quantities of silver in Mexico, and that attracted conquistadores, like Hernando de Soto and Francisco Vasquez de Coronado.

By the 1570s there were about 200 Spanish settlements with more than 160,000 European settlers. One of the top priorities in each village was to build a church and begin the process of converting the Indians to Christianity. Spanish missionaries worked very hard, often under extremely difficult conditions, because they considered their work at least as important as acquiring wealth. Each mission also had a fort, or *presidio*, the largest of which was at San Diego. Since the Royal Governors and their local bureaucrats were far from Spain, they achieved a great deal of autonomy, and a new culture developed in Mexico and what is now the American Southwest. Indians and Europeans intermarried, resulting in a large *mestizo* population who adopted Spanish culture. Today we know them as Mexicans or Hispanics.

As promising as it seemed, however, Spanish colonies grew slowly. Why? For one thing, a lot of the people in Spain who were contemplating settling in the new land decided against it for fear of piracy on the seas. Between pirates and storms, there was plenty of bad news about those who had set sail and perished en route. Another factor was Spain's economic system, based on mercantilism. Eventually, vast quantities of gold and silver flowed from the new lands to Spain, but instead of using it to develop Mexico into a thriving country, the new wealth was simply stored in Spain's vaults. Spain didn't consider Mexico of much value other than the precious metal it provided, so Spanish colonies languished while English colonies sprang up and began to thrive.

France was less eager to colonize North America, and was, therefore, the last of the major European countries to establish a presence there. Although she had sponsored early expeditions along the coast of Newfoundland, her first serious voyage was conducted by Jacques Cartier in 1534. He sailed up the St Lawrence River to what is now Montreal, but no permanent settlement was established there until 70 years later. In 1608 Samuel de Champlain established a fort at Quebec.

Quebec means:
where the river narrows.

About 20 years later, the *Company of New France* was formed to develop French colonies in North America. But they made the mistake of placing their most enthusiastic group in what is now southeastern United States, instead of Canada, and they soon found they were no match for the well-established Spanish. Although that effort had been motivated largely by French Protestants, known as *Huguenots*, it was Catholicism and the fur trade that provided the incentives for French colonies in Canada.

The French were less successful than the English, for several reasons. France did not encourage emigration, in part because it needed potential military recruits to stay at home. Peasants there were better off than their counterparts in England, so they were less inclined to leave. Those who did choose to journey to the new world found the frigid Quebec much less attractive than the warmer alternatives in the United States. Although the population of the Company of New France doubled between 1660 and 1713, the French population of 60,000 was dwarfed by the British colonial population of 1.5 million.

French ports, like Detroit, Montreal, and Quebec in the north, and New Orleans, Biloxi, and Mobile in the south, were vulnerable to attack by the British navy, and even inland waterways, especially the St Lawrence River, became primary targets. France's sparse settlement, heavy reliance on the fur trade, naval inferiority, and lack of any industrial base, placed her at a distinct disadvantage in conflicts with Britain. She was forced to rely, therefore, on her strongest asset -- good relations with the Indians, who in turn relied on the French to help fend off the encroaching white man. But the Indians had not embraced the superior Western ways of making war, and Indian allies were not enough to help the French defeat the British.

And there were other factors that probably help explain England's success, even though she still had no permanent colonies in America by 1600. It's possible that she was just lucky. But England was a tiny island with few natural resources, so luck alone hardly seems an adequate explanation for her enormous power and influence both in Europe and in America.

In the early 1500s, England was not considered a major player in Europe. She was far behind in terms of commerce, industry, and wealth. But when Queen Elizabeth assumed the throne in 1558, she began to build a large navy with bold and skilled seamen, who were motivated in part by the profits of piracy. This helped lay the groundwork for future success.

So did the development of a new form of business, called a *joint-stock company*. Similar in many respects to modern corporations, the joint-stock company provided for limited liability, and it did not dissolve at the death of the owner. It also provided a means for middle-class merchants to invest in overseas ventures.

A business climate favorable to risk-takers, innovators, inventors, and entrepreneurs had spread throughout the West, but it flourished most in England. Key inventions and technologies had not originated in the West, but that is where they were used in ways that dramatically changed society. While scientists in other parts of the world often faced possible death if their experiments led to conclusions at odds with state policies and practices, in England scientists were free to explore new ideas in a stable environment, governed by the rule of law.

England was also more receptive to immigrants no matter where they came from. Newcomers found greater respect there because England needed laborers. This led to property rights, political rights, and religious tolerance. All of which went to America along with the new colonists, who found land so abundant that virtually everyone could own it. These factors combined gave England a decisive advantage in colonizing the new world, even though it took her a century longer to get started.

Not that England didn't have its share of challenges and failures. In 1585 Walter Raleigh and 100 settlers landed at Roanoke on the coast of Carolina. They would have starved had it not been for supplies furnished by the famous English pirate Francis Drake. In 1587 another 133 men and 17 women arrived at Roanoke Island. The ships, commanded by the governor, John White, returned to England for supplies, but their return was delayed until 1591 because of the

Virginia Dare, born on Roanoke Island in 1587, was the first European born in America.

White found the word CROATOAN carved on a tree, but the nearby Croatoan Indians were considered friendly.

attempted invasion of England by Spain. White found only empty houses remaining in Roanoke, and to this day historians have been unable to determine what happened to the settlers.

Virginia

In 1606 James I granted a charter to the Virginia Company, a joint-stock venture which consisted of 600 individual and 50 commercial investors. It was divided into two subsidiary companies: the London Company and the Plymouth Company. The London Company, also joint-stock, composed of knights, gentlemen, merchants, and adventurers, was the first to organize its expedition, sending 144 men and boys in three ships in 1607 to propagate the Christian religion and to extract wealth for shipment back to England. Its land, named Virginia, extended from modern North Carolina to New York. Land was owned by the London Company, who appointed the governor, and considered colonists as employees, who retained all the rights of English citizenship, but were subject to the discipline of a military style of management.

Their four-month journey concluded with a 50-mile trip up the James River, where 26-year-old Captain John Smith established Jamestown, or James Forte as it was called initially. It consisted of fewer than two dozen buildings, with a firing parapet at each corner of the triangular-shaped fort. Defending and protecting it didn't appear to be too difficult, primarily because it was well out of sight of passing Spanish ships, and it would miss the worst of any storms blowing in from the sea.

But it faced a number of challenges from the very beginning. Its position, while a defensive advantage, also made it more difficult for resupply ships to reach. It sat on a malarial swamp surrounded by thick forest, which would be difficult to clear for agriculture. They didn't find any gold, but they did find pitch, tar, lumber, and iron for export. However, the colonists consisted of few who were skilled in farming or construction, and few of them wanted to work anyway, since they were gentlemen and adventurers who had no appetite for physical labor. So Smith asked the London Company to send farmers, husbandmen, carpenters, fishermen, blacksmiths, masons, and laborers who weren't afraid to get their hands dirty doing things like clearing the land. While they traded with the natives, Indian males expressed no interest in agriculture, and Smith was not authorized to hire them anyway.

It is not surprising then that most of the Jamestown colonists died of starvation. And others died of new world diseases, like malaria, for which they had no resistance. Malnutrition lowered their immunity and made them even more vulnerable to disease. Mosquitoes and parasites thrived in the water of the James River. Infection spread among the Indians, too, who then infected even more Indians as they attacked enemy tribes and carried prisoners away. Fewer than a third of the 120 colonists made it through the first year, and according to Smith, the survivors were so weak they could scarcely bury the dead.

Smith began to turn things around by enforcing strict military discipline and issuing a new rule: *He who will not work will not eat*. In the second winter the death rate fell from 60 percent to 15 percent. Smith also organized raids on Indian villages, which brought in food and animals, but also brought on Indian resentment and harassment. However, Smith proposed a plan for placing white males in Indian villages to intermarry, and settlers later set up schools to educate Indians. Whatever Smith's motivation for the raids may have been, neither he nor the colonists were anti-Indian or racists.

By 1609 the colonists were fed up with Smith's tyrannical methods, so he returned to England. The London Company reorganized, then calling itself the Virginia Company, and it offered free passage to Jamestown for indentures willing to commit to seven years of service. Six hundred men and some women set sail in nine ships from England in 1609. One ship sank in a hurricane, and another ran aground in Bermuda. When the rest arrived in the winter of 1609, they found colonists eating cats, dogs, rats, toadstools, horse hides, and even human flesh to avoid starvation. When the ship finally arrived from Bermuda in the late spring of 1610, all the colonists boarded and headed back to England. But when they reached the mouth of the river, they met an English ship bringing supplies, so they turned around, went back to the fort, and soon new settlers arrived.

So Jamestown survived, barely, but it did not begin to thrive until its administration underwent a fundamental change. Settlers worked in forced-labor gangs, and slackers were flogged or even hanged. However, negative incentives were ineffective, largely because the workers knew that, no matter how much they shirked their duty, the colonists would not let them starve. As long as the governor imposed a socialist system, the colony had no chance of prospering. Gradually, the administrators began to understand this fatal flaw, and they began to apply the principles of private enterprise, including private ownership of land. That, together with the introduction of tobacco farming, turned Jamestown into a flourishing, profitable, thriving colony.

At first, the Indians had been too divided to launch any coordinated attack against the English. A confederation of more than 20 tribes, under the leadership of Chief Powatan, requested the support of the colonists in an effort to defeat other tribes. This alliance, however, masked a deeper rivalry. Powatan believed the colonists were there to steal Indian land, so although he was perfectly willing to use Jamestown to his advantage, he did not trust the English settlers. The Jamestown officials were also playing balance-of-power politics, trying to keep the Indians off balance so they could not launch an effective coordinated offensive. When the deputy governor, Thomas Dale, kidnapped Powatan's daughter, Pocahontas, and held her at Jamestown, she eventually married planter John Rolfe. So in 1614 the uneasy truce between Powatan and Jamestown became permanent, and it grew stronger when Rolfe and Pocahontas moved to England and became popular dinner guests. As a Christian convert, the Indian princess proved that Indians could be Europeanized.

That wasn't Rolfe's only contribution to colonial success. In 1612 he had cured tobacco, which opened the door to new profits. Raleigh had promoted the use of tobacco in England, who by now was importing it from Spain, so there was a ready market, and Rolfe's curing process allowed Virginia to break Spain's monopoly. George Thorpe had experimented with Indian corn and come up with a mash that provided the basis for hard liquor, and that was another source of potential profit. But it was tobacco that would take center stage at this place at this time.

Tobacco production required land and labor. Not only did cultivation require a lot of land initially, that soil was depleted quickly. In 1617 the Virginia Company offered 100 acres of land to anyone willing to emigrate to the colony. Better yet, for most people, was their offer of 50 acres for every head-of-household plus an additional 50 acres for every adult family member or servant. Large plantations sprang up, each initially having a riverfront so ships could dock there. Then, settlements pushed further inland.

Plantation owners came to rely on indentured servants to provide the required labor. Apparently, the first black indentures arrived in 1619 on a Dutch ship. Exactly how slavery developed in America is a matter of some controversy, but we do know that at first English colonists preferred European indentures, even if they happened to be criminals from English jails. Some black indentures were released at the end of their period of service. But attitudes gradually changed, and by the 1660s colonists tended to look to Africa as a source of labor, and they began passing laws declaring slavery hereditary.

> At that time, slavery was also considered hereditary throughout the Muslim world, just as it had been in ancient Athens.

It was also the year 1619 that saw the beginnings of American democracy, as the first legislative assembly convened at Jamestown. It consisted of the governor, his council, and representatives from each of the eleven plantations. Eventually, the representatives (burgesses) formed a separate (lower) house. Immigrants already were guaranteed all the rights of English citizens, but the Virginia Company was forced to go even further to try to solve the labor shortage. New equal political rights associated with land ownership were granted within the colonies, so property rights and liberty became closely related in the minds of these colonists.

Although they had found these solutions to the need for land and labor, the Virginia Company was still not turning a profit. Instead of investing further in resupplying the colony, the Virginia Company stockholders opted

to send more and more settlers to Jamestown. This, along with the ever-increasing need for land, increased the need for more forts, especially since the new settlers were encroaching on Indian territory.

When Chief Powatan died in 1618, his brother, Opechancanough, took his place, and in 1622 his followers launched a series of simultaneous attacks on settlements around Jamestown, killing more than 300 colonists. They responded by burning Indian cornfields, which led to another wave of attacks, killing another 300 settlers. Colonists responded by capturing and killing Opechancanough and forcing the Indians out of the area between the York and James rivers.

The King of England was not happy. He appointed a committee to investigate the Virginia Company's apparent mismanagement. In 1624 the Virginia Company's charter was annulled, and the colony became a royal province directly under the king's control. This meant that Virginia became embroiled in English politics, which resulted in several years of neglect by Parliament, during which time the colony assumed more control over its own affairs. By the time the governor, William Berkeley, was ready to get more actively involved, in 1660, he found he was out of touch with the people and the legislative assembly. The colony was much larger at that point (with a population of 40,000), they had grown more intolerant of religious minorities, and they were more independent-minded.

Maryland

In 1632 King James I granted a charter to Cecilius Calvert, making him the proprietor of a vast area of land between the Potomac and the Atlantic. As proprietor, Calvert had full control over the area, acting on behalf of and speaking with the authority of the king himself, provided of course, he followed English law. He never traveled to Baltimore himself, sending his brother, Leonard, to serve as governor and act on his behalf.

The first group of settlers arrived in 1634. Unlike in Virginia, this group of about 300 included mostly laborers, and they got to work right away, clearing the land and planting corn, and their village, called St Mary's, was off to a good start. Even before they arrived, the land offered plenty of vegetation, including strawberries, raspberries, acorns, walnuts, and sassafras. It also had a good natural harbor and fresh water.

Calvert was, of course, eager to make a profit, but he was motivated also by religious concerns. Catholics had been suffering persecution in England, and Calvert intended Baltimore to be a safe haven for them. So he enacted the *Toleration Act of 1649*, which promised freedom for all Christians. However, English Catholics did not respond in the numbers he had hoped for, so he was forced to welcome Protestant immigrants as well. Then when news of Baltimore's religious tolerance spread, it attracted a group of persecuted Puritans from Virginia, who established Annapolis.

Puritans gained control in England as a result of its Civil War. This led to a suspension of the Toleration Act, and for a while Calvert was stripped of all authority to govern. Ironically, it was Oliver Cromwell (Puritan Lord Protector of England) who supported Calvert and reinstated him as governor in 1657. Then, an early wave of Jesuits attempted to convert all the colonies to Catholicism, antagonizing the Protestant majority, resulting in conflict and bloodshed. So, Calvert's goal of religious tolerance and harmony proved elusive.

So did the goal of an adequate labor force. In 1640 Maryland offered free land to immigrants, resulting in large estates. They relied heavily, at first, on indentured servants, then, by the end of the 1600s, African slaves. In 1664 they enacted a law making slave status permanent for all existing slaves, and extended it to any free woman who married a slave. In other words, Maryland looked a lot like Virginia.

The Carolinas

Charles II wanted a buffer zone between Virginia and Florida, which was owned by Spain. He granted a charter in 1663 to eight wealthy proprietors, whose land consisted of modern North and South Carolina. Charles Town, now Charleston, South Carolina, founded in 1670, was inhabited primarily by English Barbados

planters and their slaves. They turned parts of the coast into rice plantations, then later they also produced indigo (a vegetable die).

White Europeans, outnumbered by blacks and Indians, formed an alliance with the Cherokee to defeat other tribes and push them westward. Unsuccessful in their attempts to enslave defeated Indians, Carolinians turned to blacks for forced labor. A 1712 law made slavery permanent, much like in Virginia and Maryland, but slave conditions were worse in Carolina because rice and indigo production required long hours of exhausting physical labor in harsh heat and humidity.

Given such unbearable working conditions, and the fact that slaves outnumbered whites nine to one in some coastal areas, the possibility of slave revolts was a constant concern in Carolina. They were rare, however, because of language barriers among slaves, plus close and brutal supervision, among other factors. Still, to be safe, many planter families spent the summer in port cities, especially Charleston, which became the South's leading city, boasting a population of 8000, a paid symphony orchestra, a wide array of social events, and major commercial connections.

In the northern part of Carolina, the people were different. So different, in fact, that they formed a separate colony in 1729. They were more isolated than South Carolina, and thus they developed more slowly. It became a motley mixture of immigrants, including Germans and Celtics who made their way through Virginia from Pennsylvania. The Celts (Scots-Irish who became known as *Crackers*) had worn out their welcome further north, and many North Carolinians encouraged them not to hang around there too long, either, so they kept going deeper and deeper into, and eventually across, the Appalachians. Not surprisingly, therefore, eastern and western North Carolinians didn't get along much better than North Carolinians and South Carolinians.

Pilgrims at Plymouth

The Puritans in England became divided in their views of the Anglican Church. One group was determined to stay in England and change the church from the inside. The Separatists, as they were called, had given up on the Anglican Church, and many of them headed to Protestant countries in Europe, in defiance of English law and express orders from the king. This, of course, just made matters worse for the remaining Separatists. One group of 125 escaped, in 1608, into Holland, where they found no religious persecution, but also found little employment, and these *Pilgrims*, as they came to be known, didn't much care for the influence Dutch kids had on their own children. Few other English Separatists joined this original group, so the Pilgrims decided to move on.

They asked one of the Virginia Company proprietors, Sir Edwin Sandys, for some land in the Virginia colony, and, seeing that they were courageous and resourceful, and seeing as how he badly needed new settlers, Sandys (somewhat reluctantly, because they were Puritans) granted them a tract of land in northern Virginia. The Pilgrims formed a joint-stock company to raise capital, which brought in non-Separatists. A group of 100, including only 35 of the original Pilgrims, set sail on the Mayflower in September 1620.

They landed at Cape Cod Bay, about 500 miles north of Virginia. They were, therefore in a predicament. It had been a grueling journey, disease had already claimed two lives, and they desperately needed to get out of the Mayflower. Furthermore, the waters off Cape Cod were turbulent, and an attempt to continue on to Virginia would be very risky. On the other hand, they had no legal authority to establish a settlement at that place, which they named Plymouth. Staying there would likely be interpreted as open defiance of the king, and they did not want to give up their rights as English citizens. They had to figure out what to do.

Plymouth was also the name of the English port they had departed from.

Led by William Bradford, 40 men drafted a document before they went ashore. Its purpose was to declare their allegiance to the King (James) of England, to announce their determination to advance the Christian faith, to

emphasize that they had no intention of establishing an independent republic, and to establish a civil government for themselves. This *Mayflower Compact*, as it came to be known, demonstrated the Pilgrims' strong belief that men in a just society were treated as equals, and that religious faith played a key role in establishing and maintaining that society. They wanted no part of separation of church and state. The Compact also established the basic principles of the contract, and it marked the point at which written rights would be emphasized more in Anglo-European culture. (England had no written constitution.)

> The principles of contract would, unfortunately, be used later in support of slavery.

There was a strong sense that they were all in this together, and their survival depended on faith in each other and in God. That faith was severely tested early on, since it was late December 1620 by the time they climbed out of the Mayflower -- too late to plant any crops. They got some help from local Indians, particularly one named Squanto, but only half the Pilgrims survived their first winter at Plymouth. From our perspective, it doesn't appear they had much to celebrate that first spring. But they were just happy to be alive, with another chance to make a go of it. They attributed that opportunity, of course, to God, to whom they gave thanks, an event which was the genesis of our modern Thanksgiving tradition.

Plymouth was a relatively poor region, with no natural harbor. The Plymouth Pilgrims never developed much commerce in trading or fishing. Separatists hadn't gained any significant traction back in England, so there was no large pool of new Separatist immigrants. Their population was stagnant, and their modern celebrity is certainly not based on their colonial success. We hold the Pilgrims in high esteem today because of their courage and determination, based almost entirely on their Christian faith. And, of course, because they gave us the Mayflower Compact and Thanksgiving.

New England Puritans

When Charles I assumed the throne in 1625, he seemed determined to restore Catholicism and eliminate any religious tolerance. Puritans had, by then, become a powerful group of merchants, which allowed them to gain seats in Parliament. But their growing political power vanished when Charles dissolved Parliament in 1629. So Puritans were increasingly motivated to leave England.

Meanwhile, events were unfolding which would present opportunities for them in the new world. In 1623 a group of Dorchester businessmen established a small fishing post at Cape Ann (near modern Gloucester, Massachusetts). When that venture failed, the settlers moved inland to Salem, and the New England Company was formed, providing incentives for emigrants to join the small group already in Salem.

Unlike the Virginia Company, the New England Company charter did not require its headquarters to be located in London. Several potential Puritan emigrants wanted its administration to be centered in Massachusetts, and they gained control of the company. They chose John Winthrop as the colony's governor. He was a well-educated, affluent attorney, and a committed Puritan.

Contrary to modern perceptions, Puritans did not don drab clothing and eschew pleasure. They knew that all things are good, because they come from God, and they are, therefore, meant to be enjoyed by man. However, they were also well aware of the dangers of enjoying those good things too much, to the point of valuing them more than God. They were determined, in other words, to be *in the world*, but not *of the world*. Puritan ministers were among the intellectual leaders in all fields in New England, and Puritan moral codes were fairly similar to modern standards (although they arguably did a better job of actually living up to them).

The pipe-smoking Winthrop, along with 11 ships, set sail for Massachusetts in 1629, and before they set foot on ground at the Massachusetts Bay colony, Winthrop delivered a sermon, including the famous words: **We must consider that we shall be as a city upon a hill, the eyes of the people are upon us**. He wanted the

new settlers to be a good example, and he reminded them of the dire consequences of failing to live up to God's high standards.

England's new policy of forcing Puritans to comply with Anglican ceremonies resulted in what is known as the *Great Migration* to the Massachusetts Bay colony. This constant supply of relatively prosperous settlers meant that the colony was well funded, and it did not suffer from a shortage of labor like other colonies. By 1640 the population, including inland settlements, had grown to more than 10,000, and their preference for democratic government had grown as well, along with a strong distaste for and distrust of government power, especially that of the Stuart monarchy.

Still, they established certain rules, policies, and practices, designed primarily to preserve in practice the religious principles they so strongly believed in. For example, clergymen were not allowed to hold public office (although their church members made sure they gained a great deal of influence in other ways). Although non-Puritan freemen had property and other rights, only church members could vote, and Puritans controlled the colony's administration. However, increasing numbers of non-Puritan newcomers eventually forced changes, and in 1632 all freemen gained the right to vote for the governor and his deputy.

Given their prominent role in political and administrative affairs, it was important to make sure that church members were indeed strongly committed to Puritan beliefs and principles of governance. After all, if any old colonist could join a Puritan church, and achieve the political power that provided, Puritanism could soon be rendered impotent. To avoid that scenario, admission to a Puritan congregation involved passing rigorous tests. An applicant had to explain in an interview their conversion experience, display knowledge of the scripture, present evidence of a changed life, and in general demonstrate their Christian credentials.

However, this presented a problem. Who, in the final analysis, was in a position to judge another person's innermost beliefs and thoughts? Who would be so presumptuous as to dispute that someone else had met God face to face in one way or another? Answers to those questions varied widely, and in reality, church bodies were extremely lenient in accepting new members. So, participation in politics soon spread to non-Puritans, and the Puritans' worst fears had been realized in spite of their efforts. By 1640 almost all families included at least one adult male church member, also known as a voter.

Not that Christian morals were abandoned. Local churches were autonomous, each the ultimate authority on scriptural doctrine. Local congregations were in a much better position than a centralized church authority to make sure that civic behavior demonstrated a strong commitment to their Christian moral code of conduct. Evidence of this is the fact that congregations tended to be more spiritually conservative than the clergy.

Local autonomy opened the door to possible development of unorthodox or heretical doctrines, but this didn't turn out to be a big problem. Agreement was too strong across all congregations on the key doctrines. When troublemakers did appear, they usually experienced such a cool reception that they didn't stick around long. Frequently, the net result was that such episodes reinforced the perception that Puritans were quite tolerant, and this helped confirm the colonists' belief that New England was indeed a very special place.

Of course, we are all familiar with a curious episode that will forever dim somewhat the lights in that city on a hill. In 1692 several girls complained of being hexed by witches. At first only a black slave woman, Tituba, was accused, but eventually there were 150 accused witches. A special court convened to try them, but objections by both religious and secular leaders put an end to the episode. Speculation persists to this day about the underlying cause(s) of such bizarre hysteria, but the fact remains that to those Puritans, the devil, witchcraft, and physical manifestations of evil spirits were very real and not uncommon.

The Middle Colonies

The Dutch claimed the area of land between English colonies in the north (New England) and in the south (Virginia, Maryland, and the Carolinas). The West India Company, which had already been prominent in the

West Indies, established Fort Orange in 1624 on the site of modern Albany. Dutch settlers established a colony at New Amsterdam, and the company made generous offers of land to anyone who would bring at least 50 settlers along. But the area attracted more smugglers and pirates than settlers, and King Charles II was not happy about having a pirate haven between his English colonies. So he granted his brother, the Duke of York, all of the land between Maryland and Connecticut, and England easily gained possession from the 1500 Dutch living there, who were allowed to stay.

The Duke of York later became King James II.

The colony was renamed New York; James set up a governor and council; and its population of Swedes, Dutch, Indians, English, Germans, French, and African slaves became prosperous. James gave some of his land, New Jersey, to proprietors, who then sold it to the Society of Friends, known as *Quakers*. That name derived from the shaking and contortions they often displayed during religious inspiration. They were also known for their highly democratic church government, and for their strict adherence to nonviolence.

Another area, Pennsylvania, began when King Charles II gave the land to William Penn as payment of a debt the king had owed his father. Penn, a Quaker and an excellent organizer, intended for Pennsylvania to make a profit. He also used it as an experiment, laying out Philadelphia in large squares, inviting settlers from all over the world, and negotiating with the Indians. This strategy brought in diverse talents and skills, and his respect for the Indians avoided any major conflicts with them, but Pennsylvania never became profitable.

In 1701, Pennsylvania enacted the Charter of Liberties, which Penn was pressured into accepting. It limited his strict proprietary control over the colony, provided for a representative assembly, assured religious freedom, and paved the way for the southern area of Pennsylvania to form a separate colony -- Delaware. Penn is remembered for placing principle over expediency, and for his strong belief in man's goodness. Over the years, Pennsylvania Quakers were prominent in antislavery causes, even in the South.

Georgia

Back in England, a military hero named General James Oglethorpe headed an investigation into prisons, and he became concerned for debtors, who often found themselves behind bars simply because they couldn't meet their financial obligations. He received a grant from George II in 1732, and he offered debtors and other prisoners their freedom if they would emigrate to America's last colony, Georgia. But giving those prisoners a second chance wasn't Oglethorpe's only goal. He also wanted Georgia to serve as a buffer zone between the other colonies and Spanish Florida.

Unlike other colonies, Oglethorpe did not offer large tracts of land to new settlers. He and his administrators intentionally limited the size of individual landholdings to assure a more dense population, which would offer a better defense. So, to attract newcomers, he welcomed religious refugees of all types, including Jews, but excluding Catholics, who he feared might become Spanish allies. He also lured artisans, tradesmen, farmers, and other skilled workers from England and Scotland.

The first fortified town was founded in 1733 on the Savannah River. And within a decade Georgia began to play its defensive role. Fears of Spanish aggression prompted Oglethorpe to lead a group of Georgians and South Carolinians into Florida in a preemptive attempt to thwart a Spanish invasion. Following some limited military success in that effort, Oglethorpe faced a threat from within his own colony. Former convicts did not care much for the ban on rum, since they did not consider involuntary sobriety an effective way to expedite their rehabilitation. Nor did planters appreciate the prohibition of slavery.

The slavery prohibition was repealed in 1750, and by 1770 almost 10,000 new slaves had arrived. Oglethorpe surrendered his control a year before the charter expired, and Georgia became a Royal colony. British colonies now extended the full length of the Atlantic coast.

England's Glorious Revolution

In 1685 James II assumed the throne in England. He decided to reorganize colonial administration, in violation of the English constitution and contract law. He recalled the charters and compacts of Massachusetts Bay, Pennsylvania, New York, New Jersey, Plymouth, Rhode Island, and Connecticut. He replaced those colonial governments with one centralized state, called the Dominion of New England, run by Governor Edmund Andros from its capital city, Boston. As it turned out, however, Andros never left Boston and accomplished little, in part because James II hardly had time to get the throne warm.

He faced strong political opposition, called *Whigs*, which meant *outlaw*. The king's supporters, *Tories*, meant it as a derogatory term, but the Whigs proudly embraced the label. As a result of their mostly bloodless civil war (England's second civil war of the century), James was exiled, and the throne was transferred by Parliament in 1689 to James' Protestant daughter, Mary, and her Dutch husband, William.

As part of that agreement, William and Mary confirmed that: the monarch shared authority with the legislature and the courts; the monarch was not supreme; all revenue bills would originate in the House of Commons; the people had the rights of free speech, petition, due process, and others, including protection against excessive bail and cruel and unusual punishment. This Declaration of Rights also assured English Protestants the right to keep and bear arms, and it prohibited standing armies in peacetime, unless authorized by Parliament.

Obviously, there are striking similarities between that English document and later American documents, including the Declaration of Independence (DOI), the Articles of Confederation (AOC), the US Constitution (COTUS), and the Bill of Rights (BOR). And it could be argued, therefore, that the Glorious Revolution had a more profound effect on early America than it did on England. While the Glorious Revolution in England marked the end of radical Whig thought, it was just beginning to germinate in America.

Chapter 2: Colonial Life

Common Colonists

What was American life like before the Revolutionary War? By 1774, colonists had achieved a standard of living higher than most places in the world. In many respects, Americans had also become less English, and had begun to form a distinct personality and culture of their own.

This was reflected in how they dressed, for example, and how they wore their hair. Travelers often described Americans as coarse-looking country folks. They made their own clothes, mostly from wool and linen, since cotton wouldn't be widely available until the next century. Every home had a spinning wheel and loom, and women spent much of their time sewing and knitting. Dyes were plentiful, so clothing tended to be colorful. Both men and women usually had long hair, women keeping their hair covered. Men kept their hair tied in a queue, or wore a wig.

A typical colonial household was a one-room farmhouse, with few furnishings, heated by a Franklin stove. Clothes were hung on wall pegs. There was one chair (called a *father's chair*), maybe some rough wooden benches, and rugs on a wooden floor. Life was coarse, survival was a constant struggle, and this was reflected in the people and their lifestyle. Benjamin Franklin's 13 virtues reflected virtually every colonist's aspirations: honesty, thrift, devotion, faithfulness, trust, courtesy, cleanliness, temperance, work, humility, etc.

Colonists provided their own food by farming, hunting, and fishing. Corn was plentiful and versatile, served roasted or boiled or in the form of cornbread or pancakes. Cows were scarce at that stage, but pigs were plentiful. So was fish, lobster, rabbit, squirrel, bear, deer, squash, beans, wild rice, potatoes, apples, jam, and syrup. Water quality was poor, so early Americans, including children, drank cider, beer, and corn whiskey.

There was no medical school until close to the Revolution, so veterinarians often served as doctors and dentists, and they were scarce. Most colonials had to rely on folk medicine, folk healers, midwives, and Indian cures, including herbs, bark, roots, teas, and honey. Going to a doctor, if possible at all, was considered a last resort, because without anesthesia any serious procedure involved serious pain and an extensive recovery period. Childbirth was extremely painful, and the infant mortality rate was so high that babies were simply referred to as *it* or *the little visitor* until they received a name at age two.

Men were preoccupied with politics, even more than family. Almost anyone who either paid taxes or owned property could vote for representatives in both houses of their colonial legislature. Most districts required candidates for public office to have a certain minimum of either money or land. But the prevailing sentiment was that anyone could, and should, participate in politics, which, of course, was all local, because there was no such thing yet as a national government. Colonists began to develop a very strong devotion to their particular colony, proudly identifying themselves as Virginians, for example.

The availability of land in the colonies had a profound impact on colonial life in many ways. In Europe, where land was scarce, social status was determined largely by land ownership. Class distinctions played a greatly diminished role in the colonies, because just about anyone could, and most people did, own their own land. Politics, therefore, was not reserved for the landed elite, but was available to all. But widespread land ownership and political participation brought responsibility as well as opportunity. It became, slowly but surely, everyone's responsibility to protect property rights, not just for themselves, but for everyone. There was a pronounced social strata of sorts, especially in the South, but Europe's entrenched class system was not imported into America.

The importance of protecting property rights involved the widespread acceptance and support of the idea that citizens had the right to rebel against any government which was not fulfilling its fundamental obligations of providing protection of life, property, and, to some extent, religious freedom. After all, those elected government officials were not better or more exalted than the folks they were elected to serve, because they were selected from those very folks. They were hired by the people, and they could be fired by the people, and if that couldn't wait until the next election, the folks could and should take care of the matter right there and then. Of course, there was also the widespread belief that such a development would be most unlikely, provided the folks made wise election choices.

Indians

Friction with Indians was one inevitable result as new settlers arrived, families grew, plantations and estates sprang up, colonial population exploded, and the more curious and adventurous pushed their explorations farther and farther west. But to characterize colonial life as a story of white greed, or a struggle of whites versus Indians is to grossly oversimplify colonial history.

Trappers adopted moccasins, buckskins, furs, tobacco, Indian words (especially proper names), Indian transportation methods (including snowshoes and dugout canoes), Indian methods for clearing land, and Indian fighting techniques. Indians adopted white tools, firearms, alcohol, and sometimes the white man's religion. So colonists became more like Indians, and the natives became more Americanized.

But Indians felt surrounded by hostile settlers. Colonists felt surrounded by hostile Indians. Both felt threatened also by other groups, and everyone was always aware of several potential enemies. This led to balance-of-power politics by both whites and Indians, with temporary alliances that often meant whites and Indians together fought against Europeans, or against other Indian tribes.

On the other hand, it became apparent early on that there was one area on which they would never be able to see eye to eye -- land. While Indians valued their land and property rights, they had no use for contracts. Americans insisted on European-style contracts as the only way to preserve and protect property rights. Since

there was no way to harmonize the two views, one had to prevail one way or another, and this, in the colonial mind, justified taking Indian land.

But Indians were often greedy as well, in their own way. They believed people could not own land, but they enjoyed tricking the white man in land sales, getting useful goods in return for a sale which they considered invalid and worthless. They were often surprised to find their land actually being closed off to them as a result. Misunderstandings, misperceptions, and dishonesty often prevailed.

After the French and Indian War, England established the *Proclamation Line of 1763*, which was a policy preventing new settlers or trading charters beyond the Appalachians. It was primarily designed to avoid a full-fledged Indian revolt against continued encroachment, but it was supported mostly by traders who already held charters, because it would keep out competitors. Indians didn't see any immediate benefit to the Line, so they didn't much care.

They were right. Whites ignored the Line and defiantly continued pouring across the boundary. Indian leader Pontiac directed attacks against several northern frontier forts, but his confederacy failed to stem the tide, and subsequent treaties pushed the Indians farther west. The natives slowly realized they could never trust the English, and they could not stop them. A pattern emerged in which tribes were preserved as independent entities, segregated from white society. So, rather than assimilation, Indians experienced isolation and servitude on their reservations.

Education and Art

Colonial America gave birth to nine colleges: Harvard, William and Mary, Yale, Princeton (originally the College of New Jersey), College of Philadelphia (later the University of Pennsylvania), King's College (which became Columbia), Brown, Queen's College (which became Rutgers), and Dartmouth. They were founded by various Protestant denominations, but they (with the exception of Princeton) were relatively secular, and their curricula emphasized applied, practical knowledge. Thus, middle class youth had access to higher learning.

But not many people went to college. Most people were literate, but it was a basic, practical literacy. They read mostly the Bible (found in almost every household), political tracts, and how-to books on farming, mechanics, and moral improvement. There was little interest in the classics or theories about the origins of life in the universe. Colonials were more interested in things like heating their homes and improving their eyesight. It's no surprise that Benjamin Franklin was popular.

A typical American attorney bought three or four law books, served a brief, informal apprenticeship, and hung out his shingle. From there, it was largely a matter of on-the-job training, and the free market determined his success or failure.

Newspapers began to supply popular reading material for a minimally literate population. They provided information about local events, and they were frequently read aloud in a saloon or the lobby of an inn. Others would often chime in with editorial comments, providing a lively atmosphere for diners and drinkers. Almanacs and magazines were also widely available. For those interested in politics, and most colonists were, there was a strong appetite for radical Whig tracts emphasizing legislative authority at the expense of executive power, and encouraging widespread political participation.

Painters focused mainly on portraiture. Music focused mostly on religion. Neither architecture nor drama flourished in colonial America. In general, there was a strong preference among artists and professionals of all types for practical, applied knowledge and skills over abstract thought and theory. This extended even to ministers.

Religion

Religious toleration was certainly one of the major attractions for potential immigrants, and it was practiced in the colonies to a much greater extent than in most of Europe. But there were limits, and the colonies had different ideas about where to draw the line. When colonials talked about religious freedom, they almost always had Christianity in mind, and usually they were referring to Protestantism. No one was interested in seeing large numbers of Jews, Muslims, Buddhists, Hindus, or other non-Christians in America. When religious differences began to surface and become a problem, the preferred solution was for dissidents to move to another area. There was plenty of room for different denominations, and most colonists shared a live-and-let-live attitude. The different groups didn't try, usually, to proselytize outside their own area. Colonists were forced to remain open-minded and tolerant to a large extent to attract new settlers, because labor shortages were a chronic problem.

Sects spread, grew, divided, then grew some more. With an emphasis on individual Bible study, and autonomous congregations, even colonies that retained some form of official church, and the congregational structure, with its bottom-up approach, both had their followers, but neither embraced the Anglican style.

> Colonies with an official church were: Connecticut, Massachusetts, Virginia, Maryland, Georgia, North Carolina, and South Carolina.

Baptist ministers, like other denominations, were called to the pulpit, and no divinity degree or even formal training was required. Sermons were no longer formal, written lectures, but down-home oratorical performances with a decidedly anti-intellectual style. Itinerant preachers, like Jonathan Edwards and George Whitefield, roamed the colonies, spreading the gospel. Edwards sparked unprecedented religious fervor in Massachusetts in 1735, and his 1741 fire-and-brimstone sermon known as *Sinners in the Hands of an Angry God* remains a classic. Whitefield's preaching also both inspired and frightened. He often acted out Bible stories on stage, playing each of the major parts himself, voicing the word of God. He impersonated Satan, described the horrors of hell, and terrified even the most rugged colonists.

Church attendance soared and waves of religious enthusiasm swept through New England in particular during what we now refer to as the *First Great Awakening*. Thousands would flock together in open-air camps, enjoying the fellowship of other devotees to this *New Light* Christianity. At the end of any Edwards or Whitefield sermon, colonials would move forward in tears and humility, confessing their sins, and committing to a new Christian life.

The Great Awakening had begun to fade by the late 1740s. By then it had spawned new Protestant sects, enhanced the role of independent itinerant preachers, and it had contributed to further decentralizing church authority. Salvation had become more important than church doctrine, and a college education in theology eventually became an impediment. This antiauthoritarian movement in religion mirrored a similar movement in politics and government.

Early Slavery

Working in tobacco and rice fields in the South was not an appealing prospect to potential immigrants, especially compared to the economic diversity offered by the North. Even Southern whites and Indians already there refused to do it. So, the South was constantly faced with a severe labor shortage. Slavery slowly evolved and became entrenched to solve that chronic problem.

There was already a flourishing slave trade along the African Gold Coast, and black slavery was well established in the British West Indies. African intertribal warfare produced plenty of prisoners of war, who were used as fuel for the slave trade with Muslims. They were branded and shackled together before being boarded

onto vessels for a three-week to three-month voyage. About 84% survived the unbelievably horrendous conditions, after which they were delivered by their slavers to the shores of colonial America.

Colonial dependence on indentured servants slowly evolved into a system in which all blacks were presumed to be slaves. The transition is not well understood by historians, but it is clear that by 1676 widespread legalized slavery was a fact of life in Maryland, Virginia, and the Carolinas. Within another 30 years the institution of slavery was well established throughout the South, and to some extent in the North.

Obviously, it is difficult to understand how this could be so in light of the principles of freedom embraced so eagerly and passionately by early Americans. It was the result of colonial rationalization and racism. Colonists managed to convince themselves that Africans were not human beings, but simply property. European scientists had argued that blacks were an inferior species. The color black was associated with evil and witchcraft. Ministers taught that God had relegated blacks to an inferior status as part of the curse of Ham. All that, together with the South's desperate need for labor, provided sufficient justification in the colonial mind for their enslavement of Africans.

Ham was a Biblical son of Noah.

Most colonists were not proud of slavery, but considered it a necessary evil, and they assumed that it would eventually go away. Many of the prominent Founders privately acknowledged that it was an evil institution, and they had no interest in perpetuating it. Yet, they did little to end it. The prospect of the peaceful demise of slavery, while not necessarily unreasonable at first, disappeared later with the invention of the cotton gin. We all know that institutionalized slavery did indeed come to an end. But during these colonial years, leaders were mostly content to continue kicking the can down the road rather than confronting the issue squarely.

And so it was that every colony's legislature enacted laws called *black codes*, defining African-Americans as property, not human beings. Slaves could not testify against whites in court. Slaves were too valuable to be killed for most capital crimes. They were not allowed to learn to read and write, own a gun or a dog, travel without a special permit, gather in groups of more than six, or have sex with white women.

Apparently, however, sex (consensual or otherwise) **was** allowed between white men and black women.

Since most slaves worked either in Virginia tobacco fields or South Carolina rice plantations, that is where the greatest threat of slave rebellion existed. But even in those areas, revolts and runaways were rare. An important part of the explanation is that, even before being boarded onto slave ships, blacks had been intentionally mixed with other tribes to impose a language barrier. So, not only did blacks not speak English, Spanish, French, or Indian, they often couldn't even communicate with each other. Any coordinated attempt at revolt was usually impossible, nor was it even contemplated, given their demoralized state.

How then, were slaves able to cope with such unbearable living conditions? Mostly through sheer determination to survive, and hope for a better future, if not in this world, then in the next. They developed a unique lifestyle which revolved around family, church, and faith. This rich culture is reflected in their music, dance, medicine, folktales, and traditions. It is truly a heroic story of stoic courage and resourcefulness.

Although the first slaves (indentured servants at first) arrived in Virginia in 1619, the term *slavery* did not arrive until 50 years later. Here are some other interesting facts about slavery. By the mid-1700s, Americans imported about 7000 slaves each year from Africa and the Caribbean. By 1763, free and slave African-Americans comprised 15-20 percent of the American population (more per-capita than today), 90% of them living south of the Pennsylvania line. By 1830 there were 3000 slaves in the North, with more than 2 million in the South. In 1835, about 40 percent of Virginians and 66 percent of South Carolinians were black. About 95% of them were slaves.

England

Colonial governments grew increasingly independent from England over the years. In part, that was simply a natural result of being so far away. As it turned out, absence did not make the heart grow fonder. Another factor was that turmoil and instability in England's government there made communication with the colonies even more difficult, and at times it meant that, on the island, they had more important things to worry about than America.

At first the working relationship between the colonies and their parent country was fairly smooth under England's mercantile system. The king and Parliament handed down laws to the secretary of state, who, along with the Board of Trade, issued orders to England's representatives in America, which included governors, administrators, trade and customs officers, and assorted other officials. The exact configuration in each colony depended in part on the nature of the charter or grant. But typically, a colony's government consisted of an executive branch, chosen by the king or joint-stock proprietors, and a legislative branch, with representatives elected by that colony's voters.

Although the executive branch had the full authority of the king behind it, the legislative branch eventually proved to be more powerful. This was largely because the legislature had the power of the purse. This gave colonists a great deal of control over their own taxes, and it also provided leverage against the executives, because their salaries were dependent on legislative action (or inaction). Naturally, colonials took their responsibility very seriously, and by 1770 they had wrested almost all important decision-making power away from the king's men. Being so far away from the mother country, executives did the best they could in a land where the lessons of the Glorious Revolution were being put into practice. Inevitably, this led to clashes between elected legislators and royal proxies.

Britain was forced to maintain a large navy to protect her colonies throughout the world. Colonies also required troops for protection, and England simply wasn't large enough to supply the manpower needed. Britain looked to her colonies for support -- both money and volunteers. But Americans resisted providing that support without increased representation in England's affairs, at least as far as they affected the colonies.

Another source of friction was the fundamentally flawed nature of mercantilism. Under that system, total wealth was considered fixed and limited, so any increase in wealth by the state necessarily meant a corresponding decrease by individuals. But colonists were hardly inclined to subordinate their economic goals to the demands of the state. Enlightened Americans insisted that individuals had the right to pursue wealth in their own ways, and then they would willingly give the mother country its fair share.

The British, after the Glorious Revolution, failed to develop a cohesive, coherent economic policy for her American colonies. She relied, instead, on a series of laws, collectively known as the *Navigation Acts*, designed primarily to make the colonies dependent on England for manufactured goods and currency. The colonies were not allowed to print money. They were not allowed to produce iron ore, and all manufacturing activity in America was discouraged or suppressed.

This antagonized Americans, who especially despised restrictions on colonial merchant trade in port cities like Boston, New York, Philadelphia, Baltimore, and Charleston. But the Navigation Acts didn't harm only those areas; it also hurt farmers and people on the western frontier who needed to be able to export their excess produce and products. A few traders supported the Navigation Acts, because they allowed them to keep potential competitors out of the market, but everyone else hated them, and they eventually became the majority.

Nothing could stop the progress of energetic entrepreneurs with better ideas and products. The rich, the poor, and the middle class all got richer. Everyone, that is, except slaves. Raw materials, including furs, fish, tobacco, lumber, livestock, and grain, moved to America's ports, then across the Atlantic in a new global economy. Manufactured goods and slaves flowed back over the same routes. By the eve of the Revolution,

colonists enjoyed a per capita annual income of $720 in 1991 dollars -- roughly equivalent to the income of modern citizens of Mexico or Turkey.

America received wine and Salt from Spain's Madeira Islands, and from French Caribbean colonies came molasses, gold coin, and slaves. The problem was that it was all illegal. Britain was at war with those countries, which meant that the colonies were committing treason. In spite of that, and despite British attempts to enforce the Navigation Acts, American trade with Spain and France grew.

Why, then, didn't Britain bring the full force of its navy to bear on the treasonous colonies long before the Revolutionary War? Admiralty courts did prosecute some smugglers, but there was little to fear from the mother country. Smuggling pirates became heroes, and bloodthirsty cutthroats became entrepreneurial smugglers. Why did England allow this?

Prior to 1750 the Navigation Acts were primarily designed to control Britain's larger and more important possessions. American colonies represented only a small part of England's economy. America's size, population, and economic contribution meant that the colonies played a very minor role in Britain's financial affairs.

No one in England aspired to be assigned a post in the colonies. Governorships and other posts were typically filled by corrupt officials and royal cronies. Others preferred an assignment in the British West Indies, India, or Nova Scotia. Governors, tax collectors, naval officers, and other officials in the colonies were extremely lax in their administration and law enforcement. They showed favoritism to their friends, and they happily accepted bribes to supplement their low pay. This benign neglect continued until world events intervened.

Military

While most colonists were busy with agriculture, commerce, politics, family, exploring the frontier, and other (mostly) peaceful pursuits, there were also opportunities for men who found a military career appealing. One such man was George Washington. The young surveyor-turned-military-officer led an expedition in 1753 against the French Fort Duquesne in western Pennsylvania. He defeated a small Canadian force in the Ohio Valley and constructed Fort Necessity there, close to Fort Duquesne. But a French counterattack the following year forced Washington to retreat. Although he didn't realize it at the time, this marked the beginning of a brilliant military career and what came to be known in America as the *French and Indian War*.

In Europe the *French and Indian War* was known as the *Seven Years' War*.

It was the last of a series of clashes between England, Spain, and France that had provided military opportunities for colonists. There had been King William's War (1689-1697), Queen Anne's War (1701-1713), the War of Jenkins' Ear (1739-1742), and King George's War (1744-1748). In the late 1740s the French moved into the Ohio Valley, building forts, in an attempt to prevent England from expanding its control further west. Between 1749 and 1754 the French continued to establish outposts at strategic points to guard the approaches to Canada. One of those was Fort Duquesne.

Leaders from all 13 colonies agreed that something had to be done about their common threat from either the French or the Indians, so representatives from all the New England colonies, Pennsylvania, Maryland, and New York met in Albany in 1754. They had been instructed by the English government to negotiate a treaty with the Iroquois, and they did reach an agreement with the northern tribes.

Some delegates at Albany saw that meeting as a golden opportunity to pursue other goals as well. One of the Pennsylvania representatives, Benjamin Franklin, proposed a plan to unite the colonies in a more formal, permanent way. His *Albany Plan*, as it came to be known, provided for a federal council composed of delegates from all colonies. The council would have the power to deal with Indians, levy taxes, and raise

armies. Delegates in Albany liked the plan, but it was not well received in the colonies, which were not yet ready to yield any of their independence.

Meanwhile, the French and Indian War was not going well for the English. General Edward Braddock led 2500 men in a second expedition against Fort Duquesne, but he was unable to capture it. His retreating troops were ambushed and slaughtered by French and Indian forces. He was killed, Britain was humiliated, the Indians (except for the Iroquois) were emboldened, and English settlers along the frontier moved eastward in fear. To the north, French commander of Canadian forces, Marquis de Montcalm, further secured entry points to French territory.

In response, Britain's new secretary of state, William Pitt, developed a plan to defeat Britain's enemies in India, Africa, and the West Indies, and on the high seas as well as in America. In 1760 British forces captured Quebec, and in 1763 the war ended with the *Treaty of Paris*. England gained control of French colonies in India; Canada; and all French possessions east of the Mississippi, as well as north of Florida and Louisiana. In other words, Britain now owned almost all of eastern North America.

But victory carried a hefty price tag. British politicians felt that English citizens were already being taxed to the max, and King George III expected American cooperation in dealing with a huge wartime debt. It was not an unreasonable position since the colonies had obviously enjoyed tremendous benefits due to England's sacrifice. Why shouldn't America bear its fair share of the burden? Colonists weren't opposed to that, but they insisted that, as part of the process, they be given representation in English government. Since decisions made on the island often had a dramatic impact on the colonies, Americans thought it only fair and reasonable to have a voice in those decisions. George considered that a challenge to his authority, and it was, therefore, quite unacceptable.

> Although few Americans saw it that way, colonists and the Iroquois were the only winners in the French and Indian War.

The stage was set. Colonial life was about to change forever.

Chapter 3: Revolution

Citizens or Subjects?

Throughout the first half of the 18th century, colonials had happily affirmed their allegiance to the English Crown, and proudly exercised their rights as English citizens. When there were disagreements, colonists appealed to the king to simply reinforce their rights, not to punish or remove the colony's governor or administrators. Hardly anyone entertained the notion that England was a threat to the colonies in any way.

But the colonial situation would change in the second half of the century, partly because England herself was changing. In the late 1700s America, although promising unlimited potential, was only a small part of the British Empire. Britain's policies were designed to make her colonies throughout the world dependent on each other, and therefore ultimately dependent on Britain. But an unintended consequence was that America found itself more and more at odds with other parts of the empire, and with England herself. Colonists gradually sensed that they were ceasing to be *English citizens* and becoming *British subjects*. Meanwhile, they were also becoming more cohesive in their views of liberty, and in their independent attitude. After the French and Indian War, English and American thought pulled in opposite directions.

Irreconcilable Differences

England didn't win any friends with the Proclamation Line of 1763. Settlers who had come to the New World because of its promise of available land suddenly found much of it unavailable. Aspiring traders found their entrepreneurial spirit stifled. Indians weren't happy because it failed to stop the flow of settlers, and they felt

betrayed once again by the English. Some colonists, like George Washington, who had always considered westward expansion a foregone conclusion, complied but grumbled. Others, facing increased threats from Indians on the frontier, resented having to pay taxes for defense which the English government did not provide.

Some tribes, seeing that continued encroachment was inevitable, sold land. The Cherokee, for example, sold land to the Transylvania Company, which sent Daniel Boone to explore the area. But Indian threats did not subside, and this reinforced colonists' conclusions that the taxes they sent to English colonial governments were wasted. Frontier colonists, especially, came to view taxes, although not inherently unfair, as burdensome and oppressive when not used properly.

But this alone was hardly enough to foster a revolution. Changes in England's enforcement of the Navigation Acts served as a catalyst for an alliance between westerners, eastern merchants, and large landowners.

Prior to 1763, colonists considered the Navigation Acts under England's mercantile system quite tolerable. American tobacco had a monopoly on English markets. Britain paid a subsidy to American shipbuilders, which allowed a significant portion of British vessels to be constructed in New England shipyards. American ironworks, blast furnaces, and other iron suppliers provided one-seventh of the world's iron supplies, although in theory Americans were prohibited from manufacturing finished goods. The Royal Navy provided as much protection as possible from piracy. Britain's enormous economic clout created and expanded markets that would have otherwise been unavailable to the colonies. And William Pitt had ignored many unattractive (to the colonies) provisions of the Navigation Acts in an effort to gain a greater spirit of American cooperation.

But Pitt's replacement, George Greenville, was determined to take a less conciliatory approach, opting instead to strictly enforce the Navigation Acts and bring the colonies into full compliance. He reversed most of Pitt's programs and policies, which had a profound impact on land ownership, among other things. Greenville, fond of any tax that came along, determined that the colonies had not been bearing their fair share of their own defense burden, and one of his first steps to remedy that imbalance was the *Sugar Act of 1764*.

That law reflected his overall strategy of lowering tax rates while increasing enforcement. It seemed perfectly logical to Greenville that the colonials would welcome the reduced rate, and would therefore, not mind the stricter enforcement, which after all, was fair enough in itself, even if Pitt had been negligent. But the colonists didn't see it that way. They measured the fairness of Greenville's changes with the yardstick of decades of non-enforcement, not with the Navigation Acts themselves, or with Britain's cost of defending the colonies.

So resistance grew, and opposition was largely focused on Greenville's enforcement methods. Smuggling cases would now be referred to admiralty courts, for example, which meant decisions would be made by judges, not juries. Obviously, the possibility of conviction would be much higher with an English-appointed judge than with a jury of one's sympathetic colonial peers.

The *Currency Act of 1764* was next, which meant the colonies could no longer issue paper money. This was a problem, because colonists knew inflation followed increased taxes, and metallic money, which was already scarce, would flow out of the colonies, leaving merchants no way to counteract inflation. This Act reinforced the colonial correlation between government and taxes, between government intervention in the economy and inflation, between increased government revenue and increased potential for government mischief and oppression.

There had been taxes on land before, but they were low, and they were associated with the corresponding benefit of voting status. Few other direct taxes had been levied, or needed for that matter, given the small size and limited government in the colonies. In contrast, these new duties were not associated in any way with rights, and they extended to everyone, not just landowners. Thus the chasm between British and American thought was widening.

The British felt, not unreasonably, that Americans had been spoiled for decades, and action was necessary simply because Britain's circumstances had changed. Its huge French and Indian War debt no longer allowed the colonies the luxury of getting British government, with all the benefits and privileges that entailed, at such a steep discount. Enforcement of the Navigation Acts was not oppressive; it was simply a matter of correcting, at long last, decades of incompetent administration.

But to the colonists, the policies and practices of English administrators over the decades had become rights. New taxes, therefore, were indeed acts of oppression, and a violation of those rights. They were in conflict with emerging concepts of personal economic freedom. Furthermore, colonials feared that England's dusting off of the old obsolete Navigation Acts was a harbinger of further erosion of their liberty. If the king could interfere with trade, he might also try to interfere with their religious freedom, or their right to free speech. They increasingly used words like *enslavement* in discussing the links between economic and political rights.

Greenville's next move played right into those fears. The *Stamp Act of 1765* made every paper transaction subject to tax, including newspapers. That guaranteed that every newspaper in the colonies would argue against the measure, although that was hardly necessary, since most colonists hated it readily enough. Although it didn't, yet, apply to religious tracts or the Bible, what was to prevent them from being taxed later? Once the precedent was established and accepted, it would be all too easy to keep gradually extending the reach and grasp of this tax. And not just the Stamp Act, but all of Greenville's nefarious schemes were perceived as insidious encroachments on American liberty.

Even if the financial impact of any or all such taxes was minimal, at the very least they would bring into the colonies a vast new horde of collectors and administrators. That was totally unacceptable, and resistance organizations were formed, many operating under the name *Sons of Liberty*. They intimidated English officials, destroyed stamps, and used violence when they felt it was necessary. They had little worry of being convicted by a jury of their peers.

Prominent colonists like Sam Adams spoke out against the Stamp Act. Patrick Henry introduced five measures in the Virginia legislature that strongly condemned the Act. A little too strongly, according to some Virginians, like Thomas Jefferson, then a law student. While few embraced Henry's methods, all agreed with his conclusion that the Act was illegal.

It was this setting that produced Patrick Henry's famous line:
If this be treason, make the most of it.

James Otis and other Massachusetts leaders called for a meeting of all colonies in New York. This *Stamp Act Congress of 1765* produced a bill of rights and issued a list of grievances emphasizing the principle of *no taxation without representation*. Faced with such coordinated opposition, Parliament repealed the Stamp Act in 1766, partly also because English manufacturers were losing sales. But Parliament was caught in the middle between rebellious colonists and English landowners, who again faced higher taxes, and who considered the repeal as simply appeasing the unreasonable Americans. To save face, Parliament declared that it still had full authority to enact new taxes any time it wanted to.

And it soon did just that. In addition to taxes on glass, lead, tea, and other products, Parliament enacted in 1765 the *Mutiny Act* (aka the *Quartering Act*). Colonists didn't necessarily object to contributing supplies or a place to sleep for English military folks, but they insisted that Parliament had no authority to force them to do so. Both New York and Massachusetts failed to comply with the new law, but only New York was initially subject to English retaliation, because the British army was headquartered there.

Parliament suspended the New York Assembly, intending to isolate New York from the other colonies and contain the opposition. But it had the opposite effect. Sam Adams and others in the Massachusetts Assembly sent copies of a letter to each of the colonies, urging them to resist the new taxes and boycott British goods until such measures were lifted. The secretary of state responded by threatening that Parliament would suspend the Assembly of any colony which endorsed the Massachusetts position. (They all did.)

Thus, Boston became the focal point of colonial resistance and British retaliation. Four regiments of troops were transferred from Halifax to Boston, as a defiant symbol of occupation. The troops were rude, colonials were catching revolution fever, and tension mounted. On March 5, 1770, there was an angry confrontation between about 70 shipyard workers and several British soldiers, resulting in five colonial deaths, and six wounded. Although Sam Adams and others quickly characterized the incident as the *Boston Massacre*, John Adams defended the accused soldiers, who were found guilty of only minor offenses, not murder.

Britain wanted the episode to be forgotten as soon as possible, but Sam Adams was not about to let that happen. He and other writers turned out over 40 articles during the next two years, explaining American rights in terms that even the less educated colonists could understand. Soon he had formed a network throughout the colonies of writers turning out tracts and editorials, all critical of England's rule. There was little Britain could do to stop them, and the colonies became increasingly united, coordinated, and vocal in their resistance.

The next episode in the unfolding drama is called the *Boston Tea Party*. Because water was often undrinkable in America, colonists boiled tea, which was, therefore, an essential commodity in colonial households. Tea within the British Empire came from the East India Company, which had been granted a monopoly, but it had to go through England first to be taxed before reaching American shores. The *Tea Act*, in 1773, eliminated that duty. It didn't eliminate, but sharply reduced, England's tax on American tea, and Britain, naturally, assumed the colonials would be grateful. Britain, as usual, was wrong.

As it turns out, few colonists had been paying that higher tax to begin with. Instead, they had been enjoying cheaper smuggled tea, and some politicians had even been earning a living smuggling tea. The new Tea Act threatened to put them out of business. So, they responded by holding large public meetings, where they decided not only to boycott England's tea, but also to stop it from ever being unloaded on American soil.

But it didn't stop there. In December 1773, several men, dressed as Mohawk Indians, boarded three British ships docked at Boston Harbor, and threw 342 chests of tea overboard. A crowd of more than 7000 watched, including the British admiral in charge of Boston Harbor. Viewing the incident from the deck of his ship, he did nothing to stop it, and local authorities condoned it. A similar episode played out in Delaware several days later. New York tea stayed on the ships, and some of it was eventually unloaded at Charleston, but it couldn't be sold for three years.

> We all learn about the Boston Tea Party in school, thanks in large part to Sam Adams. We don't hear about the Delaware Tea Party because Sam Adams and other propagandists didn't write about it.

These acts were widely supported throughout the colonies. Only a few colonial leaders, like Benjamin Franklin and John Adams, condemned the boardings, but even John Adams couldn't resist the afterthought that if the colonists were going to do something, they should make it something notable and striking. Mission accomplished.

This was, obviously, a blatant affront to the king's authority, and it could not go unpunished. His response came in the form of the 1774 *Intolerable Acts* (aka the *Coercive Acts*), which, among other things, closed Boston Harbor until Americans paid for the lost tea. Massachusetts' charter was annulled and its governor's council was to be appointed by the king, which effectively meant that Boston's citizens no longer enjoyed their rights as Englishmen. Homeowners and innkeepers would now be required to board British soldiers at a fraction of their actual cost. British officials and soldiers accused of a crime would no longer be tried in the colonies, but would face trial in England.

Furthermore, some New England territory was transferred to the province of Quebec, and Catholics there were guaranteed religious freedom. This was especially terrifying to strongly anti-Catholic New Englanders, who saw this as potentially the beginning of the recatholicization of America.

Meanwhile, in the South, Virginia planters had their own strong fears, in their case over emerging antislavery initiatives. Southern planters, already in debt, also resented the additional burden of British taxes, and unfair monopoly powers which were part of Britain's mercantile system. Thus, a strange alliance was formed between South and North.

Another strange alliance existed between members of the clergy and rugged frontiersmen. Understanding the strong correlation between religious and civil liberty, men of the cloth were just as willing to take up arms as anyone else. One Virginia parson, immediately after delivering his sermon, grabbed his rifle and joined the militia.

So colonists of all varieties, based on widely divergent motivations, found ways to overcome their differences, emphasize their similarities and common interests, and unite against Britain. That opposition centered on oppression. But they weren't just thinking about British oppression -- they were aware of the broader political implications of oppression, in all places, at all times.

British hopes of isolating Boston had failed just as miserably as her previous hopes of isolating New York. King George III's next move was, predictably, also counter-productive. He originally supported repeal of the Tea Act, but then decided that he'd had enough, and the time had come to put his foot down with those incorrigible American colonies. He dispatched General Thomas Gage and four redcoat regiments to Massachusetts to force compliance.

In September 1774, a *Continental Congress* convened in Philadelphia in response to calls from Massachusetts and Virginia. Every colony except Georgia was represented there, and many prominent leaders were present, including George Washington, John Adams, Sam Adams, Patrick Henry, and Richard Henry Lee. Paul Revere delivered from Massachusetts a series of resolves, called the *Suffolk Resolves*, which swore allegiance to the king, but condemned recent oppression. When they were accepted by the Congress, Lord Dartmouth, the secretary of state, realized that England and the colonies were on the brink of war. Soon, George III did as well, saying simply: **The die is cast**.

The Shot Heard 'Round the World

The people of Massachusetts established a new government, raised a small army, and prepared themselves for war. Each militia company formed a subgroup, called *Minutemen*, who received extra pay and took on additional responsibilities. It was their job to be prepared at all times so they could, within a minute, have their arms and ammunition in hand and be on their way to wherever they were needed. Furthermore, the citizens of Lexington raised additional taxes for cannons, ammunition, carriages, etc. Part of that tax revenue was also designated for burying the dead, so clearly they understood the stakes involved in their actions.

General Gage, unsure at first whether to act preemptively or wait for reinforcements, soon realized that waiting meant reinforcements for the Rebels as well as his own forces. When he learned that the colonials were stockpiling munitions in Concord (18 miles from Boston), he decided to take action. His plan was to send 1000 soldiers from Boston to Lexington, where they would quietly arrest Sam Adams and John Hancock, and quickly gather up Lexington's weapons and military supplies. They would then keep moving to Concord, where its military stockpile would be confiscated, and then they would return to Boston. They set out on the night of April 18, 1775, led by Major Pitcairn.

But the colonials learned of the plan, signaled the British route using lanterns in the Old North Church, and sent out two riders from Boston to alert the Minutemen. One of the riders, Paul Revere, managed to rouse the Minutemen and warn Adams and Hancock, so the British lost their element of surprise at Lexington. Nevertheless, the British

We never hear about the other rider with Paul Revere, William Dawes, because Dawes didn't make it into Longfellow's poem: *The Midnight Ride of Paul Revere*. Paul was wounded and captured, but he managed to escape quickly.

achieved the first victory of the Revolutionary War there, killing eight Minutemen and wounding ten. This was the *shot heard 'round the world*, but no one knows who fired it.

The British troops continued on to Concord, where they destroyed its supplies. By the time they started back to Boston, Minutemen had begun firing at the passing troops from skirmishing positions along the road. Pitcairn's force, hearing the gunfire, would assume their battle formation, expecting the Americans to do the same. Instead, the colonists would scatter among the trees and hills. Fortunately for the British, the Minutemen were not good shots, with an extremely low shoot-to-kill ratio. Unfortunately for the British, the Minutemen were good enough to inflict 270 casualties with over 500 shots fired.

> Although the British would be very slow to learn this lesson, time after time during the Revolution the Americans would refuse to play by European rules of war.

Although Pitcairn's mission had been mostly successful, and the Minutemen had lost an opportunity to inflict far heavier casualties, the perception on both sides was that it had been a rout by the patriots, who after all didn't even have artillery, cavalry, or a general. News of the battle and patriotic fervor spread together throughout the colonies. Thousands of armed colonists made their way to Boston, surrounded Gage, and put a decidedly American exclamation point on the opening act of the Revolutionary War. Colonists didn't call it that yet, or think of it in those terms. At this point they were still just trying to get King George to listen to reason and do the right thing.

That began to change quickly, as consensus was building across the colonies for an all-out break from the mother country. A second Continental Congress met in Philadelphia on May 10, 1775 with delegates (from all colonies this time) representing the more radical view of the situation. A few conservatives tried to avoid a split from Britain, but the conflict had reached the point of no return. Congress placed the army under federal authority, and appointed their commander in chief, George Washington. That proved to be a very wise choice, and probably the only wise choice available.

Washington, on paper, had a force of 300,000. But they were scattered throughout the colonies, and only a few were disciplined, trained, or supplied well enough to engage in combat. Some had volunteered because they believed it was for a righteous cause, some because of what they saw as a threat to their homes and families, and some had been lured by bounties. But many of them soon grew wary of lack of supplies, clothing, food, equipment, arms, shelter, and even ammunition. This was to be a chronic problem throughout the war.

Materials were scarce for everyone, which drove up prices for the military as well as colonists. Industry was in a better position to pay those prices, though, and the military was usually left out in the cold. The Continental Congress was, for the most part, unable to raise taxes, which made it extremely difficult to meet military demands for supplies and troops. This presented a threat to Washington that was, in many respects, even greater than the threat posed by the British.

And that threat was huge. Britain's army and navy were well supplied and well trained. Her capable, experienced officers were fresh from defeating the French and Spanish. Britain had numerous established forts and outposts, and a large number of loyalists among the colonial population. What she did not have, at the moment, was European rivals to drain her resources or divert her attention.

Britain did face some significant obstacles, however. Any troop movements would almost certainly be reported by patriots to the American military. Militia forces could easily attack British troops on the march. British forces were accustomed to European-style fighting, not quelling a frontier rebellion. Her forces did not have a single suitable port city from which to deploy. They had to cover a wide expanse of land, cover several fronts, and cope with hugely different climates. Her navy was the best in the world, but that would do her little good in the colonial inland. The vast Atlantic made it more difficult and expensive to transport supplies and troops. It also made communication slow, with a three-month turn-around.

Early British hopes of forming an alliance with the Iroquois were dashed when the Iroquois Confederacy declared its neutrality in 1776. A few Indians did fight with the British, but a few fought on the American side as well, while most stayed neutral. British hopes of isolating the colonies from European assistance were dashed, also, after a short time. France held back large-scale support until late in the war, but scores of European freedom fighters poured into the colonies early on.

The Battles

Before Washington had taken command, Rebel forces gathered on Breed's Hill overlooking Boston. From here, they could challenge ships entering (or leaving) Boston Harbor, and, if necessary, they could even attack Boston itself. British troops, after several attempts, and after the Rebels ran out of ammunition, took the hill, but paid a very high price. Twelve percent of all the British officers killed in the Revolutionary War died in this early battle. The British casualty rate was almost 50%.

They had intended to gather on Bunker Hill, not Breed's Hill.

General William Howe's victory was short-lived. Patriot forces captured the British outpost of Fort Ticonderoga, in New York, and took its captured cannons to Boston. The British, seeing the cannons positioned on Dorchester Heights and realizing the danger of having their supply line cut, left for Halifax, Nova Scotia, taking 1000 loyalists (*Tories*) with them.

Americans mistakenly believed that Canadians would catch the same liberty fever that motivated them. In early 1776, Benedict Arnold led the first of many failed and misguided attempts to take Canada. The courageous, brilliant officer who fought valiantly in this struggle, and in several battles later, was respected and appreciated by Washington and by the soldiers under his command, but not so much by his fellow officers. Arnold became bitter, vengeful, and eventually a traitor, in one of the most tragic stories of the Revolutionary War.

British reinforcements joined Howe in Halifax. More than 30,000 British and German troops landed on Staten Island on July 2, 1776, driving Washington's forces off that island and onto Long Island. The British soon drove the Americans off Long Island and into Manhattan, then into New Jersey toward Philadelphia. Although the British missed opportunities to achieve an early total victory in the Revolutionary War, they had the Rebels on the run, and they controlled New York, which attracted flocks of loyalists and became a Tory haven throughout the rest of the war.

July 2, 1776, was also the day Congress declared American Independence.

Only 3000 of Washington's 18,000 men were left, and most of them would soon be leaving at the end of their enlistment. Desperate for a victory, Washington rallied his troops, staged a bold counterattack, and gave Americans hope. On Christmas night, 1776, the Rebels recrossed the Delaware River, routed the Hessian troops stationed at Trenton, taking 1000 prisoners with only three American casualties, then in early January defeated another British force in Princeton. Washington had gained the momentum and sent this shocking message to the bewildered British: this was a real war after all.

Meanwhile, Americans were reading a 50-page political tract written by Thomas Paine. *Common Sense* argued that the time had come for America's separation from England, and the Continental Congress was receiving more and more petitions echoing that sentiment. On May 15, 1776, Virginia in effect declared its independence from Britain, resolving to create a Declaration of Rights, a constitution, a federation, and foreign alliances. In June it established a republican government, and with Patrick Henry as governor, Virginia led the charge toward American independence.

As momentum in Congress grew, a committee was appointed to draft a statement announcing independence. Thomas Jefferson, a member of that committee, wrote the final draft, and only a few changes were made by John Adams and Benjamin Franklin. All Americans today are familiar with the eloquence of the Declaration Of

Independence (DOI), but few of us are aware of the significance of what was edited out of Jefferson's draft. It had included language which blamed England for slavery in America. Some committee members objected to any criticism of slavery, no matter who was at fault, because it reflected negatively on their own colonies.

Congress adopted DOI on July 2, 1776, then a slightly refined final version on July 4. Two weeks later. the Congress voted to have it engrossed on parchment. Members of Congress signed that document on August 2, although some who did not appear in person on that date signed it later. By doing so, each of the 56 signers fully understood that they had become traitors to the British Crown, and therefore could be hanged. From that point on, their loyalty was to each other and to the new nation, America. **We mutually pledge to each other our Lives, our Fortunes, and our sacred Honor**, reads DOI. Far from being idle words, almost every one of the signers had, by the end of the war, lost property, family, and / or wealth.

Supposedly, John Hancock intentionally made his signature quite large so the king would be able to read it even without his glasses.

While independence had taken a huge step forward politically, militarily things were not as promising. The momentum gained at Trenton and Princeton was lost at Brandywine Creek and Germantown. Washington retreated to winter quarters at Valley Forge. During the winter of 1776-77, British forces were warm and well-fed in Philadelphia, while nearby, the Rebels shivered, starved, and died of illness. Washington's repeated requests for support went unheeded by Congress. It wasn't because they didn't care, but because their only source of revenue was from the confiscation of Tory property, which wasn't nearly adequate. Paper money had become worthless, and military commanders issued IOUs to those who would accept them.

In spite of all this, Washington remained optimistic, displayed confidence to his dispirited, suffering troops, and led them through that winter of hell. He was the only reason for their survival. Well, not according to Washington, who prayed daily, and gave God the credit for their miraculous ability to fight another day. Gradually, he obtained supplies and equipment, and he somehow managed to put together a fighting force, capable of facing their British counterparts, who had by now become comfortable and lazy in Philadelphia and New York.

But Washington was not the only Rebel the British had to contend with. British General John Burgoyne launched an invasion of the Mohawk Valley. According to the battle plan, he was to receive help from several sources, all of which failed to materialize, for a number of reasons. This left Burgoyne vulnerable, deep in Rebel territory with extended supply lines, and he was unable to move rapidly because of his huge entourage. Scavenger units encountered Ethan Allen's Green Mountain Boys, and the British scavengers were all killed or captured. When news of that reached New England towns, General Horatio Gates found himself the recipient of new militia volunteers, increasing his force to 12,000 militia and 5000 regulars, facing Burgoyne's 6000 troops.

Borgoyne's wagons contained fine china, dress clothes, a four-poster bed, his mistress and all her belongings, and 400 women camp followers, including wives, servants, and prostitutes.

Burgoyne, to avoid being surrounded or having his supply line severed, attacked at Freeman's Farm near Saratoga. The Rebels won a decisive battle there, but Burgoyne was still expecting reinforcements, so rather than surrender, he partied in Saratoga until October 17, when it finally sunk in that help was not going to arrive. As difficult as it may be to understand today, at that time military etiquette dictated that Burgoyne and his entourage be allowed to march to Boston, board ships, and return to England. It was sufficient for Gates that Burgoyne's men promised not to fight any more.

In the spring of 1778 the full significance of the American victory at Saratoga began to play out. Benjamin Franklin, among others, had been in France for some time, quietly and patiently encouraging France to assist America's war effort. Franklin was a celebrity there, and he was especially adored in Paris, but France had

wisely stayed out of the conflict until it was convinced that the Rebels had a chance to win. The victory at Saratoga finally convinced Louis XVI to provide munitions, money, soldiers, and naval support.

Any policy that effectively weakened Britain was appealing to France, especially after her stinging loss in the French and Indian War. Besides, France wanted in on the action when the war was over. No way was she going to sit idly by and watch French and Spanish territories in North America get swallowed by other European players. France might even manage to end up controlling England's North American colonies. Spain joined in as well, in April 1779.

By 1780 Holland, Denmark, Sweden, Portugal, and Russia had formed the League of Armed Neutrality, each agreeing that their ships would fire on approaching British vessels rather than submit to boarding. In other words, Britain had managed to alienate all the other major navies of the world, and the world saw her as the international bully picking on a small group of colonies which had no navy.

As significant as Saratoga was, the British still had five armies in North America. And they decided that they would be better off using significant parts of their military might in the South, instead of the North. There were a lot of loyalists in Georgia and the Carolinas, and British generals liked the idea of operating in friendlier territory. They started their southern campaign at Savannah in 1778, then moved northward in 1779, and in 1780 two British columns moved into the Carolinas. Cornwallis won a decisive victory at Camden, and Gates was replaced by Nathanial Greene, who better understood Washington's strategy of avoiding defeat when winning a battle was not feasible.

Accordingly, Greene lured Cornwallis deep into the Carolina interior, where Daniel Morgan's colonial forces met Sir Banastre Tarlton's British troops at Cowpens in January 1781. There Cornwallis' force, as the general phrased it, met a *severe and unexpected blow*. Cornwallis continued chasing Greene, and caught up with him again a few months later at Guilford Courthouse. But again, Greene evaded the stronger British force, and the chase continued into Virginia.

This presented an opportunity for Washington, who marched his 5000 colonists along with 5000 French troops south from New York to Virginia. In the Chesapeake Bay area, they were joined by even more French troops, and the combined forces now outnumbered the British by 7000 men. Cornwallis' force, entrenched at Yorktown, had expected the British Navy to bring in reinforcements and supplies. However, the French navy won its only major victory in its entire history, deprived Cornwallis of fresh troops and supplies, and prevented British vessels from offering Cornwallis an escape route.

For weeks, the British withstood artillery siege and encroachment by surrounding Franco-American forces, but they were finally forced to surrender, muttering, weeping, and cursing. Britain still had four other armies in North America, but further resistance was futile, especially with France involved. Tory support in the South had not helped much, and while Britain still controlled Boston, New York, Newport, Philadelphia, and Charleston, they had not gained control of the interior of the country, and they had suffered an unsustainable 40% casualty rate. Washington had won by not losing.

In April 1782, negotiations were underway in Paris. On November 30, 1782, Benjamin Franklin, John Adams, and John Jay, along with British representatives, signed the *Treaty of Paris*. Spain held Florida and New Orleans in the south. America's western boundary was the Mississippi River, where American and English vessels could freely navigate. Its northern boundaries remained unchanged from the Quebec Act. Americans had the right to fish off the coast of Newfoundland and in the Gulf of St Lawrence. France gained a great deal of debt.

Chapter 4: New Constitutions

Learning to Govern

With America's independence secured militarily, for now at least, its leaders turned their attention to establishing a system of government. They were fully aware that they faced a unique situation, because nowhere in history had a nation found itself with the opportunity to start with a clean slate and design its own government from the ground up. They knew also the risks and dangers of the task before them, and they felt the eyes of the world upon them. Success would be nothing short of a miracle, and few outside the infant nation expected it to survive very long.

They had a few things going for them, though. They had actually been preparing themselves for this moment from the very beginning, although they didn't realize it at the time. By now they had grown quite accustomed to governing themselves, and they had become pretty good at it. By 1790 about half the country's four million citizens were under the age of 16, and most of the loyalists had fled to Canada, or soon would. So Americans were overwhelmingly like-minded in how to go about this task, and would remain so for years as those young people took on political responsibilities and matured together in their political thinking.

Not that they didn't have their differences. Each colony had developed its own laws, policies, and ways of doing things. It had all been very English, of course, but increasingly American as well. And, as Americans, there was wide and deep commitment to certain core principles. For one thing, everyone agreed that constitutions and laws should be written. England's constitution had been based on 500 years of precedent-setting rulings, unwritten common laws, and assorted charters. There was no single, concise document. It was, therefore, *a living, breathing constitution*. America wanted none of that.

They also rejected monarchy. A few people flirted with the idea of having a king, and George Washington was urged at times to assume the role. He, of course, rejected the notion outright, and that, perhaps more than anything else, assured that the idea of a monarchy never gained traction. Others, like Alexander Hamilton, would have welcomed an American monarchy, and he, in fact, wanted America's government to be almost identical to the British system. Later, during the Philadelphia Convention in 1787, he proposed just such a plan, and he spent an entire day talking about it on the convention floor. The other delegates listened politely, totally ignored his proposal, then went on with forging a constitution. Hamilton left the convention in a huff and didn't return until toward the end.

But for the time being, the focus was not so much on a national constitution as on the individual state constitutions. Americans wanted their government to be small and close to home. The national government would need to do a few things, like take care of commercial treaties, protect the country from outside threats, establish standard weights and measures, etc, but it was mostly up to the individual states to hammer out new constitutions and laws.

While Americans believed in the basic goodness of man, and trusted ordinary folks to make decisions about the country just as well or better than the educated elite, they also understood that men in government have a natural tendency to misuse and abuse power. The best way to keep a handle on corruption and mischief was to keep government local, where the people know each other and can keep an eye on elected officials. Short terms of office, small legislative districts, and *recall* and *impeachment* provisions also helped.

That meant that everyone must be involved in the process. Well, not exactly everyone. Not even the most radical concept of democracy included the idea that voting rights would be extended to Indians, women, or blacks. In fact, in most places voting was a right that came with land ownership. Still, even with these restrictions, America was the most democratic nation on earth. And since land was plentiful and cheap, more and more people became voters every year.

Another core principle with almost universal support was the *separation-of-powers* doctrine. Montesquieu's vision of authority being divided among separate legislative, executive, and judicial branches was well entrenched in American thought. However, the doctrine of *balance-of-powers* was not. At this stage, it was widely accepted that the legislative branch should be the most powerful. This was, of course, a natural reaction to all the problems colonists had faced in their recent experiences with the king and his royal governors. The power of the purse was of paramount importance, and since that power resided in the legislature, it should be the dominant branch.

Montesquieu was a popular French political thinker of the Enlightenment.

Civil liberties were also important throughout the country. Due process; no cruel or unusual punishment; the right to own and carry firearms; habeas corpus; freedom of speech, petition, assembly, religion, and the press. The key focus was on a person's unfettered ability to speak his mind about the government, no matter how critical. Civil liberties also extended to property ownership, and even to minimal taxation.

The First US Constitution

We may tend to think of America's early history as a series of distinct chronological events. Colonies, DOI, Revolutionary War, COTUS, etc. But, as we have seen, the Revolutionary War was already well under way before DOI was signed. Similarly, our first national constitution had been formed and placed in operation well before the 1787 convention in Philadelphia forged the Constitution we know today.

Our first constitution was born in 1774, when the first Continental Congress convened. The implications of that meeting are far greater than we generally understand. That is when we became a nation, charting our own course, beginning the process of separation from England. To be sure, we had at that point a long way to go to secure and define our rights as Americans, but that is when those rights began to take shape and dictate our actions. That is when we began to think of ourselves as states instead of colonies, as Americans, not British citizens. The first and second Continental Congresses, 1774-1776, hammered out our first national government. We had already been operating under the same basic plan for years by the time *Articles Of Confederation* was adopted.

Those first congresses raised a number of difficult questions and thorny issues, some of which would pester the country for years to come. Should each state have an equal number of votes in the legislature, or should more populous states have proportionately more votes than the smallest state? This was of particular concern to the southern states, whose slave population, they felt, should not be left out of the representation equation. Some states, based on their colonial charter, claimed all land west of the colony, all the way to the Pacific. Other states had no such provision in their colonial structure, and they felt all land west of the Appalachians should be considered public domain in the new America.

That led to a larger question of the colonial charters and grants. Were those documents inviolable contracts? Surely not, because that would mean England would still control much of the country's territory, even after independence. But did American independence mean all those colonial documents were null and void? If so, what was the legal basis for any American's claim of property ownership?

On June 12, 1776, Congress appointed a committee, headed by John Dickinson and consisting of one member from each state, to draft a constitution. Their work, named the *Articles of Confederation* by Benjamin Franklin, was submitted a month later. Because of the difficult issues raised in Congress, however, it wasn't ratified until 1778. Meanwhile those issues were debated, and final resolution of many of them was put off until later, but America was operating under AOC throughout that period.

So, what did our government look like under that first constitution? How did it work? The logical first step in answering that question is another question. *What is a confederation?* A *federation* is a system of national, state, and local governments, each with its appropriate powers. That much is still true today. What has

changed, though, is that originally *federalism* meant that state power was supreme. Today, it means national government is dominant.

The flip-flop was the result of the ratification process after the 1787 Philadelphia Constitutional Convention. *Federalists* originally were those who opposed the new constitution, preferring instead to keep sovereignty securely in state hands, not in a national government. And since that's what most early Americans had grown familiar and comfortable with, wide acceptance of the new proposed constitution was going to require a lot of persuasion. So, to get a jump start on accomplishing their goal, advocates of the new constitution simply stole the term *federalists*. That immediately put the real federalists at a disadvantage, and left them with the unenviable label of *anti-federalists*.

That's why, to understand AOC, we have to temporarily change our understanding of the term *federalism*. Under AOC, there was no executive or judicial branch. The radical Whigs, who had battled the king and his governors for all those years, were not at all inclined to install a new executive of any kind. Nor did they see much point in establishing a judicial branch, because those issues were best handled at the state level. So the AOC was all about the legislature. And even that was intentionally quite weak, because the Whigs were determined to keep the states in control of the government.

There was an AOC provision for dealing with interstate disputes, but it was ineffective.

The *Confederation Congress* was authorized to conduct diplomacy, make treaties, declare war, and pass laws related to foreign affairs, war, finance, a post office, standardized weights and measures, coining money, and borrowing money. Its laws were executed through a series of congressional committees. Congress had shared authority to deal with Indians, and it could establish a national Indian policy. After 1781 the Confederation Congress alone was responsible for territorial government and land sales.

After the Declaration of Independence, delegates changed their name from *Continental Congress* to *Confederation Congress*.

The number of delegates in the Confederation Congress from each state varied, but each state had one vote. It took the votes of seven states to pass most laws, but it took nine states to declare war or ratify a treaty, and all 13 states had to agree to any amendments to AOC. That meant that, in practical terms, amendments were virtually impossible, given the nature of state politics at that time. So states certainly played a dominant role in national government. Even then it was understood that ultimate power belonged to the people, their will being expressed by their Congressional representative(s), elected by state legislators.

The First State Constitutions

Most states got busy writing their constitutions right after DOI. They largely mirrored AOC, since the Whig philosophy that so strongly influenced AOC was also in full force throughout the states. They insisted on having their state constitutions in writing. Most included a bill of rights, broad suffrage for white males, and proportional representation. Unlike AOC, most states had separate executive, legislative, and judicial branches, but like AOC, it was the legislature that dominated, with severe restrictions on the other branches. Even legislators were constrained as much as possible through annual elections, term limits, and recall.

Rhode Island granted universal white male suffrage.

Most states also understood that there was a big difference between writing a *constitution* and writing *laws*. Referring back to Jefferson's words in DOI that it is the right of the people to institute a new government, writing a constitution was about as close as they could get to a natural right, and it required some special

handling. That's why most state constitutions were drafted and ratified by *constitutional conventions*, not merely by state *legislatures*.

Westward Ho

So the infant America had quickly achieved functioning national and state governments. But it hardly had time to sit back and congratulate itself and admire its handiwork. The job of governing was just getting started. Many states moved their capital westward in order to better serve their frontier constituents. But soon there were tens of thousands of Americans living outside the original 13 states. How were they to be governed?

Finding answers to that question took on greater urgency as Americans flowed westward across the Appalachian Mountains. The most popular route was the Ohio River. Pioneers like Daniel Boone blazed trails, established relations with Indians (or defeated them if necessary), and set up forts which could blossom into commercial centers and towns, like Boonesborough, Louisville, Lexington, and Nashville. Settlement north of the Ohio was slower because of strong Indian resistance, but even there towns flourished, like Marietta, Ohio, Ft Wayne, Indiana, and Detroit, Michigan.

If all went well, the trip from Pittsburgh to Louisville took seven to ten days.

The Confederation Congress was watching this process play out, with virtually unanimous agreement on what needed to be done, but with very different ideas about how to proceed. They needed to develop a system for surveying and selling land; they would have to negotiate, not only with Indians, but also with the British and Spanish in some areas; and there had to be a governmental framework to establish the rule of law in the territories.

Early in this process, ratification of AOC was still being stalled by some states which refused to give up on the idea of their sea-to-sea land claims. Even after this issue was finally resolved and AOC was ratified, Georgia still refused to give up its westward land claim, but the rest of the country simply ignored the fact. Another important issue was resolved fairly quickly as well. What would be the relationship between new developing territories in the West and the original 13 states? Would the territories be treated like colonies, with the 13 states playing the role of England? Although that wasn't totally out of the question, Congress opted instead to make America the first nation to provide a method for gradual democratization of new territories.

Not surprisingly, we find Thomas Jefferson making significant contributions to this endeavor. As chairman of Congress' territorial government committee, he played a key role in drafting the *Ordinance of 1784*. Jefferson advocated a grid system in surveying public lands, and free or cheap land for settlers. Before he could get his vision fully implemented, however, he left Congress, and nationalists began making changes.

They adopted the New England model, in which surveyors would divide the western territory into thousands of townships, each containing 36 sections of 640 acres each. One section in each township would be designated for a local school. Eager for a new source of revenue, they planned to auction off the townships at $2.00 per acre, with no credit. It didn't quite work as hoped, however, because most settlers couldn’t afford to buy the townships, so they were instead snapped up by speculators, squatters, and other clever frontiersmen before the land could even be surveyed. However, the groundwork had been laid for what eventually led to the *Homestead Act of 1862*.

Those clearly defined townships can be easily seen today from an airplane.

In 1786, Congress next turned its attention to Indians, setting precedents that are still in play today. The most important is the Indian right of soil -- which recognized Indian ownership of the land they possessed. That right could be taken away in only two ways: a valid purchase / sale transaction, or military conquest. No one in Congress pretended they were doing the Indians any big favors here. But they felt this was the best way to

settle the territories peacefully. The *Indian Ordinance of 1786* didn't guarantee peace or solve all the Indian problems, but it formalized the legal basis for land dealings between Indians and whites.

One result of the law was that the national government, not the states, assumed sovereignty in dealing with Indians. Congress appointed Indian commissioners to sign treaties, and treaty sessions began. Another result was that land transactions were based on written contracts, in spite of some continued tribal rejection of the very concept. These contracts would be important in later claims against the government.

Congress returned in 1787 to Jefferson's *Ordinance of 1784*. The nationalists' revised version of it became the *Northwest Ordinance of 1787*. It established a territorial government north of the Ohio River, with a governor and judges. When an area grew to a population of 5000, its white male landowners could elect a legislature, and it could send a nonvoting representative to Congress.

Congress did not want one huge state or dozens of tiny ones.

The territory could eventually become organized into three to five new states. When any potential state grew to a population of 60,000, its citizens could draft a constitution and petition Congress for admission into the Union. This is how America came to include Ohio, Indiana, Illinois, Michigan, and Wisconsin. The *Southwest Ordinance of 1789* was similar, and it produced Kentucky and Tennessee. In fact, only a few states (Texas, West Virginia, and Hawaii) did not join the Union using this process.

Another feature of the *Northwest Ordinance* was a bill of rights, and one of its provisions was that no slavery (or *involuntary servitude*) would be allowed north of the Ohio River. But this prohibition faced enormous opposition from the start, mirroring a larger national debate that was already raging. Who should make the final decision on slavery in any given area -- the state, or the national government? The *Northwest Ordinance* forced the issue, and it was decided in favor of the bill of rights in the Northwest Territory.

Unfortunately, though, that was not the end of the national debate. The issue of states' rights would come up again and again. The South argued that slavery was not only a legal or political right, it was also a moral right. And if it was a right, how could it be prohibited in any state or territory? From 1787 on, the South was committed to the right to expand slavery into new territories, not just perpetuate it in states and territories where it already existed.

Annapolis, 1786

All things considered, AOC did a remarkable job of getting America through the war and on its feet as a brand new nation. Given the events and political environment of the Spirit of '76, it is hardly surprising that the strongest power was retained at the state level, with a weak national government. That's exactly what most people wanted, and it was a natural reaction to the problems the colonies had experienced with the king and his governors.

But even before the end of the war the Whigs had been divided into two camps -- *federalists* (or radical Whigs), favoring strong states and a weak national government, and *nationalists*, favoring a stronger general government. Both sides realized that the success or failure of the new country would depend on getting that balance just right, but they had different opinions about exactly where the ideal balance was. As weaknesses (or perceived weaknesses) in AOC began to emerge throughout the states, the nationalist group increasingly found their voice.

They tried several times, during the early 1780s, to amend AOC, but that required approval of all 13 states, and Rhode Island was consistently the lone holdout. In September, 1786, delegates from five states met at Annapolis, Maryland, and there an idea was born for advancing the nationalist cause. Those delegates planned a meeting of delegates from all 13 states in Philadelphia next spring. The stated purpose of that meeting was to discuss commercial issues and propose changes to AOC.

The nationalists were led by Alexander Hamilton, and included Benjamin Franklin and John Adams. They were not about to admit it at the time, but they intended to accomplish much more at Philadelphia than they were saying publicly. It had become quite apparent that they were never going to be able to get all 13 states to agree on any AOC amendment, so they had decided to replace that document with an entirely new constitution. Clearly that was illegal under AOC, which meant that their plans for Philadelphia would become, in a sense, the second American Revolution, or at least the second phase of the first. This one, however, would be bloodless. Provided they could keep a secret.

As persuasive as Alexander Hamilton and his nationalist allies would prove to be, it wasn't their rhetoric that began to turn the tide of public opinion in their favor. It was an event which demonstrated one of the weaknesses of AOC.

Most states, by this time, had passed debtor laws. Debtors could, therefore, legally pay their debts with inflated, virtually worthless money. They could also avoid losing their farm, even when in default, which was all too common during the postwar recession. Nationalists opposed such debtor laws, in part because they saw state meddling in these affairs as a potential threat to the whole concept of property rights and contracts. Federalists, more sympathetic to the plight of farmers and other debtors, pointed out that many nationalists were creditors themselves, and just might, therefore, have a conflict of interest.

Massachusetts had not passed debtor laws. Daniel Shays, a retired captain in the Continental Army, was one of thousands of farmers in that state who were facing the loss of their farms. To stop the foreclosure process, Shays organized groups of farmers to shut down the bankruptcy courts in western Massachusetts. *Shays' Rebellion*, as it is known today, involved one battle, in Springfield, which resulted in the death of four of Shays' men. By January, 1787, the Massachusetts militia had crushed the rebellion, and 14 rebels were sentenced to hang. Fearing a public relations nightmare, government officials commuted their sentences and freed the men.

Nationalists capitalized on those events to demonstrate the need for a stronger national government. Americans began to take notice of their position, fearing anarchy under the current AOC. Except for Shays' Rebellion, the Philadelphia Convention probably had no chance of success.

Philadelphia, 1787

Even with Shay's Rebellion providing some momentum, however, the task before the Philadelphia convention was monumental, and it would take a miracle to pull it off. The delegates from the very beginning were divided along several fronts, and there would be even more divisions as the process played out over the summer months.

The most obvious division, of course, was between federalist and nationalist delegates. That, however, would turn out to be one of the least problematic, because the federalists were greatly outnumbered. Only three federalists -- Melancton Smith, Luther Martin, and Abraham Yates, would ultimately refuse to sign the new constitution. Such well-known Revolutionary activists as Patrick Henry, Sam Adams, and Richard Henry Lee didn't even bother to attend. Henry famously snapped **I smell a rat**! From a modern perspective, it seems curious that Henry was not all the more determined, therefore, to be part of the process.

There were also personality conflicts, and competing interests between farmers and merchants, slaveholders and free-soil advocates, Northerners and Southerners, small states and more populous states, and between Madison and Hamilton over what type of men should hold government office. At the heart of that issue was the question of what fundamentally motivates men, especially men attracted to government service. Is it idealism and virtue, or is it simple self-interest?

Washington and Hamilton agreed on the latter, and Hamilton, therefore, argued that farmers, merchants, and planters would serve well enough in state legislatures, but the national legislature should be filled with lawyers. He felt that only lawyers were objective enough to rise above personal interests, and only they were capable of

dealing with the legal details necessary to forge effective legislation. Hamilton was partially right. The job of legislating does require legal skills, and that's why most modern legislators are attorneys. He was wrong, though, about their objectivity and altruism. It took Americans many generations to realize that lawyers often have a personal stake in the legislation they support and draft, and they have a vested self interest in drafting laws that only lawyers can understand. (And sometimes, not even them.)

There were two competing plans under consideration at the convention. The *Virginia Plan* was put together by James Madison, George Washington, and Edmund Randolph, even before the convention began. While it represented an entirely new approach, offering a much stronger national government, the rival *New Jersey Plan*, offered by William Paterson, would have beefed up the national role, but it would have left the AOC structure largely intact.

A third plan was introduced by Alexander Hamilton, but it was so close to the British model that no other delegate seriously considered it. After talking about it for an entire day, his plan didn't even generate any discussion, and Hamilton was so upset that he didn't attend most convention sessions.

The delegates, though passionate in their views, and committed to the best interests of their constituents, demonstrated an amazing ability to compromise throughout the convention. One of the most important compromises came to be known as the *Connecticut Compromise* (aka the *Great Compromise*). It satisfied both the smaller states, who favored equal votes for each state, and the larger states, who favored proportional representation, based on population. This was accomplished by adopting a bicameral legislature, with the Senate providing equal power for all states, and the House of Representatives, giving larger states more representatives.

But that forced the delegates to solve another sticky issue. How was population to be tabulated? Who would, in other words, and who would not be counted as a person for purposes of determining that state's total representatives in the House? Since taxation at that time was based on population, a similar question was who would be included in the census count for purposes of calculating taxes? It was agreed that Indians would not be counted for either purpose, but what about slaves?

That led to other sticky issues. The slave states had always insisted that slaves were property, not persons. That led delegates of the Northern states to conclude that slaves should not be counted for representation, but should be counted for taxation. Obviously, the Southern states wanted none of that. Whether it seemed logical or consistent or not, they wanted slaves counted for representation, but not for taxes.

The five major slave states were: Georgia, Maryland, Virginia, North Carolina, and South Carolina.

This emotional issue led to another major compromise, known as the *three-fifths clause*, allowing 60 percent of slaves to be included in the census for both representation and taxation. Although the agreement made the North feel better at the time, the taxation part of the clause was never implemented, so it wasn't really so much of a compromise as a clear victory for the slave states. They ultimately gave up nothing, and they received essentially a tacit agreement which guaranteed them a near majority status for the foreseeable future. The slave states, as a voting bloc, were assured that the institution of slavery would not be politically threatened any time soon.

The tax clause was forgotten, because the Treasury Secretary, Alexander Hamilton, had his own ideas about taxation.

The compromise is often considered, even today, as evidence of the Framers' disregard for the sanctity of human life, and the Founders' utter contempt for the equality of man so eloquently penned by Jefferson in DOI. But far from being an indication that a black was considered only 3/5 as valuable or important as a white

person, it was intended to be a limit on slavery. Northern delegates thought they were helping blacks and controlling the institution of slavery in the new constitution. Had they understood then the actual results of the clause, they undoubtedly would never have agreed to it.

On the other hand, it's also important to understand that if the slavery issue had been stressed to the point we wish today it had been, there would have been no new constitution. And without the new constitution, there would be no America as we know it today. This was the third time in America's short history that this stark political reality played a decisive role in the decision-making process. The first had been when slaves first arrived on our shores in 1619. The second was when DOI was drafted. The Philadelphia convention would not be the last potential opportunity to deal decisively yet peacefully with the slavery issue, and at each opportunity the result, tragically, would be the same.

Time after time, our elected officials and political leaders would delay action or settle for weak measures, believing that slavery would run its course soon enough one way or another, or that taking a strong stand would accomplish little other than political suicide. It wasn't that they necessarily approved of the institution of slavery, or intended to promote or condone it; it's just that they felt powerless to stop it without destroying the nation in the process. Many of the most prominent Founders actively fought against slavery in various ways, but they simply didn’t think they had the political clout to stop it.

Meanwhile, slavery, as complex and divisive as it was, was only one of many difficult hurdles the delegates had to overcome in Philadelphia. Yet they did miraculously manage to agree, if not quite unanimously, on a new constitution. Who were these heroic men who accomplished the impossible? As mentioned earlier, most were nationalists, many had been commissioned officers in the Continental Army, and most were lawyers, merchants, planters, and members of the professional class. They represented the upper tier of American society, and they were, therefore, successful people who had experience in dealing with obstacles and overcoming adversity. They were the best minds the nation had to offer, and nothing less could have produced the constitution we have today.

Many of the delegates were relatively young (average age of 42), at least compared to such icons as George Washington and Benjamin Franklin. All states were represented except, true to form, Rhode Island. There were 55 delegates at the beginning of the convention, but only 39 worked through the summer and were still there to ratify the finished product.

Since the new constitution would impact their personal and professional lives as well as all Americans, did they have a conflict of interest? Perhaps some questions of that nature would have been appropriate no matter who the delegates were, but these men were there to accomplish a practical, necessary task. They all had their flaws, blemishes, and idiosyncrasies, but they were serious, sensible, and pragmatic. Their best interests may have coincided with the best interests of the country, but that doesn't diminish their accomplishment. Not one of them was motivated chiefly by a lust for power.

George Washington, throughout the convention, sat in a chair in the front of the room. He participated in the debates on the floor only once, right at the end of the proceedings. (He most likely was, however, quite active in informal meetings and discussions.) His role was largely symbolic, but that didn't make it any less crucial. He certainly had every right to participate in all the debates, and his input would have, no doubt, been welcomed by all the delegates. After all, he had helped draft the Virginia Plan, not to mention the fact that the Philadelphia convention would not have been possible except for his military leadership. But Washington never considered himself the most brilliant of men, nor was he considered a great orator, so he exercised a great deal of influence over the proceedings simply by remaining quiet. Just a stern look from him could keep a heated debate from turning into a brawl.

On the back of Washington's chair was a painted image of the sun. Benjamin Franklin had been staring at it throughout the convention, pondering whether the artist had intended it to be a setting sun or a rising sun. He remarked to some of his friends at the convention's conclusion that he had finally found the answer to that

question. With their successful efforts in Philadelphia he was now fully confident that the sun was **rising** on the infant America.

When Franklin left the building on that last day, a lady stopped him and asked what kind of government they had decided on. The delegates had done such a good job of keeping their proceedings secret throughout the convention that the people still had no idea what to expect from their efforts. Franklin's famous reply was: **A republic, if you can keep it**.

The Constitution for the United States

> Although we call it the Constitution **of** the United States, its correct title is Constitution **for** the United States.

What did Franklin mean by that? What is a *republic*, and why is it important? What exactly is a *constitution*, for that matter? Is America really a democracy? What does the *Constitution for the United States* (COTUS) say? What does it mean? What does it not say? How has it changed over the years? Can it be changed even more today? Is it really *a living, breathing document*? Is it obsolete?

These are interesting, important questions, and many of the answers will undoubtedly surprise you. It's such a large topic that an entire separate series needs to be devoted to it. For now, we will touch on just a few important constitutional principles.

Getting the constitution written was one thing. Getting it ratified was another. The Philadelphia convention was little more than an exercise in futility unless it was embraced by the American people.

People organize themselves into divers groups, organizations, entities, and alliances for a multitude of reasons, causes, and pursuits. States are an example of that. They play an extremely important role in our government structure, primarily because government functions best as close to the people as possible. States allow us to keep most government much closer than Washington, DC. But even when we the people make decisions at the state level, it's important to understand that it is still the **people** making those decisions. Ultimate power rests with the people, not with the federal government, not with the state government, not with local government. We make decisions at those levels, and we depend on those organizations to carry out our laws and administer our nation's business affairs, but at no time is ultimate power taken out of the hands of *we the people*. COTUS makes that clear.

Perhaps in an ideal world, every single citizen would have an opportunity to vote on every single significant issue. Obviously, that's impossible, impractical, and not necessarily even desirable. In such a system, the passions of the moment could easily lead to hasty decisions that would no doubt be regretted after further reflection, and maybe after further developments unfolded or more information became available. COTUS was designed to protect us from that sort of scenario, to provide a practical method for determining the will of the people, and for making wise, sound decisions. Exactly how that is done depends on the circumstances, and COTUS provides an elaborate system that is designed to provide a stable government with the people in charge, although at times indirectly. (Sometimes very indirectly, but for good reason.)

Since COTUS was a very special document, it required very special handling. A rather unique method was developed for ratifying the new Constitution, similar to the method most states had used for ratifying their individual state constitutions. This method was spelled out in COTUS itself. Each state was requested to convene a special convention for the express purpose of debating, then ratifying or rejecting the new Constitution. If and when a total of nine states ratified, it would replace AOC, and a new government would be formed.

Why this method as opposed to some other means, such as simply a national popular vote? Part of the answer to that is based on politics, not ideology. For one thing, since the country was still operating under AOC, they were legally required to submit the new constitution to the Confederation Congress for consideration. Nothing

less than unanimous approval by all 13 states would have been sufficient for ratification. But they weren't about to let a technicality like that stop them. After all, if they had been inclined to follow the letter of the law, they would never have convened the Philadelphia Convention in the first place. And if unanimous agreement had been possible, the Philadelphia Convention possibly wouldn't have even been necessary.

The nationalists knew, furthermore, that the new constitution would likely not survive a simple nationwide popular vote, nor would it likely win even a simple majority vote in the Confederation Congress, nor would it be approved by a majority of state legislatures. They needed time to use their considerable powers of persuasion, and their impressive mastery of the language of politics that they had enhanced during the Philadelphia Convention. This method provided for them a more level playing field, and at the same time it allowed them to assume an ideological posture by extensive use of rhetorical appeals for the sovereignty of the people.

If this was a clever political ploy, their next move was perhaps one of the shrewdest political maneuvers in American history, and a precedent-setting one as well. Nationalists were keenly aware that the word *nationalist* was not going to help their cause in a country where the vast majority of citizens thought of themselves as Whigs and *federalists*, fully supportive of the AOC system, in spite of whatever faults it might have. If they had been aware of the Convention proceedings, most Americans would have been in favor of the New Jersey Plan, not the Virginia Plan on which the new Constitution was based.

Nationalists needed to rebrand. They needed a makeover. They needed a new image. So they simply started calling themselves *federalists*. The new Constitution suddenly represented a platform of *federalism*, not *nationalism*. Perhaps the most astonishing fact is that the real federalists let the nationalists get by with it. Apparently they were caught off guard, and they were slower to learn the strategic importance of language in politics.

And so it is here, as mentioned earlier, that we must shift our definition of federalism back to the one we are familiar with today. That left the old federalists in need of a rebranding of their own. They certainly didn't want to assume the *anti-federalist* label, yet, that's what they were stuck with. The new federalists, therefore, quickly gained momentum in the struggle for ratification.

Each state was free to go about selecting delegates for its ratification convention in its own way. Rhode Island had a direct voter referendum. In four states, delegates were chosen by popular vote. In the rest of the states, delegates were elected by members of the legislature or appointed by the executive. Federalists moved quickly, and they soon had strong support in five of the 13 states. They waged a sustained propaganda campaign which placed the less articulate anti-federalists at a distinct disadvantage.

Part of that propaganda campaign was conducted through newspaper articles. A series of 85 articles, known collectively as the *Federalist Papers*, thoroughly spelled out the federalist position and answered every anti-federalist objection. Most of the articles were written by James Madison, the chief architect of the Virginia Plan (and therefore COTUS), and by Alexander Hamilton, with a few being contributed by John Jay. They are today one of the best resources for understanding COTUS, at least as it was originally intended by the Framers.

Should Hamilton be called a Framer?
He was at the Philadelphia Convention part of the time, he signed the Constitution, and he wrote many of the Federalist Papers, but he really contributed little to the process of forging the document.

Although Madison and Hamilton teamed up brilliantly under the pen name *Publius*, they were very different in most respects. Madison was a nerd, a braniac, physically unimpressive. Hamilton was a war hero, a quick wit, a much more impressive figure and personality. Probably no other Framer was more dissatisfied with the proposed constitution than Hamilton. The national authority was not nearly strong enough for him, and he believed a system closer to that of England would have been much better. Yet he was one of the chief advocates of the new Constitution and, along with Madison, played a prominent role in getting it ratified. Why? Because he knew it

was the best deal available. For now at least. His first goal was to get it ratified, then he could get it strengthened later.

Madison understood better than anyone else one aspect of the Constitution and the new government it would provide. As he explained as Publius, there was a vital need for political parties, or *factions* as he called them. They provide a *competition of ideas*. They are the means by which possibilities and potential alternatives are scrutinized from all angles before the best of them are implemented and the worst are discarded. He knew it could be a nasty, ugly, brutal process at times, but better to get extreme ideas out there for the people to debate and decide than try to force all positions to the middle. He wanted nothing to do with the bipartisanship we call for today, because he knew it usually involves abandoning principles.

But factions can provide another layer of checks-and-balances only if people are well informed and willing to participate in the political process. If people are lazy and simply allow themselves to become victims of the political schemes they unwittingly slide into, everything will fall apart. If people don't understand COTUS, or American history, or what's going on in government and politics, that can mean the end of our entire constitutional democratic republic. It takes both organized political parties and a diligent electorate to keep the *commerce of ideas* flowing smoothly. Only in this way can power groups be effectively splintered, so that no one group can dominate all the others, and so we can avoid the tyranny of the majority. No one understood this or explained it better than James Madison as Publius.

Some of the most interesting chapters in American history would be written as Madison and Hamilton assumed new roles in the government structure they were advocating in the Federalist Papers. It was one thing to think abstractly about political theory and ideology, but it was quite another thing to actually apply those ideals and principles to the real-world pressures of domestic politics and international affairs. How well would they, as well as others, like George Washington and Thomas Jefferson, perform on the job? We'll find out in later chapters. It didn't take long for things to start getting interesting as Madison and Hamilton would soon become divided along political party lines, just as Madison advocated in the Federalist Papers.

There were also a series of articles known as the *Anti-Federalist Papers*, which get scant attention today. But it's worth considering some of their arguments. To them, COTUS was an evil instrument drafted in secrecy by aristocratic lawyers who were interested only in enriching themselves and robbing the people of the liberties they had won in the Revolutionary War. The country was already too large to be effectively governed by some single town far away. Anti-federalists were shocked and alarmed at the taxation and warfare authority vested in the national executive by COTUS.

Many of the anti-federalist concerns were wildly exaggerated, imaginary, or born of misunderstanding. Publius did a remarkable job of refuting those arguments. Other anti-federalist positions, however, were quite valid and prescient.

If COTUS is what they were *against*, what were they *for*? The status quo. Or maybe something along the lines of the New Jersey Plan. They felt there was no crisis, and there were no problems that couldn't be fixed with, at most, a few amendments to AOC.

Their biggest complaint, and the most valid one, was that COTUS had no bill of rights. Madison had intentionally omitted any such thing from COTUS, and argued strongly against adding it, because he felt it was totally unnecessary. As an intellectual, he fully understood that the federal government had no powers other than those specifically granted by COTUS. Since the feds had no authority to restrict free speech, for example, why have a bill of rights that would do nothing more than restate the obvious? In fact, having a bill of rights would most likely add confusion because it would inevitably focus undue attention on those specific issues, whereas no bill of rights could possibly include all the rights that potentially belong there. Madison was concerned that people would jump to the erroneous conclusion that if a right isn’t specifically listed, they don’t have it.

But the bill-of-rights beef wasn't enough to halt the federalist momentum. Most (88%) newspapers supported the federalist cause. The anti-federalist champions, like Sam Adams, Patrick Henry, and George Mason did not have the name recognition and reputation of federalists like Benjamin Franklin, George Washington, Alexander Hamilton, and John Jay. Furthermore, anti-federalist willingness to accept some AOC amendments at this point was simply too little too late.

Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut were the first five states to ratify.

Five states ratified COTUS within three months of reading it. Anti-federalists gradually lost support through the spring and summer of 1788. Some states agreed to ratify in exchange for a promise to add a bill of rights. When New Hampshire ratified on June 21, COTUS became official, but no one was celebrating yet, because two very important states, Virginia and New York, weren't on board yet. George Washington lobbied hard in Virginia, and it ratified on June 25. New York ratified a month later.

Anti-federalists reluctantly began joining in the process of forming a new government under COTUS. But, as we will see in later chapters, the federalist / anti-federalist debate has never completely ended. Anti-federalists simply adopted new tactics, and they have enjoyed a great deal of success in some respects.

One of the first tasks of the new government was to add a bill of rights to COTUS. Madison, of all people, took charge of the project. From a modern perspective, he had been right about the bill of rights. If only intellectuals like him needed to understand or interpret or apply COTUS, the first ten Constitutional Amendments would have been unnecessary.

But even his good friend and political ally (most of the time), Thomas Jefferson, disagreed with him on this issue. As Jefferson put it in 1787: **A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference**. People feel better having it nailed down, right there in black and white. People want to be able to point to a piece of paper, not just appeal to a wise constitutional scholar. Madison finally understood that TJ was also right. We the people won.

Chapter 5: Friction, Faction, and Farewell to Four Famous Founders

Friend or Foe?

Now that America had accepted the Constitutional convention's blueprint for a new government structure, it was time to start actually building it.

We learn many lessons as we study how that process played out. One is that the federalist / anti-federalist debate was not so much a competition between different fixed positions as a tug of war between rival directions. Even most anti-federalists had, if reluctantly, agreed that the national government needed to be strengthened. It wasn't a question of if, but a question of how much. That's why the debate still rages today, and why today's federalists may be tomorrow's anti-federalists as events and circumstances dictate the need to increase or decrease national vs state power. There is always the need to reevaluate our position in light of an ever-changing political environment.

That goes a long way toward explaining why Madison, perhaps the ultimate federalist, became an anti-federalist. It helps explain why men who were at one time solid allies became bitter political rivals. And it helps us understand why the same man could at one time take a decidedly federalist stance, then later act as though he had been an ardent anti-federalist all along. Or vice versa. Sometimes it was hard to tell exactly where a man stood on the federalist / anti-federalist scale, or where he should stand at any given time on any given issue.

COTUS, however, sets the ultimate limits of national authority, at least theoretically, and properly understood, it severely limits the turf on which that tug of war may legitimately take place. It identifies the boundaries beyond which no federalist may legally tread. The key word being *legally*, or *constitutionally*. It didn't take long for government officials to go just as far as COTUS would allow. And then a bit farther. Eventually, government officials would go much farther. So much farther, in fact, that COTUS was no longer even visible in their rear-view mirror.

But that's getting a little too far ahead of the story. For now, let's look at how the Founders went about putting COTUS into action, and how this federalist / anti-federalist dynamic played out during the administrations of Washington, Adams, Jefferson, and Madison.

Federalists Take Charge

First, George Washington and John Adams were installed in the executive branch. They would be the only Presidential and Vice Presidential candidates in American history to face no political opposition in an election. Washington stumbled over the words as he took the oath of office, appearing agitated and nervous. It wasn't the responsibility or power that threw him off stride, it was simply the pomp and ceremony that he preferred to avoid as much as possible.

He was so intensely private that not even his wife and closest friends knew much about his innermost thoughts and secrets. We know a bit about him through what he said, but he disliked public speaking, and he never considered himself a gifted orator. He never thought of himself as a brilliant man, either, so he gladly yielded the floor to those of greater intellect and communication skills. Most of what we know about him we know because of what he did. And he did more than any other single man to gain America's independence and shape its future.

His experiences as military commander during the Revolutionary War greatly influenced many of his decisions as President. It is not surprising that he was a staunch federalist in view of his constant struggle during the war to obtain adequate support from a weak national government. It should also be no surprise that he tended to support the ideas and proposals of his wartime friend and fellow officer, Alexander Hamilton.

One of the first things Washington did was to establish a cabinet of advisors. These men, selected for their experience and proven judgment, also just happened to have been strong supporters of the federalist cause. They were tasked with carrying out the various military, diplomatic, and economic functions of the executive branch, reporting directly to the President.

There is nothing in COTUS about an executive cabinet, but then there is nothing specific in COTUS about many of the daily operations of a well-functioning national government. It was designed that way intentionally. Therefore, Washington was well aware that everything he did as President set a precedent. It was as important to have someone of Washington's character and stature in the White House now as it had been crucial to have him leading the battles a few years earlier.

No one objected to the idea of the Cabinet or to the men Washington chose for it. But he realized immediately that staffing all the other executive positions would not be so easy. Sifting through the piles of applications for jobs and appointments would bring troubles, perplexities, embarrassments, and disappointments. And it wouldn't get any more pleasant for future presidents.

But that was really the least of his personnel worries. He had in his administration men with very different personalities, ambitions, goals, and visions of America's future. His Vice President, John Adams, was unquestionably a man of great intellect and morality, but most people didn't like him, and, in fact, many simply couldn't stand him. His short, stocky build didn't help his popularity, nor did the fact that he had a gift for antagonizing people, often needlessly. During his

John Adams was mockingly referred to as *His Rotundity*.

service in the Continental Congress, many good measures were defeated simply because Adams supported them. For example, he had been the chief advocate of a DOI, but he found someone else to introduce it in Congress because he was so unpopular.

Adams simply didn't have the social or political skills to excel in public office. And his political rivals made him seem even worse than he was. Their propaganda contributed to his reputation as a monarchist and elitist. He did use the terms *executive* and *monarch* almost interchangeably, but he was firmly committed to the principles of federalism and the spirit of '76.

Thomas Jefferson, serving as Secretary of State, had never served in the Continental Army or seen combat. He also had been in Europe during the Constitutional Convention, although he had communicated frequently with his friend James Madison throughout the proceedings. Perhaps, consciously or not, those factors placed Jefferson at a disadvantage in his relationship with Washington.

The exact opposite of Adams in many ways, Jefferson was charismatic, charming, social, handsome, and committed to small government. He loved good company and good conversation, and he found both in the form of frequent dinner parties. That became one of his most potent political weapons, combining French food and wine with Jeffersonian powers of persuasion, allowing him to work behind the scenes, where he felt most comfortable.

Alexander Hamilton had gained a reputation as the country's top nationalist economic thinker, and he was, therefore, the obvious choice for Treasury Secretary. He wasted no time in his new job, proposing a bold economic program right away. Like Adams, Hamilton was not popular, and his proposals made him even less so with Jefferson and with Madison, who was serving in Congress.

Madison was not an impressive man physically, but mentally, he was a giant. Probably the most brilliant Founder, he stood five feet four inches tall and spoke in a near whisper. He was a workaholic, and he had a knack for partisan politics, which he was about to put to good use, with his pen and the party caucus as his primary tools.

As this motley crew settled into their new jobs, one of their first tasks was to add a bill of rights, fulfilling promises made during the ratification debates. Madison drafted COTUS' first amendments, got them through Congress, sent them to the states, and got most of them ratified by 1791. The *Judiciary Act of 1789* got the judicial branch up and running with one federal district court for each state, three circuit courts of appeal, the Supreme Court with six Justices, and its first Chief Justice, John Jay.

But their biggest challenge was the economy.

The Hamilton Plan

Hamilton delivered three reports to Congress in 1790-1791, detailing the financial problems facing the country and his proposals for dealing with them. His first volume, *Report on Public Credit* addressed the national debt. The nation had racked up a tab of over $77 million, including IOUs issued by the military. The states all together added another $25 million. Most of the $102 million debt was held by speculators who had paid around 15% of face value. Hamilton's challenge was to create a system for establishing a sound fiscal policy with a good credit rating, paying off the debt, and financing future expenses.

Hamilton's plan of taking on all state as well as federal war debt was known as *assumption*.

Hamilton proposed that the federal government assume all state debts and valid IOUs. That, along with the national debt, would be paid at face value. To do that, the federal government would borrow more money, in the form of new bonds with better terms, creating a perpetual debt for paying government expenses. This would establish confidence in the new nation among European countries, and among wealthy Americans, many of whom would be willing, maybe even eager, to invest in America. Those investors would then have a personal

stake in the success of the new nation, and would form a partnership with the federal government, leading to monetary growth, investment, and economic expansion. Older debt would have to be paid (principle as well as interest) before any new bonds could be issued.

Hamilton's second volume, *Report on a National Bank*, argued for a Bank of the United States (BUS), modeled, not surprisingly, after the Bank of England. BUS would issue and circulate currency; receive and guard all federal revenue from taxes, land sales, etc.; and transact all federal financial affairs, including payroll. Its primary function, though, would be to provide credit to the federal government.

Since 80% of its stock would be owned by private investors, those investors would have access to federal funds which they could use to finance their private ventures. BUS' owners would also have access to and freedom to use insider information, which was standard practice for banks in those days. This alliance of government and investors would provide a strong currency and sound fiscal practices.

Hamilton's third volume, *Report on Manufactures*, reflected his keen understanding of the significance of the coming Industrial Revolution, and it encouraged Americans to accelerate the process in this country, leading to a modern economic system regulated by the federal government. He understood, perhaps better than any other American at that time, that wealth is created by efficient use of technology, capital, labor, raw materials, transportation, and global markets.

Unfortunately, Hamilton also argued for protective tariffs and federal subsidies as the means for encouraging new industry, which was a look back to the old mercantile system, not forward to new, modern free-market principles. Federalists and anti-federalists alike were quick to pick up on that flaw. This was the catalyst for Madison's move from the federalist to the anti-federalist camp. Not many people liked the plan. Southerners, westerners, farmers, small-government advocates (like Jefferson) -- all reacted in amazement.

There were a number of specific objections right off the bat. For one thing, some people felt payments should be made to the original holders of the debt instruments, not to the speculators, who stood to make out very well under this proposal. Of course, there was no way to know at this point who those original owners were or where to find them, and besides, everyone knew that possession is nine-tenths of the law. Still, it just didn't seem right to reward speculators instead of those who had demonstrated enough faith in America to loan their money for its cause.

Also, some states, like Virginia, had already paid off their debt. Why should they now be forced to help pay debts of states which had not exercised as much fiscal discipline? Furthermore, as Madison demanded to know, where in COTUS is such a plan authorized? Already, the collision between abstract political theory and practical implementation of such theory was bubbling to the surface in American government.

The stage was set for a bitter rivalry between Jefferson and Madison (anti-federalists) on one side, and Hamilton and Washington (federalists) on the other. Hamilton and Jefferson did agree on some things, though. Jefferson supported Hamilton's idea of paying off debt, but he encouraged a slightly different approach. **The earth belongs to the living, not to the dead** according to Jefferson, and since he figured a generation to be about 19 years, he wanted to make sure any debt would be completely paid within that time frame. No generation should be burdened with the debts (or other obligations) of previous generations. But that difference between them was academic.

Where they most sharply parted ways was in the role the wealthy would play in Hamilton's scheme. Jefferson strongly objected to the idea of essentially placing bankers in charge of American government. That, of course, was his plan's strong point, according to Hamilton, because if the federal government owed bankers money, that placed the federal government in a stronger position than the bankers, even though the federal government relied on their money to operate. That was the key, in Hamilton's thinking, to the long-term stability of American monetary value, and the risks associated with big government, therefore, were risks America had to take.

The two sides reached a limited agreement during a Jefferson-sponsored dinner party with Madison and Hamilton. The South was eager to host the permanent home of the federal government, and a compromise gave them the capital in Philadelphia (temporarily), and gave Hamilton his permanent debt. The seat of the national government would eventually be moved to a District of Columbia on the Virginia / Maryland border, but Pennsylvania congressmen weren't too concerned about losing the capital, because they believed that once it was established in Philly, no one would really want to move it, and no one would seriously even suggest it by then.

This compromise ended months of behind-the-scenes negotiations on the location of the capital. But Jefferson and Madison publicly joined forces in the winter of 1791 in opposition to Hamilton's BUS. Their basic objection was that COTUS is silent on the subject of a national bank, meaning that it is not authorized, making BUS unconstitutional. Hamilton argued that it is indeed constitutional, authorized by the *necessary and proper clause* of Article I, Section 8. Although COTUS does not specifically mention anything like BUS, it does charge Congress with taxing, coining money, and regulating commerce. BUS was simply a necessary and proper means of fulfilling those federal responsibilities. Jefferson argued that BUS was not really necessary, because there were other ways of getting the job done. BUS didn't meet his definition of necessary because it wasn't an indispensable part of carrying out those legitimate powers.

This sort of debate would take place many times over many issues over many years. Looking at it from a modern perspective, it appears Hamilton's case was more compelling. It doesn't seem that the Framers intended *necessary and proper* to mean *indispensable*, as Jefferson argued. That strict interpretation would probably have, among other things, prohibited Washington's cabinet. Was the cabinet indispensable? No more so than BUS. It's ironic that COTUS's chief architect, Madison, would take such an extreme stance, since he, of all people, should have known better. Even more ironic is that Madison eventually admitted BUS had been constitutional after all. And even more ironic still is the fact that Jefferson eventually used Hamilton's bank to finance the Louisiana Purchase, which Jefferson himself admitted was constitutionally iffy.

To people in the South, in particular, bankers enjoyed roughly the same reputation that used car salesmen enjoy today. Despite their opposition, however, Congress passed legislation chartering BUS for 25 years. That was not the end of the debate, though. It would be picked up again by Madison and then later by Andrew Jackson.

So Hamilton got his *assumption* and debt at a dinner party. And he got his bank in Congress. But, opposition to another aspect of his plan would not be resolved so peacefully. Frontiersmen in western Pennsylvania, upstate New York, and the Ohio Valley joined the South in a Jeffersonian alliance against the Hamilton Plan. Westerners were particularly outraged by his 25% tax on corn products.

Corn played such a dominant role in Western economic life that corn whiskey, their primary corn product, was used as currency. Many farmers simply had no cash, so corn whiskey took the place of currency as their medium of exchange. Frontier farmers had been one of the least taxed and regulated groups in America, and this whopping new excise understandably was not well received. This was (or at least seemed to be) a much bigger blow than anything in DOI's list of King George's infractions.

Hamilton had imposed it as a means of paying off the national debt. But it was an ill-advised, unnecessary, and immature measure. He encouraged Washington to enforce it largely as a way of flexing the federal muscle, of impressing on the people the fact that the federal government had ultimate power in taxation and they alone would decide how to use it. Dubbed the *whiskey tax*, it sparked a violent reaction, with riots erupting around Pittsburgh, in Kentucky, in Maryland, and in the Carolina backcountry. The *whiskey rebels* closed down courts and harassed tax collectors in those areas.

Washington saw this violent resistance as a threat to the very foundations of American government, and he felt that anarchy would result if the *Whiskey Rebellion* was not quickly crushed. He did so by sending Hamilton and 13,000 men. Two rebels were convicted of treason, but Washington pardoned them both. That was no

indication that Washington was having second thoughts about the use of force. He and Hamilton were quite proud of their decisive action, proving that the federal government was fully able and prepared to enforce the law.

Another victory for Hamilton's Plan. But this time he had gone too far, and politically speaking, Jefferson and Madison had won. Many Americans saw Hamilton as a bully, conjuring up images of the old tea tax and stamp tax of Revolutionary days. They were driven, therefore, into Jefferson's anti-federalist camp. The federalists, seeing this, feared that new frontier states would also align with Jefferson and provide even stronger anti-federalist support in Congress. Their fears were realized when Tennessee joined the Union in time to cast its electoral votes in 1796 for Jefferson. (That was also the year Andrew Jackson was elected to Congress).

Political Parties Emerge

By Washington's second term, the personality and policy conflicts between Hamilton and Jefferson had grown beyond any reasonable hope of resolution. They argued during cabinet meetings, they maneuvered against each other in caucuses and private meetings, they vented in letters to friends, and they wrote anonymous editorials for the newspapers, no longer talking to each other in person.

Washington almost always sided with Hamilton, so Jefferson consistently lost debates on the domestic front. But his area of primary responsibility, as Secretary of State, was foreign affairs. When Jefferson saw his influence there eroding as well, the level of hostility within Washington's cabinet increased even more.

When America won her independence in the Revolutionary War, that didn't end Europe's strong influence on the new nation. Britain and France still ruled the seas, and America was at their mercy to a great extent. So Washington and his administration had to be very careful in their interactions with European powers. France and England were bitter rivals, and America had to try to avoid getting caught in their crossfire.

As authorized by COTUS, the secretary of war, Henry Knox, established a 5000-man US Army. Congress authorized funding for six frigates and small companies of US Marines to accompany the Navy. But events didn't wait for this first foreign policy initiative to be completed. The steady stream of immigrants across the Appalachians into the Ohio Valley frontier triggered violence by the Indians who were losing their ancestral homes. The new US Army defeated an alliance of Indians, Canadians, English, some French, and even a few renegade Americans, resulting in the *Treaty of Greenville* in 1795. But violence in the lower Ohio and Mississippi valleys continued for another 15 years.

A separate Navy department was not established until 1798.

During that time, Americans suspected that Britons and Spaniards were inciting Indian attacks. The British still had a strong influence in the Old Northwest, and the Spanish still had a strong influence over the Old Southwest. Spain had a legitimate claim based on the 1763 Treaty of Paris, and it felt threatened by Americans who wanted to sail their goods down the river to New Orleans. They negotiated a 1795 treaty, allowing Americans to use Spanish New Orleans for three years. However, English presence in the Ohio Valley was a different matter. That was a violation of the Treaty of Paris, which aroused suspicion of British involvement every time there was any sort of Indian hostility on the frontier.

It was called *Pinckney's Treaty* or the *Treaty of San Lorenzo*.

Foreign affairs got even more tricky with the start of the French Revolution in 1789. Jefferson and his anti-federalists supported the overthrow of the corrupt Louis XVI. They saw it as a cause for celebration, mirroring America's revolution a few years earlier, which itself had been inspired in part by French revolutionary philosophers. Federalists took a more pragmatic approach, realizing the dangers of getting embroiled in European affairs. We had enough struggles of our own to deal with, they felt, and we were certainly in no position militarily to confront either France or England.

Washington issued his *Proclamation of Neutrality* in April, 1793. The US would neither aid nor harm either side. But it wouldn't be that easy. Most of America's foreign trade was with Britain -- 75% of our exports and 90% of our imports. But Britain thought 100% of each would be more fair, and it set about enforcing that policy, with no resistance from American traders or the US Navy. Britain routinely stopped American vessels, boarded them, inspected them, stole cargo, and took sailors from the ships to use essentially as slaves.

It rationalized this policy of *impressment* on the grounds that American sailors were actually nothing more than British Navy deserters. Since Britain did not recognize the right of any of its citizens to give up that citizenship, once a Briton always a Briton, so these so-called American sailors were really Britons. They, therefore, rightfully belonged in the British Navy, not the US Navy. They couldn't be bothered with wasting a lot of time trying to distinguish men who had been born in America from those born on British soil. In the end, it wasn't terribly important, because in fact all Americans were in a sense still British citizens, the Revolutionary War notwithstanding, and besides, England was desperate for sailors and other workers. Her tiny island just wasn't producing them fast enough to keep pace with demand.

France wasn't buying America's neutrality, either. She was furious that the US had caved so easily to British tyranny on the seas. She found enthusiastic support for that position in the form of Jefferson and Madison, and that brought tension between them and Washington to the boiling point. Washington stopped listening to the foreign policy advice of his Secretary of State. On January 31, 1794, Jefferson resigned, returned to his beloved Monticello mansion in Virginia, and began planning his political comeback.

Meanwhile, Washington was facing political heat of his own. He sent Chief Justice Jay to England to negotiate a treaty. There were several issues that needed to be resolved: the disputed Maine / Canada border; British evacuation of Northwest posts; past-due British compensation of slave owners for the slaves they had set free during the Revolutionary War; and, most importantly, freedom of the seas. This put Jay in a no-win situation. He was known to be an Anglophile, with little or no personal inclination to get tough with Britain. On the other hand, Britain held all the cards. Jay had nothing to get tough with. And he knew that what Americans needed most of all from Britain was her trade. What was the point of jeopardizing that with tough talk when he had nothing with which to back it up?

The November 1794 treaty was viewed as simply appeasing Britain. The despised treaty was signed by Jay in 1794 and ratified in 1795. The issue of compensation for liberated slaves was dropped. Maine's boundary would be decided later by a commission. Britain still defined neutrality on the seas. Britain agreed to abandon Northwest posts by 1796, and she agreed to allow small American vessels to conduct trade in the French West Indies. Britain and America granted each other most-favored-nation trading status. Jay considered it the best deal possible under the circumstances, and it did open up fur trade in the region. Jefferson considered it treason. The French were furious. So were New Yorkers, who threatened to impeach Jay, and they literally threw stones at Hamilton.

Jay said his burning effigies produced enough light to travel by night from New York to Boston.

Washington, wary of the political repercussions, let the treaty sit on his desk for a few weeks, allowing things to settle down a bit before signing it. That agreement together with Pinckney's treaty with Spain cleared the way for westward expansion. Although it was not a matter of discussion at the time, Madison's view of factions had been vindicated. It had been a bitter struggle, but the opposing foreign policy positions had been clearly defined, a decision had been made, and America's foreign policy had advanced in a way that would not have been possible without political parties. The foundation of America's modern two-party system had been laid.

They were not yet political parties by modern standards, but they were already fulfilling many of the same functions.

Under Jefferson's leadership, anti-federalists became known as *Republicans*. (It was not, however, the same as today's Republican Party.) They were more agrarian than their Federalist counterparts. Because of their rural / urban differences, the agricultural South and West became more naturally aligned with Republicans, while the cosmopolitan, industrial, economically diverse Northeast became aligned with Federalists.

Republicans favored a small, decentralized government, with a strict construction of COTUS, and a heavy emphasis on BOR. They were skeptical of direct taxation and a standing army. They tended to identify ideologically with the French revolutionaries. Federalists favored a more expansive and vigorous national government, with heavier emphasis on taxation, regulation of commerce, a large standing army, extensive application of the *general welfare clause*, and a foreign policy more closely aligned with Britain, New England's primary trading partner. Both parties feared tyranny, but Federalists believed a potential out-of-control majority of the masses posed at least as big a threat as monarchy.

The parties began down different paths on the slavery issue. Because of their emphasis on general welfare and the equality of all men, and because of their New England constituency, Federalists adopted an increasingly anti-slavery posture, in spite of the fact that their party leader, Washington, was a slave owner. Republicans, in spite of their small-government, democracy-oriented philosophy, became increasingly the pro-slavery party. Part of this, of course, was that its agricultural, southern constituency was economically more dependent on slavery than their northeastern counterparts. Part of it, too, was a manifestation of their emphasis on states' rights.

In the early 1790s Madison began creating an official Jeffersonian Republican Party. He organized members of Congress in opposition to Hamilton's financial plans and Jay's treaty. He wrote anonymous newspaper editorials sharply criticizing Washington's economic and foreign policies. He encouraged grassroots Republican political clubs. He cultivated national political support in divers new ways, demonstrating his considerable partisan skills and his determination to put an end to Federalist dominance. The stage was set for an exciting 1796 election.

America's First Contested Presidential Election

In 1796 Washington announced his retirement. It was rather late to begin organizing election campaigns, but no one had dared start the process before they were absolutely certain that Washington would not seek another term. The obvious Federalist successor was Vice President Adams, who had loyally supported Washington and Hamilton for eight years. They had Washington's enormous popularity working in their favor, but there was also Adams' unpopularity to worry about. And, as it turned out, Adams also had Hamilton to worry about. Hamilton didn't trust Adams, and he considered him too moderate, so he schemed to manipulate the Electoral College to get VP candidate Thomas Pinckney elected President.

At that time, each state had two electoral votes, and it was assumed that each state would use one vote for President (the candidate with the most electoral votes) and their second vote for Vice President (whichever candidate had the second most electoral votes). That meant it would be possible for the top two candidates, and therefore the President and VP, to be from opposing parties.

The election shaped up to be more a battle of political chicanery than a popularity contest. The candidates and parties debated BUS, the national debt, taxes (especially the whiskey tax), and Jay's Treaty. The vote tally was this: Adams 71, Jefferson 68, Pinckney 59, and Aaron Burr (Jefferson's VP candidate) 30. Adams, as current VP, presided over the Senate, and the Senate counted the electoral votes. When Adams got to Georgia's ballot, he was in an uncomfortable situation. It was well known that Georgia's ballot had irregularities, so if Adams simply ignored that fact, he would likely be accused of a conflict of interest or a rigged election. But if he acknowledged the irregularities the whole election could be thrown into chaos. So when he got to the Georgia ballot, Adams stopped and sat down, giving Jefferson and the Republicans an opportunity to protest

the ballot. Jefferson instructed his supporters to remain silent, the Georgia ballot counted, and Adams became president-elect.

Adams didn't seem particularly bothered by having a Republican VP, apparently reasoning that Adams could keep an eye on Jefferson this way, and keep him from causing too much trouble. But it was an awkward arrangement, with constant hostility within the administration, and with a Federalist reluctance to pass any sort of legislation for fear it might provide ammunition for the Republicans in the 1800 election.

> The system was soon improved by the 12th Amendment.

Washington's decision to step down was due in large part to his eagerness to return to Mount Vernon. He had never wanted to be President in the first place. After the war, he had just wanted to go home, enjoy his family, and be a farmer again. It had been with great reluctance that he had agreed to serve as the country's first chief executive, and it was with great relief that he turned to job over to someone else. The battles of politics had been no more pleasant than his previous battles on the fields, so it was not a difficult decision for him. Of course, he was also aware that his decision, like everything else he did as President, set a precedent.

Although Madison's system of rival political parties was brutal on the players, often bringing out the worst in them, we also see man's better angels playing prominent roles at times in these early years of American politics. Adams had given Jefferson a chance to weigh in on the Georgia ballot, and Jefferson had passed, thus both showed great leadership and statesmanship. Washington, leaving voluntarily after two terms, also demonstrated to the nation and to the world that it was possible to transfer power peacefully and smoothly. Until then, it was not at all certain that it would (or could) work that way.

George Washington left a mighty big pair of shoes to fill. No one has. No one can.

Adams in Office

At age 62, Adams was even more of a curmudgeon than ever. But, as it turned out, he was pretty good in the area of foreign affairs. That was most fortunate for the country, because America was still trying to figure out how to cope with England and France. England had been bullying America for decades, and France, seeing how easily England got by with it, decided to become a bully herself. Federalists, who had resisted war with England, were now ready to go to war with France.

Adams, following Washington's lead, sent three men to negotiate with the French, but those representatives were expected, they learned in France, to pay a bribe to certain French agents before they could get an audience with the king. The American negotiators returned home without a treaty, and Federalist war fever grew hotter. Republicans pointed out the inconsistency in opposing war with England but favoring war with France for basically the same infractions.

> The American representatives were: Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry.
>
> The French representatives were referred to as Agents X, Y, and Z in the American press.
>
> The episode became known as the *X, Y, Z Affair*. Pinckney is credited with saying to the French agents: **millions for defense, but not one cent for tribute**, although that is probably a slightly embellished version of his actual response.

Adams tried to stay above the fray as much as possible, urging more negotiations, and quietly increasing the strength of the Army and Navy, just in case. Two of the six frigates which had been authorized by Congress two years earlier were placed into service around this time. And not a moment too soon. In 1799 fighting erupted between American and French ships, known today as the (undeclared) *Quasi War*.

To further complicate Adams' predicament, a Pennsylvania Quaker, George Logan, traveled to Paris on his own to negotiate the release of some American sailors. Although he meant well, he further endangered the lives of all American sailors, including those he was trying to help, and needlessly interfered with Adams' legitimate conduct of foreign affairs. His actions had not been illegal, but, thanks to the *Logan Act of 1799*, future private negotiation with a foreign nation in the name of the United States was forbidden.

The Logan Act is still in effect today.

In the 1798 elections, Federalists increased their Congressional strength, and they continued calling for war with France. They also passed a set of extreme laws known collectively as the *Alien and Sedition Acts*. One was the *Naturalization Act*, which provided that French and Irish immigrants (who would also just happen to be mostly Catholics and Republicans) would have to wait an additional ten years before being eligible for American citizenship. The *Alien Act* provided presidential power to deport dangerous aliens, and the *Sedition Act* provided Federalist power to clamp down on Republican First Amendment rights. It prohibited language or action leading to rebellion, and although the wording was vague, Federalists had no problems identifying such language and conduct when they saw it. Twenty-five people, mostly Republican newspaper editors, were put in jail under the Sedition Act.

Their rationale for these laws was that newspaper editorials and other means of expression often amounted to nothing more than libel and slander. Personal honor was everything to (most) men of that time, and any malicious attack on that honor often led to a duel. The President, however, needed special legal protection against libel and slander, since he was constantly under attack, and he could hardly engage in a duel every time someone from the opposition party took a verbal swipe at him. Furthermore, Federalists feared that France's Reign of Terror would sweep across Europe, and maybe even across the pond to America, fomenting a spirit of rebellion here similar to that in France.

In response, Madison wrote the *Virginia Resolution of 1798*, and Jefferson wrote the *Kentucky Resolution of 1799*. Together, they revived the anti-federalist focus on states' rights. But they went even further, claiming that COTUS had been ratified by the *states*, not the *people*, and the states, therefore had not only the right, but also the responsibility to ignore and disobey illegal or unconstitutional federal laws. This theory of *nullification* did not gain popular support.

Both sides in this debate were wrong, and shamefully so. The Alien and Sedition Acts were clearly unconstitutional. If the First Amendment could be so easily molded to guarantee free speech only so long as it was politically palatable or convenient, it meant nothing at all, because every president and administration would have their own distinct definitions of those terms and almost unlimited power to retaliate. Madison, more than anyone else, and Jefferson should have known that **final power always rests with the people**. The states ratified COTUS simply as administrative agencies of the **people** in those states.

By carrying their argument too far, the Republicans obscured the legitimate role of the states, which is a fundamental element in the republican structure. By carrying their legislation too far, the Federalists infringed on the most basic protections guaranteed by COTUS in general, and BOR in particular. The most striking part of the whole scenario is that these mistakes were being made by the very Founders who, being closest in time to the framing and implementation of COTUS, should have been its most passionate protectors. Recalling Benjamin Franklin's words **a republic if you can keep it**, these usually brilliant Founders did nothing to foster optimism that we would be able to keep it very long at all.

Adams sent another envoy (William Vans Murray) to France, resulting in an agreement to leave American shipping alone, thus suspending the Quasi War and ushering in a period of peace. But that wasn't the only problem confronting his presidency. Already burdened with taxes to pay for the frigates, an additional tax, the *Direct Tax of 1798*, triggered America's third tax revolt, known as *Fries' rebellion*. Troops sent to Philadelphia were greeted by angry housewives who doused them with hot water. Fries was convicted of treason, but he

was spared execution by Adams' pardon. Federalist support in Pennsylvania was the main casualty of the skirmish.

By 1800, the nation's capital was Washington, DC, and Adams didn't like it any more than he had liked Philadelphia. There wasn't much to like at that point -- a few dirty buildings, muddy streets which were cesspools in winter and mosquito-infested swamps in the summer. Adams grew increasingly pessimistic about the future of America, and he retreated to his beloved Abigail in Massachusetts as often as possible. The 1800 election provided him that luxury full time.

The relationship between Adams and Jefferson had become angry and bitter, in large part because of the Alien and Sedition Acts. Adams' relationship with Hamilton had not been much better, even though they were in the same party, primarily because of Adams' handling of France. With few friends to support him, it is no surprise that he became the nation's first one-term president.

Jefferson and his VP candidate Aaron Burr each received 73 electoral votes, and Adams received 65 in the 1800 election. The Republicans expected Burr to state explicitly that he would not accept the presidency, even if offered, because no one expected Jefferson to be VP again, this time in a Burr administration. Burr, however, didn't get that memo, and he was perfectly willing to occupy the Oval Office if fate provided such an opportunity. It almost did, since the Federalists saw a golden opportunity to poke a finger in Jefferson's eye. However, they disliked Burr even more than Jefferson.

Because of the tie vote, the election decision was left to HOR. When Hamilton, the de facto Federalist leader, supported his arch-enemy Jefferson, a feud was ignited which eventually led to Hamilton's death in a duel with Burr. Republicans had control of the executive and legislative branches, and Adams had little time to react.

In a desperate attempt to assure that Republicans could not destroy all the good that he and Washington had accomplished in their 12 years in office, Adams sent in February 1801 a bill to the lame-duck Congress, creating about 60 new federal judge positions at all levels. Congress passed the *Judiciary Act*, and Adams began the tedious task of appointing Federalists to the new judicial jobs. Although he had appointed, and received Senate approval for, John Marshall as Chief Justice, Adams was still working feverishly well into the late night of his last day in office, trying to fill the remaining new judgeships.

All the new positions were lifetime appointments.

Adams left Washington at dawn the next morning. Although he may be criticized for not sticking around for Jefferson's inauguration, the much larger point is that he left peacefully. The significance of that exceeded even Washington's peaceful departure, because this time power was being transferred to bitter political rivals. From that point on, no one would seriously question the peaceful and legal transfer of power after an election. The principle was firmly established, never to be seriously challenged violently (even though the 2000 election was vigorously challenged legally and politically).

Jeffersonian America

When Jefferson took office, Americans were still primarily farmers, but cities were gaining prominence in the national culture. Baltimore, Savannah, Boston, Philadelphia, and Charleston were already important centers of trade, shipping, and intellectual life, and newer cities, like Cincinnati, Mobile, Richmond, Detroit, Fort Wayne, Chicago, Louisville, and Nashville were winning their places on the map. New York was emerging as the most dominant city of all, not least as a role model for efficient local government.

But New York, like most other large cities, suffered from conditions that modern Americans would find unbelievably appalling. Its streets were filled with horses, dogs, cats, cattle, and other animals, together producing huge volumes of excrement and an oppressive stench. Combined with animal carcasses, human waste, and occasionally even human bodies, city administrators had their hands (and noses) full. Urban

dwellers came to increasingly rely on city government for services that they felt were their right to receive, which led to corruption and less local government efficiency.

According to the 1800 census, there were 5,308,473 Americans -- twice as many as had been counted in 1775. Most of that was due to a high birthrate, economic abundance, a healthy lifestyle, and immigration. Americans included Anglos, Celtics (Scots and Scots-Irish), Africans, and a few French, Swedes, Dutch, and Germans. About 96% lived on farms or in rural villages; at least 50% were female; and a significant number were slaves. Although the legal status of women was oppressive by modern standards, it was much better than their European sisters at that time. Slavery was firmly entrenched by 1800, thanks in large part to the cotton gin and to state black codes, which defined slaves as personal property.

Between master and slave was a vast segment of the American population known as *crackers* -- intended as an insult, but embraced by those it referred to. *Cracker culture* developed as frontiersmen crossed the Appalachians; settled in the Ohio and Mississippi valleys; carved out farms; planted acres of corn and patches of other vegetables; raised cattle, sheep, and hogs; hunted and fished; ate pork, beef, corn, hominy, johnnycake, pone, and corn mush; drank corn whiskey, because the water was so bad; and endured a hard life plagued with illness while enjoying a coarse folk culture in a laissez-faire environment. Despite the constant struggle for survival, they remained optimistic, partly because of their fundamental belief that land ownership meant freedom, partly because of their evangelical Christian faith, and mostly because they never doubted that their lives would continue to improve.

While Jefferson and the Republicans did not return the country to the precepts of the AOC era, they did help the pendulum swing in that direction, and their government dramatically departed from the Federalist policies of Washington, Hamilton, and Adams. In his first inaugural address Jefferson emphasized strict construction of COTUS; increased state power; small, efficient government; payment of the national debt; and encouragement of agriculture and commerce.

He appointed Albert Gallatin as his Treasury Secretary, and they, with the help of Congress, launched an immediate attack on Hamilton's economic policies. Direct taxes were replaced with customs duties and land sales, annual budgets were slashed by 50%, and they began to pay off the federal debt. Although Jefferson would never have acknowledged it, much of the Republican economic and financial success was due to Federalist policies during the previous three administrations.

> By 1810 the federal debt had been reduced from $82 million to $40 million, even after the Louisiana Purchase.

Gallatin proposed to Congress in 1808 a 10-year, $20 million project for constructing roads and a canal connecting the Great Lakes with the Atlantic. Jefferson approved the plan, although he noted it might require a constitutional amendment. That didn't happen, probably because most of the funding ended up coming from states and private investment, not the federal government. Still, it was a dramatic departure from Republican small-government principles.

In a move that would later prove disastrous, Jefferson all but eliminated the Navy, and he cut Army strength and funds in half. Yet, ironically, he also launched a program for training a more republican (than federalist) officer class, resulting in West Point.

Jefferson was decidedly less formal than his predecessors -- he rode horseback, instead of in a carriage, to his inaugural; he changed the White House rectangular dinner table to a round one, providing equal status (at least symbolically) for all guests; he hosted his own dinner parties, sometimes serving his guests himself; he paid for those dinner parties himself; and he famously greeted the British Ambassador at the White House door in his house robe and slippers.

Perhaps Jefferson is most famous for his *Louisiana Purchase*. It started out with a simple desire to help frontier farmers gain a free-trade route all the way down the Mississippi to the Gulf of Mexico. That would mean buying the port of New Orleans. Developments between England and France opened up a window of opportunity, which Jefferson sought to exploit. The French, astonishingly, were eager to sell not only New Orleans, but the entire Louisiana Territory for a mere $11.2 million. That was an offer Jefferson couldn't refuse.

But it was also a transaction he couldn't easily justify. Where, in COTUS, is the federal government authorized to do any such thing? How could he reconcile such a huge expense with his small-government, low-budget management style? Among other nagging issues, there was the matter of granting US citizenship to the tens of thousands of French nationals who came as part of the package.

From a modern perspective, it seems perfectly plausible to justify the transaction on defense or national security grounds. Talk of a possible constitutional amendment got lost in the heat of the moment. Constitutional or not, Republicans pressed forward, and Federalists lost no opportunity to point out Republican hypocrisy. They also pointed out their political motives, since the new territory would undoubtedly become Republican states. But in the end, only six Federalist senators voted against the Louisiana Purchase.

By then, Jefferson had already secretly made arrangements for Merriwether Lewis to lead a military expedition into the new territory. He and his co-leader, William Clark, prepared for their mission, then waited on the bank of the Mississippi River for Senate approval of the Purchase. In May, 1804, they and 50 men embarked on the famous *Lewis and Clark Expedition*. By the time they returned to St Louis more than two years later, they had collected a vast treasure of scientific knowledge, which Jefferson and Congress shared with the public in a series of about 60 reports.

Throughout the 1790s, American ships in the Mediterranean had been routinely plundered by Barbary pirates (Muslim outlaws from Morocco, Tunis, Algiers, and Tripoli). Washington and Adams had simply paid them small bribes, chalking it up as a cost of doing business in the region, realizing that military action was not practical or feasible. But the pirates went too far when they chopped down the flagpole at the Tripoli consulate, and Jefferson could not ignore such an affront, amounting to an act of war on America. He did not ask Congress for a declaration of war, but he told the Barbary States that we were at war with them. He sent ships to blockade the port, and a small group of US Marines went ashore. Unable to get international assistance, the Marines organized support from some of the locals, and together they managed to persuade the pasha to recognize American shipping rights on the high seas. This sent a strong signal to the world that America could not be bullied so easily from now on.

But that was hardly the end of America's shipping problems. The Quasi War had put an end to French attacks for a while, but that lasted only until 1806. During that period, America had enjoyed a profitable trade with both England and France. Part of that trade involved goods flowing from the Caribbean to the US in French vessels, then flowing to France in neutral American ships. England took exception to that, and they set up a blockade to stop American trade with France.

When Americans tried to run the blockade, the Royal Navy seized the vessels, and forced American sailors, 10,000 in all, to serve in the British navy. Again, Britain's excuse was that those sailors were really British deserters, and again, there was little the US could do about it, with severely limited army and navy strength. In 1806 Congress passed the *Nonimportation Act*, designed to hurt Britain by refusing to buy her imports. But it had no effect, and anger toward Britain reached the boiling point when a clash between the American *Chesapeake* and the British *Leopard* left four Americans dead, 18 wounded, and four impressed into Royal Navy service.

Jefferson responded with the *Embargo Act of 1807*, which added nonexport to the nonimport provisions of the 1806 law. The intent was to force both England and France, by withholding American trade from both countries, to recognize American rights on the high seas. But again, it was totally ineffective. New England continued trading with both countries, and neither country recognized American free-trade rights. Instead, the

Act resulted in economic downturn in the US, with renewed Federalist opposition, and it fueled the international perception that the US was weak.

When Jefferson returned to Monticello in 1809, the country was facing a foreign policy crisis. In spite of his small-government, agrarian philosophy, the physical size of the US had expanded dramatically, and that meant the need for an increased bureaucracy to govern it, and a larger military force to protect it. So the overall size of government hadn't been constrained, and his agricultural vision of the future was quickly proving obsolete. The country had, in many ways, outgrown him.

Troubled Waters

During Jefferson's terms, Republicans enjoyed strong support while Federalists withered. But Federalists didn't go away so much as they became absorbed into the Republican Party. The classic struggle, therefore, evolved from predominantly rival parties to rival factions within the Republican ranks. This was manifested in the person of James Monroe, an anti-federalist who had served as a Jeffersonian diplomat and member of Congress. He was leader of the *Quids*, a group of southern Republicans who felt the pendulum had swung too far toward federalist principles and who were determined to do something about it. They mounted an effort to make Monroe the Republican nominee to succeed Jefferson.

The term *quids* meant *opposition leaders*.

But Madison's support was too strong, so he and his VP candidate, George Clinton, faced Charles Cotesworth Pinckney and Rufus King in the 1808 election. Madison received 122 electoral votes to 47, but Federalists picked up 24 seats in Congress. Federalists would also fare quite well in the 1812 election, but it would prove only a temporary resurgence, partly because of dynamic young Federalist leaders, partly due to Jefferson's unpopular embargo, and partly resulting from other events unfolding at that time. Many of the Young Federalist moderates soon deserted the Federalist Party and joined the Republicans (not the same as the modern Republican Party).

Madison received 128 electoral votes in 1812, with 89 for opponent De Witt Clinton.

Madison kept Gallatin as his Treasury Secretary, and continued Jefferson's domestic agenda of balanced budgets, reduced national debt, and controlled spending for government administration and the military. He continued to replace retiring Federalist judges, but Chief Justice Marshall continued to dominate the Supreme Court. Domestic issues, however, were overshadowed by foreign policy. Madison, like Jefferson, had strong foreign policy credentials, but no military muscle to back up Republican policy. Because of this, the US faced a major crisis.

No one liked the Embargo Act, for obvious reasons, so Madison replaced it with the *Nonintercourse Act*, which allowed trade with nations other than France and Britain, and it provided for renewed trade with whichever of those powers first decided to respect US neutrality rights. Smugglers loved it, but the new act was no improvement, so it was replaced in 1810 with *Macon's Bill Number Two*, opening trade with both countries, and promising exclusive trade to the first to recognize US shipping rights. France took that offer, but Britain resumed seizing American ships headed for France, and America had gained nothing with its attempts at peaceful coercion.

War with England seemed the only honorable option left. Support for war came from the *War Hawks*, a group of freshman Representatives, led by Henry Clay of Kentucky. Clay was elected Speaker of the House, and he appointed War Hawks to the Foreign Relations Committee and the Naval Committee. The Hawks were deeply concerned with British and Spanish incitement of Indians in the Northwest and in Florida, and they would love nothing better than to gain control of Canada and Florida.

When Madison called for war in 1812, this placed Federalists in a predicament. Their base was New England, and it was their ships being attacked by the British, so they knew something had to be done, but they could hardly vote for Madison's war because of their strong pro-British and anti-Republican sentiments. The War Hawks weren't as directly affected by Britain's policies, but they shared the country's deep-seated anger and resentment. Congress voted for war in June, but both houses were divided. With New England's ambivalence and Congress' lack of enthusiasm, Republicans went forward with what they called the *Second War of American Independence*.

The story of the War of 1812 is so full of strange twists and turns, bizarre events and circumstances, questionable judgment, disgraceful conduct, contradictions, inconsistencies, betrayal, and heroic determination that it puts even the most talented fiction writers to shame. It is also an example of America's selective memory. If we remember little of the episode, it's because so much of it is painful and embarrassing to talk about. So we don't. If we mention it at all, it is simply to celebrate Andrew Jackson's victory at New Orleans, and maybe Baltimore's courage and determination under siege. (There is so much more that Americans should know about it, but the full narrative is beyond the scope and purpose of this work. For the sake of time, I will stick to the basics here.)

America was no match for Britain's navy or army, and the imbalance became even wider with Canadian and Indian support for Britain. Since the US couldn't fight Britain on the seas, the next best available option was to invade Canada, or so the thinking went. It was widely believed that such an invasion would achieve success quickly and easily, in part because of Americans' assumption that many Canadians would welcome the US invader, and that Canada was eager to become part of the US instead of remaining a British colony.

In fact, many of those Canadians had been lured there from America by free land, and they didn't much care who won, just so the war was over quickly. They just wanted to be left alone to take care of their farms and families. They would be extremely disappointed and frustrated as the war wore on. So would Madison, who saw military defeat after defeat in Canada, and what amounted to treason by Americans living close to the border, and by military officials themselves. They were usually inept, incompetent, and / or Federalists with stronger British than American allegiance. Ironically, what little success the Americans experienced on the high seas was not by the US Navy, but by privateers who looted British shipping. There were a few naval victories on inland waters, though, and Americans were beginning to hope that after two years of war the tide had finally turned.

That hope vanished when Napoleon was defeated in 1813. That allowed Britain to turn her full attention to America. In 1814 Britain launched a three-pronged attack against the Chesapeake Bay (Washington, DC), Lake Champlain, and New Orleans, designed to split the US into three sections, capturing one of them at a time. On August 24, the British entered Washington, DC without resistance, burned it, and then bombarded Ft McHenry, guarding Baltimore. The fort miraculously survived the attack, finally giving America something to celebrate. Victories further north boosted American morale, also, but there was still no clear victor by the fall of 1814.

It was this battle that inspired Francis Scott Key's *Star-Spangled Banner*.

On January 8, 1815, Madison received two pieces of good news. One was that Andrew Jackson had defeated the British at New Orleans. The other was that, even before the Battle of New Orleans, the war had officially ended with the *Treaty of Ghent*. American negotiators had been hard at work there, and finally both sides agreed that neither had gained any significant military advantage, so there seemed little reason to go on with an endless, pointless war. As a practical matter for the British, now that Napoleon was out of the way, they had more pressing European opportunities to exploit, and, frankly, America just wasn't that important to them anymore.

On Christmas Eve, America had withdrawn her two major demands, regarding impressment and freedom of the seas, because it was clear that Britain would honor American rights now anyway after her victory in Europe. So, it seems that the war achieved nothing that wouldn't have come about anyway, even had there been no War of 1812. Madison no doubt had some reservations about presenting a treaty without victory to the Senate for approval, but Jackson's victory allowed Republicans to put a very positive spin on the war. Americans have been enjoying that spin ever since. We may remember with shame that our nation's capital had been burned and destroyed by a foreign power, especially when reminded that we had engaged in a bit of arson ourselves in Canada. We much prefer to remember with pride the fact that we successfully defeated this invasion of our land with the decisive, heroic battle of New Orleans. The fact that we invaded Canada first is just a footnote.

In a way, though, the war did accomplish something, perhaps. Europeans gained respect for America, and in the future, those countries would be more inclined to negotiate than fight with the US. England, and to some extent France, had been bullying America for decades, and we finally stood up and fought back. We prevailed, even if more because of luck and sheer determination than strength or skill. It was another astounding demonstration of America's uncanny ability to come out smelling like a rose, no matter how thorny the situation, and no matter how questionable our gardening skills.

The War of 1812 was not just a victory over Britain. Their Indian allies had also been defeated, rendering tribes east of the Mississippi powerless. Within 25 years, most remaining tribes would be living in the Indian Territory in Oklahoma.

The Federalist Party was also a casualty of the war. It ceased to exist as a separate party, but federalist principles thrived as the National Republican caucus within the Republican Party. The National Republicans adopted Jeffersonian-style politics, shaking hands with potential voters, mingling with the crowds, and using democratic rhetoric to advance Hamilton's programs of banks, tariffs, and industrial subsidies. Over the next years, the principles of Jefferson would die, then be reborn in modified form under the Jacksonians, and the National Republicans would form the Whig Party.

Names and tactics were constantly evolving in politics, but at the heart of it all was the same ideological battle that raged in and after the Constitutional Convention. It would get increasingly difficult at times to distinguish federalists from anti-federalists, however, largely because neither side felt they had anything to gain politically by keeping their ideology or motives clearly defined and distinct. When National Republicans adopted Jeffersonian politics, and before that, when nationalists stole the federalist label, the nature of modern American politics and political parties was already taking shape.

Chapter 6: Birth of the Democrat Party

BUS Two

The War of 1812, despite increased taxes, increased the national debt from $45 million in 1812 to $127 million in 1815. Since Congress refused to recharter BUS in 1811, most of it was borrowed from private banks, which increased in number and outstanding credit. In theory, a bank could loan no more than the value of its gold or silver (*specie*) on hand. But most state-chartered banks outside New England suspended specie payments, continued printing money, and therefore caused inflation. Congress didn't want to wait for the private banking system to sort things out for themselves, so with the help of the financiers who were also eager to get things under control, in 1816 the second BUS was chartered.

BUS had several advantages over other banks. For one thing, it could open branches in any state. Also, since it was where federal funds were stored, it had much more capital than any state-chartered bank. Naturally, this caused some resentment among the private bankers, and some people suspected that wealthy British

investors controlled BUS. (Other than a few well-known leaders such as Gallatin, no one knew exactly who was behind BUS.) So it became an easy political target whenever there was any sort of economic ripple.

In an effort to rein in inflation, BUS called in many of its loans, reducing the money supply, and producing lower prices. Affluent Americans were happy because they could buy more with the same amount of money. But farmers suffered because of lower farm values, lower prices for their produce, and greater difficulty getting the loans they needed. When Britain started buying cotton from India, American cotton prices plummeted. Mortgage foreclosures left BUS holding a substantial amount of farm land, and soon the depression (or *panic* as it was called then) affected the industrial Northeast as well.

BUS directors fired their president and replaced him with Langdon Cheves of South Carolina, but Cheves continued the same policies -- purging the nation of the inflated bank notes and dumping worthless farm property. In time, the economy began to recover, primarily because of an influx of Mexican silver, but many Americans had become convinced that BUS had too much power, which it tended to use for the benefit of the elite, not for the common man.

The state of Maryland decided to tax the BUS branch in Baltimore, but its cashier, James McCulloch, opted not to pay the tax. Did a state have the right to tax federal institutions within its borders? That question was answered in the negative by Chief Justice Marshall, reasoning that the power to tax is the power to destroy, which would violate COTUS' supremacy clause. While he was at it, Marshall also ruled that, just as Hamilton had argued, BUS was constitutional under the *necessary and proper clause*.

Monroe

James Monroe, Madison's Secretary of State since 1811, became the nation's fifth president, the fourth president from Virginia. By that time, the Twelfth Amendment prevented the possibility of a President and VP from opposing parties. His VP, Daniel D Tompkins, from New York, marked the beginning of a political practice still commonly used today -- using the VP slot to balance the ticket geographically.

Monroe had just defeated Crawford in the Republican primary. He received 183 electoral votes, with only 34 going to Rufus King of New York.

Monroe was a good-natured man, easy to get along with, willing to compromise, unwilling to hold a grudge, and self-confident enough to appoint some very strong-willed personalities to his cabinet. John C Calhoun served as his War Secretary, William H Crawford as his Treasury Secretary, and John Quincy Adams as Secretary of State. They were not very effective as a team, however, spending much of their time and effort working against each other rather than for Monroe.

Monroe favored a relatively weak executive, reasoning that the will of the people was best expressed through the legislative branch. His dress and character reflected the pre-Revolutionary era, with a heavy emphasis on productivity and pragmatism. It is not surprising that his administration ushered in the *Era of Good Feelings*. It is a bit surprising, however, that he became most famous for the *Monroe Doctrine* (defined in the next section). He brought to the Presidency a long history of diplomatic failures, but he turned that around with a series of accomplishments that secured for him the international credentials to make the Monroe Doctrine work.

Monroe was the last president to wear his hair in a queue.

Monroe secured an arrangement with Britain limiting warships on the Great Lakes; he negotiated a settlement of the disputed US / Canada border; and he brokered the 1819 *Adams-Onis Treaty*.

Monroe supported a federal role in internal improvements only to the extent to which they could be justified on national defense grounds. Beyond that, federal infrastructure projects would require a constitutional

amendment. Perhaps his most important contribution to the country's economic success was to keep the federal government out of the way. Economic growth was beginning, in spite of the problems imposed by the War of 1812. American industry was already gaining strength in key areas, laying the groundwork for explosive expansion when England's Industrial Revolution reached America around 1840.

The Monroe Doctrine

Spain's holdings in the Western Hemisphere were reduced almost by half as revolutionaries in Argentina, Columbia, and Mexico followed America's lead and won their independence. Spain's government was corrupt and her economy was weak. That left Florida ripe for American picking, so Monroe and Adams began to negotiate with Spanish minister Luis de Onis.

Florida was becoming a problem, especially for Alabama and Georgia, because Seminole Indians in the panhandle region were raiding American farms and harboring escaped slaves. Responding to demands for government action, Andrew Jackson was instructed by Secretary of War John C Calhoun to adopt the necessary measures to neutralize the Seminole threat. Jackson, not sure how much discretion he had, sent a letter to Monroe stating that he would be more than happy to capture Florida, and Cuba too**, if it was signified to me through any channel . . . that the possession of the Floridas would be desirable to the United States**.

Fort Pensacola surrendered to Jackson on May 28, 1818, making Florida part of the US. Had Jackson received authorization from Monroe? Jackson said yes, Monroe said no. Had Monroe been intentionally vague, relying on the aggressive Jackson to conquer Florida without the administration having to accept responsibility? Monroe didn't punish him or return Florida to Spain. Congress took no action against Jackson for essentially assuming the power to declare war. And there was no press around to tell the public what was going on as events unfolded in Florida.

Had Monroe explicitly instructed Jackson to take Florida, he would have had a solid national defense argument, since Spain clearly could not effectively patrol its borders, and the Seminole Indians unquestionably posed a serious threat. But Monroe had not wanted to appear heavy-handed in his approach to the problem. In the end, Monroe had it both ways, signing the *Adams-Onis Treaty of 1819*. The US paid $5 million to Spain, Florida was officially handed over to the US in July 1821, Adams agreed that Texas was not part of the Louisiana Purchase, and Spain relinquished all Pacific Northwest claims.

But Spain's weakness presented problems for America that extended far beyond Florida. The new Mexican and Latin American republics were still weak, and they presented inviting targets for other European countries. In 1822, France (with no objections from other European powers) replaced Spain's constitutional government with a monarchy. Monroe was concerned that France might try to extend its power into the former Spanish colonies.

Britain was worried about that possibility as well. She was not about to tolerate another European power's recolonization in the Western Hemisphere, partly because of simple balance-of-power European politics. Foreign minister George Canning proposed a joint British-US course of action designed to prevent European involvement in Latin America. Both countries wanted the Western Hemisphere to be a free-trade zone for themselves, so Adams was certainly in favor of such an agreement. But he planned to run for President in 1824, and he knew that if he associated his name with any such arrangement, he would be branded as an Anglophile, just as his father had been. So, what might otherwise have been called the *Adams Doctrine* became known as the *Monroe Doctrine* (although it wasn't called that until 1852).

Monroe presented it as part of his message to Congress in 1823. It stated that Europe was expected to stay out of political and military affairs in the Western Hemisphere, and the US would likewise stay out of European affairs. The US really never had any interest in meddling in Europe's power politics anyway, but the Doctrine meant that the US would not interfere with existing European South American colonies. Predictably, most

Europeans scoffed and snorted at the audacious American leader's arrogance, but they understood that it was backed by the Royal Navy. It became the basis for America's isolationist foreign policy that lasted for almost a century, and it is still the basis for US / Latin American relations.

Of course, US insistence that Europe keep its hands off Mexico didn't mean we had to do the same. The Santa Fe trail and Rocky Mountain fur trade had opened up further exploration and settlement, and Americans were casting a covetous eye toward Texas, New Mexico, and California. But when Monroe left office the US had no foreign wars or crises to deal with, our political system had seemingly risen above partisanship, and our economy was booming.

John Quincy Adams

Jefferson, Madison, and Monroe had all served as Secretary of State before becoming President, and John Quincy Adams planned to continue that tradition. The position offers foreign policy experience, and it is a high-profile position, giving competent men a chance to demonstrate their diplomatic skills and leadership abilities. So Adams was a logical choice to replace Monroe. But he had to guard against being branded an Anglophile, as his father had been. Also, he was seen as a man of privilege, which was not a compliment in the age of the common man. And he, like his father, had a personality that didn't tend to result in great personal loyalty or political appeal.

Another contender was the Speaker of the House, Henry Clay, known as a miracle worker in brokering compromise. He was a great orator, and he had the uncanny ability to attract and repulse people at the same time. He was, in modern terms, a moderate, afraid to take a firm stand on anything for fear of offending or alienating one side or the other. His platform consisted of these three planks: (1) federal help for internal improvements, including road construction, harbor clearances, river improvements, and railroads; (2) support for BUS; (3) protective tariffs for sugar, textiles, and iron.

There were two other candidates in the 1824 election cycle. One was Treasury Secretary Crawford of Georgia, who suffered a stroke in 1823 and ceased to be a serious contender. The other was Andrew Jackson of Tennessee, with strong Southern support. When the electoral votes were counted, no one had a majority, so, once again, it was up to HOR to select the next President. Only the top three candidates could be considered, so Clay was eliminated immediately. But as Speaker of the House, and in control of his own 37 electoral votes, Clay was in a position to personally decide the election.

Jackson had 99 electoral votes, and he had also received more popular votes than Adams and Clay combined. Adams had 84 and Crawford 41 electoral votes. Jackson was the logical choice, but Clay detested him. Adams largely agreed with Clay's platform, while the others opposed it. Those may have been the reasons Clay supported Adams.

But others weren't so sure. There is no evidence that Clay and Adams came to some sort of corrupt agreement, but as far as Jacksonians were concerned, it was bribery, pure and simple. And anyone who suspected foul play ostensibly had their suspicions confirmed when Adams named Clay his Secretary of State. The fact that Clay was extremely well qualified for the job didn't seem to matter. It is hardly surprising that John Quincy Adams, like his father, was a one-term president.

One of the most significant developments during that time was the *Tariff of 1824*, with high duties on cotton, iron, salt, coffee, molasses, sugar, and other imports. Strictly as a political ploy, John C Calhoun introduced a bill imposing extremely high duties on raw materials, believing that the northeastern states would have to vote it down. Much to Calhoun's horror, the bill advanced through Congress and received support from some most unlikely sources. This *Tariff of Abominations* ultimately passed in May 1828.

Americans on the Move

Americans have always been adventurous. No doubt that's because, in large part, it was the more adventurous Europeans who came here. That spirit drove Americans across the mountains into the frontier, where they cleared the land, established farms, built forts for protection, and then moved even farther west. Unlike Europeans, Americans had plenty of land, and they could own it. Since it took 40 to 50 acres to operate a successful farm, it didn't take many generations before an inheritance wasn't large enough to sustain itself as a farm, which helped motivate the westward surge.

Americans' adventurous spirit produced a few con artists as well as farmers and explorers. Jim Bowie, who would later die at the Alamo along with Davy Crockett and others, became one of Louisiana's largest landowners by using fraudulent land grants and forged documents.

In the South things worked a little differently. Tradition there provided for the entire inheritance to go to only the eldest child instead of being divided evenly among all the siblings. This helps explain the plantations in that part of the country, and the South's lower population. Abundance of land and insufficient laborers to work it helped motivate plantation owners to search for more efficient means of production.

Part of the adventurous American spirit had always manifested itself in unparalleled entrepreneurship. In the 1800s that drive to imagine, invent, and build new and better tools, products, and processes led to unprecedented technological advances. America during this era produced a bountiful crop of outstanding entrepreneurs, like John Deere, Andrew Carnegie, J P Morgan, John D Rockefeller, Levi Strauss, Cyrus McCormick, and Eli Whitney. They gave us, among other things, the metal plow, easily repaired and mass-produced; the reaper, dramatically reducing the time needed for harvesting; and the cotton gin, transforming the South. And all this new technology fueled demand for the services of mechanics, salesmen, merchants, artisans, and even more inventions.

Steam power alone was responsible for an unbelievable revolution in many aspects of American life. It, for example, along with advances in management techniques, allowed Samuel Slater to establish a series of mills that became responsible for roughly half the country's textile production. Steam technology also revolutionized the transportation industry, including oceanic shipping, river steamboats, and steam vessels on the Great Lakes and on canals. Water travel was shifting away from natural rivers to man-made canals. About 4000 miles of canals were built between 1817 and 1844. The most famous, the Erie Canal, connected Lake Erie to the Hudson River, and thus connected upstate New York to the east coast.

But steam technology had its greatest impact on the railroads. A group of Baltimore businessmen founded the Baltimore and Ohio (B&O) in 1828. Before long, America had railroad fever. By 1840 most states had railroads, although most were concentrated in the Atlantic seaboard states. Along with the more obvious benefits, railroads contributed to better health by delivering fresh milk, reducing milk-borne diseases like cholera.

In 1850 there was a post office for every 1300 people.

Along with improved transportation came improved communication. The US Post Office had over 18,000 branches by 1850, and there was always demand for new routes. Politicians were eager to keep constituents and potential voters happy, so they authorized post offices even where postal patrons covered only a small fraction of the cost. Politicians, thanks to franking privileges, sent speeches and election material free. Party-controlled newspapers also were delivered at a steep discount. As more people read newspapers, fewer of them read books, so the population was well aware of current events, but not sufficiently aware of the history and other knowledge necessary to draw wise conclusions about political events and ideas.

The postmaster general came to control more than 8700 jobs, over 75% of the federal civilian workforce, giving the Post Office, especially the postmaster general, considerable power. Enough power to keep competition at bay until 1971 when Federal Express was founded.

The USPS was larger than the US Army.

The Missouri Compromise

As all these dynamics played out, territories were preparing themselves for statehood. And it was the process of admitting new states into the Union that forced national attention toward the ever simmering issue of slavery. When Missouri applied for statehood in 1819, there were 11 slave states and 11 free states. Because of the unequal distribution of the population, slave states had only 81 votes in HOR, with free states controlling 105 votes. And the disparity was expected to get even larger as Northern population increasingly outpaced that of the South. Obviously, both sides of the slavery issue were keenly interested in how slavery would be handled as new states were admitted.

The 11 slave states were: Alabama, the Carolinas, Delaware, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Tennessee, and Virginia.

The 11 free states were: Connecticut, Illinois, Indiana, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

In HOR an amendment to Missouri's statehood legislation was introduced. Relying on constitutional authority of Congress to prohibit slavery as a condition of statehood, the amendment would prevent further introduction of slaves into Missouri. It was opposed on the grounds that the individual states were sovereign entities, and Congress, therefore, had no such constitutional authority over them. COTUS said nothing about territories or slavery per se, and previously the issue had been addressed only in the Northwest Ordinance. But that was before the Louisiana Purchase, so it didn't apply to the issue of slavery west of the Mississippi.

Before the Constitutional questions could be thoroughly studied and settled, Maine applied for statehood. This provided an opportunity for compromise. A package of bills was placed before Congress, and Clay, the *Great Compromiser*, made sure that it would be considered in its entirety in both houses, so neither side could peel away the parts they didn't like. Along with other provisions in the package, slavery was prohibited north of the 36-minute, 30-degree latitudinal line. Most people, like Clay, may have believed that, with the *Missouri Compromise*, the slavery issue had been resolved forever, but one man in particular, Martin Van Buren, understood that this was just the beginning.

The South's grip on federal power was slipping away. They had already lost HOR, and it would take only a few more new free states to tilt the balance of power in the Senate as well. Therefore, they had to do two things. One was to find a way to force a balance in the admission of new states. The other was to hold on to the executive branch. This was extremely important, not only in terms of the President himself, but also in terms of his judicial appointments. The South had always been able to count on enough votes in western states to make sure the oval office was occupied by someone who supported slavery as a legal right, and maybe even a moral right. But that alliance could not prevail forever, and it didn't take a political genius to see that. Furthermore, it was getting harder and harder for the South to reconcile the prohibition of slavery in some areas but not others. If slavery was evil, it was equally so in the new territories and the old South. On the other hand, it would be extremely difficult to convince the rest of the nation that slavery was not evil.

Martin Van Buren

In 1821 the state of New York convened a constitutional convention, and under the leadership of Martin Van Buren, universal manhood suffrage became the law of the state. But Van Buren was not satisfied with that; he wanted to see universal manhood suffrage spread throughout the rest of the country as well. He realized that accomplishing that would require disciplined organization on a national scale, and that gave birth to the Democrat Party. It also was the start of our modern two-party political system.

Van Buren was also known as the *Little Magician* or the *Red Fox of Kinderhook*.

Part of that organization was a group of journalists who would spread the universal manhood suffrage gospel through newspaper editorials, handbills, and posters all across the land. By 1820 most states had already abandoned property ownership requirements, so suffrage was already on the rise. But as the right to vote was extended to more people, fewer people opted to exercise it. What drove people to the polls was, as it turned out, good old-fashioned partisan politics -- the kind which Madison had advocated. Madison had no greater disciple than Van Buren, who despised what politics had become.

In particular, he felt that when the Jeffersonians eliminated the Federalists by incorporating Federalists into the Republican Party, they became the party of the nation as a whole, but they thereby ceased to be effective representatives of specific elements in their constituency, and they ceased to be responsive to the needs of the South. His response was to form an alliance between Southern planters and like-minded Northern Republicans. But that presented another problem. How could he prevent his party from being branded with the pro-slavery label? His answer was to suppress all talk of slavery in national politics. That was the primary goal of the Democrat Party.

Van Buren's alliance became known as the *Richmond-Albany axis*.

The first step in achieving that seemingly impossible task was to remind voters that money has a tendency to corrupt politicians. Therefore, government is best placed in the hands of those least likely to be influenced by the corrupting influence of money, and that was Southerners. Of course, it would take a lot more than rhetoric to make Van Buren's scheme work -- it would take money. It would require the very corruption Democrats warned against. The Post Office already was leading the way, with its huge number of jobs and one man responsible for filling those positions. All that was needed there was the right man, a Democrat, of course, at the head of the postal system. But that was just the beginning. Government was growing rapidly at all levels, so the combined pool of federal, state, and local government jobs provided plenty of opportunities to reward the party faithful.

Not that every Democrat would receive a government job, but a hierarchy would be established, making sure that virtually every government job would go to a Democrat. It would start at the top, with the President, who would, as the victor, enjoy the spoils -- sweeping out all opposition-party bureaucrats and replacing them with faithful Democrats. In exchange for those jobs, strict discipline and obedience was required, and that meant, among other things, a moratorium on the subject of slavery. Thus the spoils system, or *patronage*, became solidly entrenched in American politics. From a modern perspective it's easy to see that one of the many major flaws in this system is the fact that government is necessarily staffed by bureaucrats who are willing to sacrifice their personal integrity for money. That's exactly what Van Buren was counting on.

He was also counting on newspapers to stoke the fires of partisanship, providing compelling reasons to vote for the Democrat candidates, and denigrating their opponents. All the newspapers were owned by one of the political parties, and they made no claims of objectivity in news or opinion. Many proudly displayed their party affiliation in their name, such as the *Arkansas Democrat*, and it was widely accepted that any newspaper

attempting to be anything other than fiercely partisan simply wasn't doing its job. Readers understood this and treated what they read with appropriate skepticism. Theoretically, at least.

Obviously, keeping the White House safely under Southern control required not only electing the Democrat candidate, but it also involved making sure that the candidate met specific requirements in addition to being willing to avoid the slavery issue. Where that candidate was from was extremely critical to the winning formula. For example, if he was from the South, he must be perceived also as a Westerner. If he was from the North, he must demonstrate his commitment to Southern principles. The first man to meet all the requirements was Andrew Jackson.

Jackson lost to Adams in the disputed election of 1824, but that loss practically guaranteed his victory over Adams four years later. Jackson was hardly a docile man, however, and that would make Van Buren's job more difficult. Furthermore, Van Buren hadn't counted on another dynamic which would ultimately ruin his plans. The spoils system fed on itself, as politicians had to promise more and more jobs in order to get elected, so the size of government at all levels was constantly increasing, and the federal government especially represented a concentration of power which Democrats could not afford to let slip out of their control. Yet opponents soon realized that they could play the same game, and they did. It was only a matter of time before a Northerner of Northern principles was elected President. In 1860 Van Buren's scheme would blow up in his face, and all across the South. But in 1828, Van Buren's plans were progressing nicely, having used the Adams term to get his team assembled and organized.

Andrew Jackson

Jackson and his VP, John Calhoun, won easily in 1828. Over 10,000 celebrants and job seekers poured into the nation's capitol, overflowing hotels and quickly depleting the town's liquor supplies. The mob couldn't hear Jackson's inaugural address, but when he rode his white horse to the White House, the crowd was right behind him. When Jackson went inside, so did they, muddy boots and all. White House staff lured the throng outside with liquor on the lawn, then slammed the door. But Jackson had long since slipped out the back and was enjoying a nice steak dinner at a fancy restaurant.

Jackson lost only the Northeast, Delaware, and Maryland, receiving 178 electoral votes, with 83 for Adams. Jackson also received 150,000 more popular votes than Adams.

That was symbolic of his presidency. Promoted as a man of the people, champion of the common man, advocate of small government, he was more autocratic than either of the Adams presidents, and he delegated to others the tasks of actually dealing with the common people. If he was a man of the people, it was not the people who elected him. He relied on a few select, elite men known as his *kitchen cabinet* to operate his administration behind the scenes. (One of them was, of course, Martin Van Buren.) Smaller government was fine as long as it shrank the opposition and didn't diminish his own autonomy.

Jackson viewed Indians as savages with no inherent rights. The Cherokee, with considerable land in Tennessee, Georgia, Mississippi, and Alabama, had a representative government with a written constitution. They had become, in many respects, what whites had claimed they wanted Indians to be. But, as it turned out, what whites most wanted Indians to be was somewhere else. Congress passed a law in 1830 which reflected Jackson's view that Indians have no rights. Although it was known as the *Removal Bill*, it did not authorize the use of force to remove Indians, and Jackson supporters had repeatedly promised that any relocation would be voluntary.

Yielding to the inevitable, some Cherokee accepted Georgia's offer of $68 million and 32 million acres of land west of the Mississippi. Others, however, wouldn't give up without a fight. They eventually won their battle in the 1832 Supreme Court decision *Worcester vs Georgia*, but they lost the war when General Winfield Scott in

1838 pushed more than 12,000 Cherokee along the *Trail of Tears* toward Oklahoma. Some 3000 died of starvation and disease along the way. Chief John Ross had appealed to Washington right up to the very last minute, but his words fell on deaf ears. Having the Supreme Court and Congress on his side meant nothing with a president perfectly willing to ignore both. Other tribes soon relocated or were crushed.

Jackson's Secretary of War was John Eaton, whose young attractive wife Peggy had reportedly driven her first husband to suicide because of her affair with Eaton. Prominent Washington women wanted nothing to do with her, and even churches used her as a case study in morality, or lack of it. Jackson, probably because he saw much of his recently deceased wife in Peggy, insisted that his cabinet and their wives include Peggy in their social activities, which led to two camps within the Jackson administration. One, led by Van Buren, did as Jackson said, but the other, led by Calhoun, simply could not bring themselves to rub elbows with a whore. By the time the whole affair ended with Peggy's departure from Washington, Jackson had turned away from his VP and even more toward Van Buren.

Some 20 years later, John Eaton died, Peggy inherited a fortune, she remarried, and her new husband quickly left her penniless.

Van Buren had advised Jackson to oppose the Tariff of Abominations, primarily because it did not fit with the Democrat states-rights, small-federal-government image. Yet he found himself in the position of having to enforce it, and he realized that it had benefited many of his constituents. If Jackson's opposition was lukewarm, Calhoun's was not. In response to a growing secessionist impulse in the South, Calhoun offered an alternative -- *nullification*. Borrowing a page from Jefferson and Madison, he argued that the sovereign States could hold special conventions to invalidate unconstitutional federal laws, and in the absence of a constitutional amendment, the states could legitimately prevail. However, just as was true earlier in the fight against the Alien and Sedition Acts, the theory of nullification ignored the *supremacy clause* and the role of the state as an administrative tool of the people, not a sovereign entity in and of itself. Besides, there was no guarantee the states would have accepted the authority of even a constitutional amendment, especially one dealing with slavery.

The tariff issue was complex enough without introducing such flawed arguments. The federal government had two primary means of generating revenue -- land sales and tariff. When revenue from one source was inadequate, there was increased pressure to use the other. One of the primary needs from either source was revenue for internal improvements. But what role could or should the federal government play in internal improvements before overstepping its legitimate constitutional authority? And there was no getting away from the slavery issue, even in matters seemingly unrelated. Many felt that improvements in national transportation would help reduce sectional differences, bring the country together, and reduce Southern reliance on slavery. They still hoped that slavery would somehow end peacefully.

But, rather than helping to bring the country together, the debate was focusing more attention on competing sectional interests and goals. For example, while it was helpful to people in the Northeast and West, whose produce was sold primarily in domestic markets, the Tariff of Abominations hurt the South, who relied more on import and export activity. Also, any proposal to reduce the price of land in the territories was seen by manufacturers as an attempt to lure needed factory workers away from the Northeast. On the other hand, any attempt to restrict land sales in the West was seen in the South and West as an unfair attempt by the Northeast to assure a cheap labor force for their factories.

Some advocated both high land prices and high tariffs. Their plan was to return the excess federal revenue to the states, who would assume primary responsibility for internal improvements. But the South saw this as the fastest possible track to their utter demise. And many Southerners and Westerners thought it was the very basis of a Northern conspiracy. High tariffs punished the South and benefitted the North. The South relied increasingly on western land in Georgia, Alabama, and Mississippi to replace the worn out soil in Virginia and the Carolinas. Some people were already beginning to understand that sectional differences, if left to fester, could eventually lead to threats of secession or civil war.

John Quincy Adams, who had been elected to Congress after leaving the oval office, teamed up with Jackson to reduce most of the tariff rates, but increased the rates on iron and cloth. South Carolina was not impressed, and in an 1832 special session of the state legislature called for nullification of both the 1828 and 1832 tariffs, and they authorized the legislature to stop collecting those duties at South Carolina ports after February 1, 1833. They further called for secession if federal troops were sent to enforce collection. Calhoun resigned as VP and joined the South Carolina nullification movement.

Jackson accused Calhoun of treason, and he asked Congress to pass the *Force Act*, authorizing him to send troops to collect the taxes. He sent General Winfield Scott to Charleston, demonstrating his willingness to use force, possibly initiating a civil war. But, in spite of his bellicose public stance, he had no intention of letting the tariff controversy get out of control, and he worked behind the scenes to convince South Carolina to back down. Once again the *Great Compromiser* Clay, working with Calhoun, forged an agreement which reduced tariff rates and diffused the potentially explosive confrontation. Congress then passed both the *Force Act* and the *Tariff of 1833* together. Jackson had preserved the Union, but once again the slavery issue was merely postponed. This episode was a preview of coming attractions.

The *Force Act* was merely symbolic, because Jackson already had constitutional authority to send the military into South Carolina to collect the duties.

Far from a visionary leader, Jackson had proven himself to be more a bare-knuckle brawler and partisan pragmatist. When politically advantageous he would, for example, offer federal support for internal improvement projects, but if such support proved of greater benefit to the opposition, he would withhold federal support on states' rights grounds. Principle took a back seat to power politics. He would demonstrate that again in his next challenge.

The one remaining Nationalist Republican success to be destroyed was BUS. Nicholas Biddle replaced Langdon Cheves in 1823, and the bank had been expertly managed for several years. Jackson's beef with the bank was not related to constitutional authority or abuse of its power or incompetent leadership. It was strictly a matter of politics. The bank posed a potential threat which Jackson felt compelled to neutralize. With federal jobs in every branch and branches in many states, BUS had joined the ranks of the Post Office and the military in potential for patronage. It's not that Biddle actually engaged in any sort of patronage, but he **could**. He also had tremendous power in his ability to influence votes simply by making loans, especially favorable loans to key customers. That was too much power in the hands of anyone other than Jackson himself.

What Jackson had in mind after getting rid of BUS was apparently another national bank, probably not terribly different than BUS, but under Jackson's control, and therefore within his patronage system. Evidence of this is provided by his 1829 request to a confidant, Amos Kindall, for a substitute plan for a national bank. Further evidence is the fact that he and his allies tried to work out a compromise by making a few changes to the existing BUS. That's exactly what happened. Once again the Great Compromiser Clay was right in the middle of things. His bill passed in Congress in 1832, well ahead of the bank's 1836 expiration date, but Jackson vetoed it. Why? Because Clay was running against him in the 1832 election.

It was a risky move for Jackson because BUS was popular, and he had no solid basis for opposing it. He talked about it being evil or being *unnecessary and improper*, but SCOTUS had already ruled on that. Clay, hoping to capitalize on that weakness, circulated thousands of copies of Jackson's veto message. But it backfired, because Jackson's stance was perceived as a heroic stand against the monied elite backing Clay. Once again, the myth of Jackson the Common Man won the day, and Jackson won the election.

Jackson received 219 electoral votes (and 56% of the popular vote) to Clay's 49 electoral votes in the 1832 election.

Jackson made arrangements to withdraw all federal deposits from BUS and redeposit them in banks ran by (mostly Democrat) supporters. But his treasury secretary, Louis McLane, refused to carry out the transfers, and Jackson fired him. His replacement treasury secretary, William J Duane, also refused to carry out the transfers, and Jackson fired him as well. He finally found someone to transfer the deposits, possibly because by that time Congress had passed the *1836 Deposit Act* which helped make it all seem more legitimate. The transfer was finally carried out by Roger B Taney, who was later rewarded with appointment as Chief Justice.

Jackson bypassed Senate approval of Duane, which was customary, but not constitutionally required.

Biddle responded by calling in loans, believing that Jackson would be blamed for the economic repercussions. A financial panic and inflation soon followed. Banks were no longer under BUS restraint, so they printed more money. Some banks printed far more than their specie deposits allowed, but they got away with it by placing their branches in remote locations so customers could not get to them to redeem their notes. The inflated money was used to buy land, which inflated land prices until the Specie Circular of 1836 required that such transactions be conducted with gold or silver.

They were called *wildcat* banks because theywere located in areas where even a wildcat wouldn't go.

During this period, large quantities of Mexican silver had been flowing into the US over the Santa Fe Trail. Much of it then flowed to England, which used it to buy Chinese goods, and the Chinese then used the silver to buy English products, and the English then loaned the silver to entrepreneurs in the US. That all changed with the Texas revolt in the early 1830s. The flow of silver dried up, England raised her interest rates, and the US economy spun into a recession. Some historians have concluded that the flow of Mexican silver, then the lack of it, had far more to do with America's post BUS economic woes than the bank war itself. So it may be that Jackson was not really to blame for significant economic damage.

He had certainly damaged the Presidency, however, and COTUS. He had ignored the law, Congress, and SCOTUS whenever they got in his way. His administration was the height of hypocrisy, pretending to be a strong advocate of states' rights, but in reality insisting on defining for himself just what those rights might be. He had used his veto power much more than any previous president. His veto over the Clay BUS compromise alone was a giant step toward greater centralization of power. By the end of his second term he had consolidated executive power more than any predecessor, and he had, therefore, unwittingly created Van Buren's worst nightmare. Ironically, he actually gained little from the BUS war victory.

Earlier, when he had first been nicknamed *Old Hickory*, the emphasis had been on *Hickory*. By now, it was on the *Old*. His age, wounds, and diseases had caught up with him, so that he had the appearance of a *scarecrow in a trenchcoat*, and his weak, frail body was often confined to bed by the end of his second term. The US government, however, had never been stronger, having doubled its size relative to population. And, largely due to the spoils system, it was poised to grow much more.

Renaissance

America, from 1815-1860, experienced dramatic religious enthusiasm, social reform, cultural change, and progress in education and the arts. Education became more available, stressing the basics (*Readin', 'Ritin', and 'Rithmetic*) and practical knowledge. Nature painting became popular, especially landscapes. Distinctly American writers gained prominence, often featuring memories of an earlier utopian society which never existed. New religious groups and sects sprang up, emphasizing the need for toleration, and focusing attention, therefore, on the Ten Commandments and core elements such as faith, hope and charity (love).

Such religious toleration was not readily extended to Catholics, however.

Much of the change during this period stems from the Industrial Revolution, which produced urbanization and rapid social shifts, along with the growing slavery crisis. Many Americans eagerly embraced religious fundamentalism as a way to cope with social upheaval. They began to accept the idea that perfection need not necessarily wait for the afterlife, but could be achieved to an astonishing degree right here on earth. This led to utopian experiments designed to actually achieve that perfection. One manifestation of that goal was *communalism* --local, voluntary, and usually unsuccessful.

Most utopian experiments ended in failure, but they produced needed reforms that outlasted them. For example, women gained property rights; it became easier for a woman to get a divorce and keep the children; and young women found jobs in textile and manufacturing industries. Many women became school teachers as expanded education increased demand for them. Women became better educated, joined the white-collar ranks, and played a more prominent role in household finances. They also learned how to use politics to help achieve social reform, as in fighting alcoholism and slavery. By the end of the antebellum period, feminism was born.

While anti-slavery politicians wanted only to prohibit slavery in the territories and new states, abolitionists called for the immediate prohibition of slavery everywhere, including current slave states. Abolitionist views first were introduced by the Quakers, and they gained some support in the northern colonies. They gained further support from Revolutionary principles, then even more after the cotton gin transformed the South. Former slaves joined the ranks of the activists, and eventually they put enough pressure on political parties to start widespread acceptance of abolitionist views. This provoked angry, sometimes violent, responses from southern slaveholders.

Chapter 7: Manifest Destiny

Van Buren, Harrison, and Tyler Too

Van Buren's 1836 bid for the White House was challenged by a trio of candidates from the new Whig Party. Their name was borrowed from the Revolutionary era, but their politics was altogether different. These new Whigs favored high tariff rates, a new BUS, federal funding for internal improvements, and a government staffed by the elite. What united Whigs more than anything else, though, was their hatred for Jackson.

Van Buren received 170 electoral votes to 124 for all the Whig candidates combined.

William Henry Harrison, Daniel Webster, and W P Mangum together couldn't generate enough votes to keep Van Buren from getting an electoral majority. The *Red Fox of Kinderhook* took the helm just in time for the Panic of 1837. Wheat and cotton prices fell, farms failed, banks foreclosed, land prices fell, and industrial workers suffered low pay and high unemployment. By the end of Van Buren's term the federal situation was improving, but many states continued to struggle for different reasons.

Almost all were states with the legislature controlled by Jacksonians.

One was that, in the absence of BUS, many states had established banks for the express purpose of providing loans to supporters of the party in power. They were either established directly by the state legislatures or the state guaranteed the bank's bonds. Either way, the banks were staffed with party faithful, and the idea was for the states to tax the banks instead of taxing the people directly. They proved to be such a disaster that some states banned banks completely.

Slow improvement in the economy was not due to any action by Van Buren, and perhaps many voters realized that it was his party that had caused the 1837 crash in the first place. So they were ready for a change in 1840,

and that meant William Henry Harrison, who had, in effect, been running since his defeat in 1836. Known as *Old Tippecanoe*, his opponents made an issue of the *Old* part of his nickname, suggesting he should simply retire to his log cabin. Harrison, however, turned it into his *Log Cabin and Hard Cider* campaign, which along with the slogan *Tippecanoe and Tyler Too*, was enough to win the election, due in large part to the support of men who had served under him in the military during the War of 1812.

Old Tippecanoe was a reference to Harrison's victory in a battle in the War of 1812.

Harrison / Tyler got 234 electoral votes (19 states) to 60 for Van Buren in 1840.

The 1840 election ushered in our modern two-party campaigns, and voter participation had skyrocketed. But what most people remember about this time is that Harrison died of pneumonia on April 3, 1841, bringing Tyler into the spotlight. Since this was the first time a POTUS had died in office, it was the first time the question had come up about the exact meaning of COTUS Article II, Section I, Paragraph 6:

Tyler, at age 51 the youngest POTUS, replaced Harrison, the oldest POTUS until Ronald Reagan.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

What, exactly, was to devolve on the VP? The title? All Presidential powers? For how long? Just until a special election could be held? Some scholars believe the intent was for the VP to remain VP until a new President was elected. Tyler, however, stepped up and became POTUS. That answered the question (correctly) for the current crisis and for future generations. That also helped answer another burning question: who was Tyler?

He was obviously not the kind of man who could be easily manipulated by someone like Clay, the chief Whig spokesman. Since no one expected him to be POTUS, no one had worried so much about what he stood for as about where he came from, since the primary role of a VP was to simply add geographic balance to the ticket. He had been elected to Congress as a Jeffersonian Republican, he had parted ways with Jackson over the BUS veto, and he had voted against the Missouri Compromise, believing that slavery should have been allowed throughout the Louisiana Territory. As POTUS, he kept Harrison's cabinet intact, setting another precedent.

It wasn't apparent right away, but Tyler would prove to be a major disappointment for Whigs. Clay introduced a bill to establish BUS 3, but Tyler vetoed it. Clay reacted angrily, ruling out any possibility of another of his famous compromises, even though it probably wouldn't have been too difficult since Tyler wanted a BUS, and his veto had been based only on specific provisions. The two clashed over tariff rates, too. Whatever benefits to certain industries tariffs may have provided in the past, they were now strictly for revenue, but they were still popular, especially with politicians addicted to the money. Tyler blocked Whig attempts to delay rate reductions, and some Whigs were beginning to talk about impeachment. He finally agreed to some tariff reduction delays, but he also ended plans to redistribute funds to the states, further alienating his own party, losing Whig support from Southern states, and losing his entire cabinet.

Texas

The Manifest Destiny concept is usually associated with the 1828-1848 *Age of Jackson*, but the idea of a free Atlantic-to-Pacific America had been firmly planted in national thought from the very first colonialists. It had received greater focus at times through the years with waves of westward migration, and the Jacksonian era saw the final wave that completed the goal. This final wave was prompted in part by a desire to convert Indians to Protestant Christianity; by early concerns about overpopulation; and by victims of the Panic of 1837, looking for new opportunities. This time much of the attention was centered on Texas.

The term *Manifest Destiny* came from an 1840s newspaper editorial.

Before Mexico gained independence from Spain, Texas had attracted very few new settlers from Spain, and few Mexicans were interested in moving north into Texas, leaving it vulnerable to Indian raids. The Spanish government, therefore, lured American colonists into Texas with generous land grants, provided they agreed to convert to Catholicism, conduct all official business transactions in Spanish, and settle at least 60 miles from the American border. By 1831 Texas was home to 8000 such settlers, along with their 1000 slaves, but they had not embraced Catholicism or the Spanish language. While Mexico had eliminated slavery elsewhere, it looked the other way when American settlers arrived with their slaves. That changed in 1830 with the Mexican Colonization Act, banning slavery and further American settlement.

That prompted the Texan-American independence movement the same year. Six years later, General Antonio Lopez de Santa Anna marched 6000 Mexican troops into Texas, and that prompted the March 1, 1836 Declaration of Independence, founding the Republic of Texas, with Sam Houston as its president. Fighting had already started by then, with Santa Anna's 4000 troops defeating the 187-man American garrison at the Alamo in San Antonio. His victory had been costly, though, and his weary, wounded army was defeated on April 21, 1836, at San Jacinto near Galveston Bay. Santa Anna and his troops were granted freedom, while all of Texas was ceded to the new Lone Star Republic. Santa Anna repudiated the deal as soon as he returned to Mexico City to plot his revenge. The Texas Republic promptly applied for acceptance into the Union. That, however, sparked the slavery debate Van Buren had struggled to suppress, and Texas remained an independent republic between America and Mexico.

It was during this battle at San Jacinto that the American troops yelled **Remember the Alamo!**

In 1844 another attempt was made to bring Texas into the Union. But it was another election year, and the subject of Texas placed both major candidates, Van Buren and Clay, in a pickle. Neither of them wanted to bring more slaves into the Union, but Van Buren, obviously, wasn't about to openly talk about it. Clay **couldn't** openly talk about it without risking the loss of significant Whig support in the South. So they both announced they would support annexation only if Mexico agreed, knowing full well, of course, that would never happen. That left the door open for a candidate who was in favor of annexation and wasn't afraid to say so. James K Polk, lawyer, former governor of Tennessee, and former Speaker of the House, called it reannexation, since he believed Texas had been part of the Louisiana Purchase.

Polk, calling himself *Young Hickory*, defeated Van Buren in the Democrat primary, then Clay in the general election, partly because of his shrewd platform of annexing Oregon as well as Texas, because for Northerners the slave-free Oregon Territory took the sting out of admitting another slave territory. During his last months in office, however, Tyler got from Congress a joint

Polk won the electoral vote 170 to 105 in 1844. The new Liberty Party's candidate, James G Birney, siphoned off enough Whig votes to cost Clay the election.

The joint resolution bypassed the normal process of Senate treaty ratification by a two-thirds majority, and some argue that it was blatantly unconstitutional.

resolution annexing Texas before Polk got a chance to do so. Texas had the option of coming in immediately as one large state, or coming in as a territory, then subdividing later into as many as five separate states. On December 29, 1845, Texas became a (slave) state, and Mexico broke off diplomatic relations with the US, signaling its intent to settle the matter militarily.

War with Mexico

Both the US and Mexico were itching for war. Both sides felt victory would be fast and relatively easy. Polk prepared by sending troops into Louisiana and Texas; by alerting the California consul that any revolt there against Mexico should be supported, and advising him that California ports would be seized if hostilities broke out; by sending John C Fremont's troops and the Pacific Fleet to California; and by sending special envoy John Slidell to Mexico with an offer to purchase New Mexico and California. The US bid was so low that it infuriated Mexico, as Polk expected. General Mariano Arista's forces skirmished with US troops, starting the war, also as Polk had expected and hoped. He had given the appearance of doing everything possible to avoid war, and he pretended that his request for a declaration of war was the very last resort.

Northern Whigs weren't buying it. One in particular, Abraham Lincoln, demanded to know exactly where Mexico had fired the first shot. But that and 67 Whig votes against authorizing funds for the war were not enough to stop Polk. On the other end of the spectrum was Tennessee, soon called the *Volunteer State*, because of its enthusiastic enlistments. Congress called for 50,000 troops and $10 million.

Many of the most prominent military figures in the coming Civil War gained experience and fame first in the Mexican War, including Ulysses S Grant, George McClellan, Robert E Lee, Stonewall Jackson, George Pickett, James Longstreet, and William Tecumseh Sherman.

Polk negotiated a deal to bring Santa Anna back from Cuba, where he had been exiled. Under this arrangement, Santa Anna would be paid $2 million as a bribe to negotiate a treaty ceding California to the US. The Mexican general agreed if the US could restore him to power, but he never had any intention of keeping his end of the bargain. Meanwhile, things weren't going too well with all the volunteers, either. They raped, robbed, rioted, and vandalized, with each group wearing its own uniform. Eventually, General Zachary Taylor (aka *Old Rough-and-Ready*) had a disciplined, combat-ready force of 6000 men, ready in September 1846 to take on 7000 Mexican soldiers and 40 cannons at Monterrey.

The final rush there was led by Jefferson Davis and his Mississippi volunteers, and Taylor was on the verge of a major victory, but he accepted an eight-week armistice, which allowed the Mexican army to withdraw. But it also allowed Taylor's troops time to wait for 5000 badly-needed reinforcements in January. From then on, America was on the attack, casualties were light, and Taylor was emerging as a military hero. Only to a politician would that be a problem. Fearing that Taylor would become a viable political opponent in the 1848 election, Polk turned command over to General Winfield Scott, also with great success in Mexico. Meanwhile, other commanders were busy taking Santa Fe, San Diego, and Los Angeles.

By mid-September 1847, Mexico City was in American hands. A few Americans expressed a desire to see all of Mexico added to America's territory, but Mexicans, although they hated Santa Anna, were certainly not eager to embrace the *gringos*, nor were most Americans interested in adopting such a huge group of people who looked different and didn't speak English. Furthermore, anti-slavery forces were opposed to adding a huge area of potential slave territory to the US.

The term *gringo* derives from the tune *Green Grow the Lilacs*, sang by the undisciplined American volunteers entering Mexico to join Taylor.

The US negotiator, Nicholas Trist, began discussions with Mexican officials in January 1848 at Guadalupe Hidalgo, and their treaty was signed a month later. (Absent was Santa Anna, who had fled the country again.) The US paid $15 million to Mexico; we got California, plus what is now Arizona, New Mexico, Utah, and Nevada. Polk had sent revised instructions to Trist to include northern Mexico and Mexico City in the deal, but Trist had ignored it, concluding that Polk was not fully aware of the situation at that time. Polk was furious to find that Trist had not been nearly as pliant a clerk as expected, but there was little Polk could do. *The Treaty of Guadalupe Hidalgo* was approved by Congress on March 10, 1848.

The *Treaty of Guadalupe Hidalgo* also settled the disputed Texas boundary at the Rio Grande, not the Nueces River.

Destiny Fulfilled

By that time, Polk's campaign promise of Oregon had been fulfilled with a treaty approved by Congress on June 15, 1846, although it didn't include all the territory Polk had hoped for. Polk had completed Manifest Destiny, and he had hopelessly divided his party in the process. Free-soilers weren't happy with expanded slave territory (Texas) and northern Democrats were angered by reduced free-soil territory (a northern Oregon border well below the 54-degree line.) The rift between Northern and Southern Democrats widened further over tariff rates. Van Buren's sectional alliances were growing increasingly uneasy.

With so much new territory to explore and settle, westward expansion continued, fueled in part by the 1848 discovery of gold at Sutter's Mill, near Sacramento. Getting to the west coast wasn't easy, though, with the Great Plains and Rocky Mountains forming natural barriers for most travelers. There were two routes. One was by boat down the Atlantic coast to Panama, then overland to the Pacific, and then by boat up the west coast. The other was to St Joseph, Missouri, then a 2000-mile overland route to Oregon, all of which could take six months. In spite of the challenges, San Francisco became a thriving city overnight, serving as the supply depot for Sacramento.

For many in the east, however, Manifest Destiny was fading as a national source of motivation and pride. There was some talk of annexing Cuba, but it slowly sank in that America had grown about as large as it was likely to grow, at least for now. It was getting harder and harder to ignore the elephant in the room -- slavery.

Chapter 8: A Country in Chaos

Taylor, Fillmore, Pierce, and Buchanan

The period between 1848 and 1860 was characterized, especially from the Southern perspective, by wild swings of the political pendulum. Still placing their hopes in Van Buren’s scheme of fragile sectional alliances, Democrats nominated Lewis Cass for the 1848 election. He was a Northern man, from Michigan, of Southern principles, advocating the doctrine of *popular sovereignty*. Under that concept the federal government has no constitutional jurisdiction over the slavery issue, making it entirely a state (or territorial) matter. It was a convenient principle for politicians, because it provided an acceptable alternative to a strong stand either for or against slavery.

Henry Clay found out the hard way what happened to any candidate who could not find a way to avoid losing Southern support in an election. When he opposed annexation of Texas, his fifth (and final) attempt to win the White House was doomed. So Whigs shifted their support to the Mexican War hero General Zachary Taylor, which was just what Polk had tried to avoid. As a slave owner, his Southern credentials were solid enough, but that didn't sit too well with the free-soil members of his party. Although they weren't fully aware of it, Taylor wasn't a strong supporter of such Whig pet projects as a national bank and high tariffs. But the economy was reviving, and the Whigs were still seen as the anti-slavery party in spite of Taylor's slaves, so the election focused more on personality and reputation – Taylor's strong points.

To make things a little more interesting, Whigs and Democrats had to contend with the new Free Soil Party. Their candidate was none other than Van Buren, who now ironically found himself a strong opponent of slavery, siphoning off anti-slavery votes from both the other parties and absorbing former members of the Liberty Party. They pulled at least ten percent of the vote, but it wasn't enough to change the final result. Taylor won, although not by quite as big a margin as he would have otherwise. To make him a bit more palatable to the Northern Whigs, he chose Millard Fillmore as his VP.

Taylor got 163 electoral votes (and five percent more popular votes) to 137 for Cass in 1848.

Taylor may be considered America's first outsider candidate, and almost nothing was known about him except his reputation as a war hero. He had never even voted before! So, perhaps it should have come as no surprise that some of his policies would come as a surprise to members of both parties. Although he fully sympathized with the South's desire to protect slavery, he was determined to keep slavery out of New Mexico, Utah, and California. To accomplish that, he planned for those states to bypass the normal territorial stage and apply for statehood directly. This would keep the slavery question in the hands of those states, and out of Congress. He reminded Southerners that they had expected them to be free states anyway, and he warned the South to stay away from secessionist rhetoric. That, of course, led to Southern talk of secession.

Jackson was no member of the Washington elite, but he had eagerly used party machinery. Taylor did not.

This opened the door for Clay to craft another compromise. His plan for California statehood involved these provisions: California would be a free state; Utah and New Mexico would be determined by popular sovereignty; a controversy over the Texas / New Mexico border would be solved by leaving the border where it currently stood; the federal government would assume Texas's debts; slave trade would be prohibited in the District of Columbia; and legislation would provide for delivery of escaped slaves back to their owner.

On July 4, 1850, Taylor died, making Fillmore President. Clay's compromise provisions were defeated, devastating the 73-year-old Clay, and sending him home to Kentucky. But Stephen Douglas was ready to pick up where Clay left off. Douglas had been elected to the Senate from Illinois in 1846, had been appointed to the committee on territories, and therefore was in the perfect position to advance the cause of popular sovereignty. Whereas Clay had tried to get the whole package through intact, Douglas decided to take each provision separately, building a consensus on each. Fillmore threw his support behind Douglas. First, the Texas boundary dispute was settled by Congress. California was then admitted as a state. New Mexico, then Utah were established as territories. Many Northerners abstained, allowing passage of the Fugitive Slave Law.

It wasn't the compromise package it appeared to be, however. Few Northerners had voted for pro-Southern proposals, and few Southerners had voted for pro-Northern proposals. The compromise came from Maryland, Tennessee, Missouri, and Kentucky. The North and South had been jockeying for position, neither side paying much attention to a significant developing trend: increasing strength of secessionists in Southern state legislatures.

These were the very states that would later be (and were in a sense already) caught in the crossfire between the North and South.

Scott was known to his enemies as *Old Fuss-and-Feathers*, and by his friends as *Old Chippewa* or *Old Chapultapec*, in honor of those military victories.

Fillmore's administration never had a chance to gain any traction with huge Democrat gains in the 1850 off-term elections. In the 1852 election, Fillmore was cast aside by the Whigs because of his support for Douglas' compromise package. They turned to another war hero, Winfield Scott. Democrats nominated a war personality of their own, and, true to form, a Northern man they considered to be of Southern principles -- Franklin Pierce. Scott's anti-slavery position did not sell well, and Pierce won easily, marking the end of the Whigs as a viable political party.

Pierce won 254 electoral votes (and 300,000 more popular votes) to Scott's 42 in 1852.

Helping the Whigs disintegrate was the new *American Party*, formed as a reaction to the large influx of Irish and German Catholic immigrants. Called the *Know-Nothing-Party*, they performed well in the 1854 off-term elections, especially in Massachusetts and New York, but they didn't have what it takes to become a viable national party. They could possibly have done that if they had worked to form an anti-slavery alliance with the remains of the Whig Party, but the Know-Nothings alienated a huge part of that potential base – anti-slavery immigrants.

Know-Nothing party meetings were held in local lodges and stressed secrecy. Questions about their organization typically brought this reply: **I know nothing!**

Another new party helped finish off the Whigs, and they put themselves on the political map by focusing on the issue of slavery in the territories. *Republicans* adopted some Whig principles, including a national bank, tariffs, and federal support for internal improvements, but they realized that (almost) all issues (with the possible exception of a national bank) had a significant impact on the slavery issue in one way or another, and they must be understood in that context. For example, tariffs may benefit the North and hurt the South, but that was not necessarily unfair, according to Republicans, considering that the North supports free labor while the South benefits from an inhumane system.

The new Republican Party was originally known as the *Anti-Nebraska* Party.

The new Republican Party candidate in the 1856 election was John C Fremont, a familiar figure from the Mexican War. James Buchanan was the Democrat candidate, who agreed with Douglas that slavery was a sectional issue and subject to compromise, not a federal issue. He campaigned on retaining the Union, but it was understood by the South that he would do nothing to interfere with slavery. Fillmore was the American Party candidate, having given up all hope for the Whigs. He realized that the best he could hope for was a race close enough to throw the election into HOR. Buchanan won, but Republicans realized that it

Buchanan got 45% of the popular vote to Fremont's 33% in 1856.

wouldn't take much to defeat the Democrats in 1860, especially if they could win the support of the Know-Nothings.

Focus on Slavery

The Fugitive Slave Law that passed as part of Douglas' California compromise package contained provisions which Southerners considered necessary and reasonable. Runaways would be handled by special commissions, not civil courts, because blacks had no right to a jury trial, no matter what state they fled to. If it was determined that the runaway suspect was to be set free, the commissioner received five dollars, but he received twice that amount if the slave was turned over to the claimant. Any free citizen could be compelled by the commissioner to assist in the law's enforcement. Before long, it was also being applied retroactively to slaves who had run away before the law was passed.

Mitchum, an Indiana black, was arrested in 1851 and accused of having run away 19 years ago.

Obviously, blacks didn't have a chance in this system. Commissioners had financial incentives to keep blacks, even legitimately free blacks, in bondage. Any black could easily be identified as a runaway slave, and the further south, the less inclined commissioners were to give any black defendant any benefit of the doubt.

Northerners had been willing to live with buying southern cotton, but this law turned many Northerners into abolitionists who had never felt strongly about the slavery issue before. It was no longer an issue they could avoid now that they were being forced to participate in a process they disagreed with. Politicians and newspaper editors fanned the flames, and Northerners responded with violence. Leaders encouraged citizens and government officials to refuse to enforce the law. Even if there hadn't been such compelling moral grounds for rejecting the law, there were solid enough financial objections. Enforcement was expensive. Boston, for example, spent $5000 apprehending one fugitive.

Boston never enforced the law again.

Part of what made enforcement so costly was The Underground Railroad system, started in about 1842 to aid slaves in their escape attempts. Rather than a literal railroad, it was a system of friendly shelters and volunteers who helped escapees reach safe areas in the North. Just how successful this antebellum project was is impossible to know, because both sides were inclined to inflate the numbers as much as possible.

A far more significant slavery wake-up call came in the form of fiction. In 1851, a Washington-based publication began running a series of stories by Harriet Beecher Stowe, daughter of an abolitionist preacher. In 1852 her work was published in book form, *Uncle Tom's Cabin*, the story of a slave (Uncle Tom) and his family, whose benign master (Arthur Shelby) was forced, for financial reasons, to put the slaves up for sale. One of them, along with her son, tried to escape, and they were chased by dogs. Uncle Tom eventually died at the hands of his cruel new slave master, Simon Legree, but even as he was dying, Uncle Tom forgave the evil Legree.

Even the most hardened frontiersmen were moved to tears, and with over 300,000 copies sold within a few months, the book's impact on the nation was astonishing. It reached an even larger audience in the theater. Stowe had never visited a plantation, and she had rarely, if ever, seen any slaves. But that was beside the point, which was to portray slavery in the worst possible light.

Eventually, 3 million copies of *Uncle Tom's Cabin* sold in America, and another 3.5 million copies sold internationally.

Abraham Lincoln later greeted Stowe with this famous line: **So you're the little woman who wrote the book that made this great war**.

She succeeded where politicians had failed. The pendulum which appeared to swing toward the South almost two years earlier with the Fugitive Slave Law, was now headed in the other direction.

Kansas

By 1852, Illinois Democrat Senator Stephen Douglas had developed a keen interest in the railroad business. This prompted delegates from Iowa, Missouri, and Illinois to introduce a bill to organize the northern part of the old Louisiana Purchase into the *Nebraska Territory*. According to the Missouri Compromise, it would become a free state eventually, which got the attention of the South, because there had long been an understanding that for every new free state there would be a new slave state. Douglas responded with the *Kansas-Nebraska Act of 1854*, which simply eliminated the 30-year-old Missouri Compromise provisions and replaced it with *popular sovereignty*.

As usual, this bill totally disregarded Indian claims to the land.

To Douglas it seemed perfectly reasonable because the South was satisfied with the renewed prospect of slavery in the Louisiana Territory, and the North wasn't really giving up much in return, because cotton wouldn't grow in the Great Plains territories, assuring that they would become free-soil states. Meanwhile, Douglas would have land for his transcontinental railroad project, and if all went well, he would gain in popularity in the process, providing a boost for his presidential aspirations. After all, the railroad would make Chicago the trade hub of the entire central US.

The pendulum appeared to be headed toward the South again, but, once again, things wouldn't quite work out as planned. The Kansas-Nebraska Act produced a backlash at least as great as *Uncle Tom's Cabin*, with even many northern Democrats protesting and furious. The party shattered, and Northern Democrats suffered heavy losses in HOR.

Democrats retained in 1852 only 25 of their 91 free-state seats, and they had not recovered any of their 66 lost seats by the start of the Civil War.

Both sides quickly developed the strategy of inserting as many sympathizers as possible into Kansas to influence the vote on slavery. Pro-slavery forces won the race, gained control of the legislature, established slavery as the law of the territory in their constitutional convention at Lecompton, and enacted severe laws. However, free-soilers refused to acknowledge the fraudulent Lecompton group, and held their own constitutional convention at Topeka in the fall of 1855. Kansas had become home to two bitter, hostile, irreconcilable groups, each with its own constitution, capital, laws, and senators. And guns. There were already lots of guns in Kansas, but just to make sure they wouldn't run out, Reverend Henry Ward Beecher and his congregation supplied rifles in boxes labeled *Bibles*, while men and arms flowed in from both North and South.

One Kansas law made it a felony to question publicly the right to have slaves.

Rev Beecher was the father of Harriet Beecher Stowe, author of *Uncle Tom's Cabin*. The rifles he supplied to Kansas were known as *Beecher's Bibles*.

They began using those guns in the fall of 1855. Although pamphleteers from both sides were given to hyperbole, there was plenty of real violence, often rendering local law enforcement impotent. But not all the Kansas violence played out within its borders. One casualty was Senator Charles Sumner, who delivered a scathing verbal assault on Stephen Douglas and Senator Andrew Butler for their part in the Kansas disaster. No one attempted to defend Douglas, for apparent reasons, but the vicious personal attack on the elderly Butler (who suffered from a speech impediment) was more than Congressman Preston Brooks could tolerate. Since Sumner would not consent to a duel, Brooks beat him severely on the Senate floor, hitting him over the head with his cane and nearly killing him in the attack. Brooks was a Southern hero, but to the North he was a startling reminder of the evils of slavery. After all, if such a thing could happen to a rich white powerful man in the middle of the Senate, what chance did a slave have to protect himself?

Brooks canes became popular in the South, and the city of Charleston presented Brooks with a new walking stick with the words **Hit him again!** inscribed on it. Northerners held Sumner's seat open for the two years it took him to recover.

Meanwhile, a free-soil volunteer named John Brown, along with seven others, conducted a vigilante attack along a creek in Kansas. Using broadswords, they killed and mutilated five men and boys in the *Pottawatomie Massacre*. Northern newspapers claimed that Brown himself had not killed anyone, that Comanches had committed the murders, or other pieces of partisan propaganda. Interestingly, the papers whose primary purpose had earlier been to suppress any discussion of slavery were now front and center in the slavery debate.

Brown was a devout believer in *an eye for an eye*.

When voters had a chance to go to the polls in June 1857 and decide for themselves whether Kansas would be a slave or free-soil state, fraudulent vote-counting was high and voter turnout was low. Free-soilers knew the election was rigged by the pro-slave forces, so most of them didn't bother voting at all. Buchanan sent Robert J Walker to serve as Kansas' territorial governor, hoping he could make sure the people of Kansas got a fair election, but by the time he got there it was too late – Kansas was in the slave column, fairly or not.

Buchanan had already defended the Lecompton constitution, and it would have been politically embarrassing to repudiate it now, but it would also have been embarrassing to not strongly favor fair elections.

But it wasn't quite over yet after all. The Kansas Territorial Legislature was controlled by free-soilers, and they called for another referendum on the Lecompton decision, which produced a fair election, with a decisive free-soil victory. Once again, it was a standoff between Topeka and Lecompton, both in Kansas and in Congress. A compromise offer was presented to Kansas residents. The original agreement for the Kansas Territory had been for 23 million acres of federal land. Option one was to keep that provision along with the Lecompton constitution. Option two was to accept the Topeka constitution, but they would get only four million acres in that case. Option three was to reject both of those and remain a territory until they reached a population of 90,000. Much to the surprise and disappointment of Buchanan and the South, Kansans chose option three by an overwhelming margin.

Dred Scott

While the Kansas drama had been playing out, other events were unfolding that triggered yet another earthquake. On March 6, 1857, SCOTUS handed down *Dred Scott* -- one of its most controversial decisions in American history. Scott, the slave of John Emerson, an Army surgeon, moved with Emerson as his job took him to Illinois and then to Wisconsin Territory. When Emerson died, Scott, along with his wife, Harriet, became the property of Emerson's daughter. Meanwhile, Scott had maintained a friendship with his former owners, and they filed suit in St Louis County (where Scott currently lived) on Scott's behalf. Their claim was that Scott was a free man, because slavery was prohibited in both Illinois and Wisconsin Territory.

> Slavery was prohibited by state law in Illinois, and by both the Northwest Ordinance and the Missouri Compromise in Wisconsin Territory.

A Missouri jury in 1850 ruled in favor of Scott. But that decision was overturned by the Missouri Supreme Court in 1852 on appeal filed by Mrs Emerson. The decision was based on the question of what legal protections a resident of one state carries with him when he moves to another state with different laws. But the larger question, which the Missouri Supreme Court did not address, was whether a slave is legally a person or property.

Mrs Emerson remarried and moved to Massachusetts, leaving Scott with her brother, John Sanford, in St Louis. Sanford moved to New York, leaving Scott in St Louis, now with a lot of free time on his hands. Scott, in 1853, filed his own suit, *Scott vs Sandford* (he misspelled *Sanford*), but the Missouri court again ruled against him, prompting his lawyers to file an appeal with SCOTUS.

The Supreme Court ruled that it had no jurisdiction in the case, and it could easily have left it at that. But each Justice wrote his own opinion, and the five Southern Justices used this opportunity to further their own agenda – overturning the Missouri Compromise. Taney's decision included these positions:

- African-Americans are an inferior and subordinate class of beings, with no rights which white men are required to respect;
- both the Missouri Compromise and the Northwest Ordinance violate the Fifth Amendment, and they are therefore unconstitutional and unenforceable;
- a state could grant citizenship to a black, but that citizenship did not extend to any other state; no black is or can be a citizen of the US, so even free blacks cannot file a law suit;
- moving to a free state did not make a slave free, because a slave is property, and his master's Fifth Amendment rights protect slave property in all states and territories.

Although it has taken generations to realize it, *Dred Scott* triggered the *Panic of 1857*. Prior to that decision, railroad builders hadn't been too concerned with whether new territories and states would be free or slave, because they assumed that a decision would be made one way or the other, and the certainty of that decision would keep the markets stable. Now, however, the markets were mired in uncertainty and unpredictability, with the possibility of the Kansas chaos repeating itself time and time again. Investors understood this, and the east-west railroad bonds collapsed, which wiped out much of the collateral held by large banks, leaving them vulnerable, and triggering a panic throughout the Northern banking community.

Railroads without east-west lines were not severely impacted. Nor was the South, which had relatively low railroad investment, and which had a branch-banking system that helped insulate them from the panic. The South, however, drew the wrong conclusions. They believed that it was King Cotton and their slave labor that had shielded them from international market fluctuations. A few people challenged this notion, and even pointed out the large number of poor Southern whites who had not benefited in any way from slavery. But they were drowned out by the King Cotton chorus, and the widespread illusion prevailed that slavery had proven itself superior to the industrial system of the North.

The Blame Game

By the 1858 mid-term elections, both sides had become bogged down in their favorite conspiracy theories. According to abolitionists, pro-slavery forces had controlled the presidency and the courts, rigged elections, stifled debate, and fixed the Kansas vote. Some thought Buchanan had conspired with SCOTUS on the *Dred Scott* decision. According to the South, the North had used immigrants to pack the territories with anti-slavery voters, and *popular sovereignty* was nothing but a code word for *free-soil* and *abolition*. They felt Congress was now dominated by Republicans and radical abolitionists. Many felt that the North was largely to blame for Southern problems.

> Buchanan was told in advance what the Dred Scott decision would be, but there is no evidence of a conspiracy. Lincoln probably didn't believe the conspiracy theory, but he exploited it anyway.

The South's frustration was certainly understandable. Van Buren's elaborate scheme to suppress all slavery debate had ended in dismal failure. All the political maneuvers of the last 15 years or so, all the compromises, even threats and bribes had done nothing to advance the Southern cause. It had, in fact, only created more abolitionists. The South had destroyed the anti-slavery Whigs, but they had also weakened their Democrat allies. Worse, they had helped spark the rise of a new party dedicated to keeping slavery out of the territories. Sectional alliances were breaking down, and political power was slipping away right in front of their Southern eyes. Secessionist sentiments were increasing, and the South needed only a nudge to turn them away from the Union.

The Lincoln-Douglas Debates

That nudge came in the form of Abraham Lincoln and the Republican Party. In 1858 he faced Stephen Douglas in the race for Douglas' Illinois Senate seat. They made hundreds of speeches during the July-to-November campaign, but they are famous for their series of seven debates from August to October – one in each of the seven districts they had not yet visited. Unlike now, debates in that day were festive occasions, with bands, food, whiskey, and a chance to meet people of all walks of life from miles away. Everyone understood that the contestants agreed more than they disagreed, at least on core values, and that they would shake hands with a smile at the end, no matter how passionately they expressed opposing views, maybe even insulting each other good-naturedly along the way. They were far from indifferent, or unwilling to take a strong stand on the issues of the day, and they were expected to support their positions vigorously, but there was no fear that it would lead to a physical altercation. They were gentlemen, agreeing to disagree, and providing lively entertainment in the process, much like a boxing match, only without physical contact. The prize was a chance to represent Illinois in the US Senate, and possibly use that as a springboard for a run at the White House in 1860. That's certainly what Douglas had in mind.

Lincoln was determined to make slavery the key issue in the debate, and furthermore, he was determined to frame it as a moral rather than a legal issue. Douglas claimed to support both popular sovereignty and *Dred Scott*. Lincoln challenged him relentlessly over the course of the debates, eventually forcing Douglas to state that the people in a territory had the right to choose for themselves whether they would allow slavery or not – regardless of what the Supreme Court may say. Without fully realizing it, Douglas had just stuck a dagger into the heart of *Dred Scott*. People in the territories now had a legitimate reason for ignoring the ruling! Douglas also had just shattered his Southern support for the 1860 election, but that mattered little to Lincoln at the time, since he was focused on the current Senate race.

Lincoln's position, and that of the Republican Party, was that slavery was morally wrong, and voting to make slavery legal in a territory did not change that. Nothing could change that, because blacks were entitled to all the natural rights set forth by DOI. Slavery was a moral, ethical, social, and political wrong, and one way to help deal with that wrong was to stop slavery from spreading to the territories. At the same time he declared

slavery to be an inherent evil, however, he distanced himself from utopian perfectionists and from abolitionist rioters, reminding his audience that all sides must respect and obey the rule of law.

Douglas retained his Senate seat, and Lincoln returned to his legal career. But Lincoln's message was reverberating throughout the bitterly divided country. The South, far from showing any signs of willingness to recognize the moral evil of slavery, even talked about reopening the slave trade. Their reasoning was that if it is legal to buy a slave in Virginia and take him to New Orleans, why is it not legal to buy a slave in Africa and bring him to America?

They had a valid point. Of course, the flip side of that argument is that if slavery was evil and wrong in the territories and some states, why was it still tolerated in other states? It's important to understand that even Lincoln apparently had no answer to that question. He was not by any means proposing immediate abolition throughout the nation; he simply wanted to stop the spread of slavery into the territories. But how could he honestly say that slavery is a moral, social, and political evil, totally contrary to DOI, on one hand, yet advocate the perpetuation of slavery in the South on the other hand? Wasn't that simply another compromise, rather than a solution? In the end, wasn't that the same sort of inconsistent, contradictory, dishonest thinking that had, over the generations, led to the current chaos? Sure, Lincoln's plan to keep slavery out of the territories would seem to have been a step in the right direction, but he should have known by now that those steps never quite work according to plan. They always fail in one way or another, usually backfiring badly and making the slavery issue even worse.

The Long Winding Road

In terms of size, the US was behind only Russia, China, and Australia. US economic power left those places in the dust. Texas alone was bigger than France, and the Arizona Territory was bigger than England. You couldn't tell it from the outside, but the American giant had a big problem. From its very earliest beginnings, Americans had tried to ignore slavery, hoping it would go away. Time after time, opportunities to tackle the issue head on, forcefully, decisively, were wasted. Even our most able and noble national leaders had failed to step up and take a strong stand, preferring instead to solve the immediate problem with some brilliant last-minute compromise that succeeded only in kicking the can down the road for the next guy to worry about.

America was quickly running out of road.

Election 1860

State legislators had chosen individual electors to the Electoral College.

By 1860, presidential candidates were no longer selected by state legislatures. Nor were they yet chosen by state primaries, as they are today. They were chosen by national party conventions, often in a compromise reached by competing groups within the party. This system locked the two-party election model into place permanently, because any protest vote for a third party was understood to be a wasted vote, or more likely, equivalent to a vote for the worst possible candidate in the race. Van Buren's scheme of suppressing ideological discussion through party discipline and the spoils system no longer worked, because they could no longer control the process. That scheme had failed because of the very ideological differences it tried to downplay, ignore, and marginalize. At the center of those ideological differences was, of course, slavery, although there was much more involved than that.

Now, more than ever, the North and South were polarized. A pro-slavery candidate would be rejected by the North, and a free-soil candidate would be rejected by the South. The successful candidate had always been forced to find a way to get at least some support from both sections. But the Southern formula of providing a Northern man of Southern principles, which had worked well for so long, had run its course. The popular vote had been steadily advancing toward the anti-slavery camp, and each election had inched toward the day when

a Northern anti-slavery candidate could win without Southern support. Had that day arrived in November, 1860?

When the Democrat Convention began in June of 1860 in Baltimore, all eyes were on Stephen Douglas, who favored Congressional authority over the territories. Southern delegates, however, wanted a federal guarantee of property rights (slavery) protection. When that measure was voted down by the convention, some Southern delegates walked out. Then others walked out to prevent the selection of Douglas as the Democrat candidate. Finally, the remaining delegates were able to hand the nomination to Douglas, but they knew that Southern delegates would hold a separate convention and nominate their own candidate, siphoning off Douglas votes in the general election.

When the Republican Convention opened in Chicago, all eyes were on William H Seward, who was famous for his fiery anti-slavery rhetoric. But delegates were surprised to find that much of the fire had gone out of Seward, and they were disappointed to hear his calls for moderation. Seward's move to the center opened the door for Lincoln to step in and claim the more radical position Seward had apparently abandoned. But Lincoln, too, proved disappointingly moderate and solemn. Furthermore, his name hadn't even appeared on the list of major candidates. How then, did this dark horse get the Republican nomination? By backstage political maneuvering, which convinced enough delegates that he was the man who had a chance to win in the key states.

So the 1860 election was a four-way race between Lincoln (Republican), Douglas (Northern Democrat), Breckenridge (Southern Democrat), and Bell (Constitutional Union). Abraham Lincoln was alone in squarely opposing slavery, while favoring the tariff and the Homestead Act. In the North, it was a contest between Lincoln and Douglas; in the South it was a contest between Bell and Breckenridge – in a sense, there were two elections on November 6, 1860. Lincoln knew he had to do well enough to keep the election out of HOR, because he didn't have enough support there.

Lincoln, as it turned out, did not need the South to win. Southern domination of the federal government had come to an end. For more than two-thirds of America's history, the president had been a Southern slaveholder, and both houses of Congress had been under Southern leadership. A majority of Supreme Court justices (20 of 35) had come from slave states. Suddenly, the South's worst nightmare had come true. America's President was a Northern man of Northern principles.

> Lincoln got 160 electoral votes. He split New Jersey's electoral vote and won all the other Northern states, plus Oregon and California. In the popular vote, he won every free state except New Jersey, and he failed to get a single vote in ten slave states. His popular vote total was 1.86 million (almost 40%) to Douglas' 1.38 million (almost 30%). Douglas carried Missouri and part of New Jersey. Bell got 39 electoral votes (Virginia, Tennessee, and Kentucky). Breckenridge took the deep South and Maryland.

Buchanan proposed, with Lincoln's approval, a constitutional amendment to prohibit interference with slavery in states where it already existed. A proposed resolution, however, died in Congress. The time for any sort of meaningful compromise had passed. The country was now realistically down to only two options: secession or war. True to form, the South chose one path, and the North chose the other. A country in chaos had become a country in crisis.